

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4576

04/17/2020 Authored by Bahner, Youakim and Freiberg
The bill was read for the first time and referred to the Committee on Government Operations
05/04/2020 Adoption of Report: Placed on the General Register
Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration
Adoption of Report: Placed on the General Register
Joint Rule 2.03 has been waived for any subsequent committee action on this bill
Read for the Second Time

1.1 A bill for an act
1.2 relating to retirement; amending requirements for reemploying retired members
1.3 of PERA and MSRS; amending requirements relating to members who continue
1.4 employment under a postretirement option available under PERA or MSRS.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **PERMITTING PAYMENT OF RETIREMENT ANNUITY DURING**
1.7 **PERIOD OF EMPLOYMENT AS A HEALTH CARE WORKER DURING A**
1.8 **PEACETIME EMERGENCY.**

1.9 Subdivision 1. **Definitions.** For purposes of this section:

1.10 (1) "health care worker" means a person, whether licensed or unlicensed, employed by
1.11 a public employer during a peacetime emergency to provide health care, health-care-related
1.12 services, or long-term care;

1.13 (2) "peacetime emergency" means any peacetime emergency declared by the governor
1.14 in an executive order that relates to the infectious disease known as COVID-19;

1.15 (3) "public employer" means any political subdivision or executive branch agency of
1.16 the state, including any county, municipality, and Hennepin Healthcare System, Inc.; and

1.17 (4) "reemployment year" means the 12-month period that a person is covered by a phased
1.18 retirement agreement under Minnesota Statutes, section 353.371, or in a postretirement
1.19 option position under Minnesota Statutes, section 43A.346.

1.20 Subd. 2. **Health care workers to continue receiving retirement annuities.** (a)
1.21 Notwithstanding any law to the contrary, a person is entitled to continue to receive a
1.22 retirement annuity if the person:

(1) is receiving a retirement annuity and has not been employed in public service for at least 30 days or has been retired for at least 30 days and is about to begin receiving a retirement annuity from any of the pension plans administered by the Public Employees Retirement Association or from any of the pension plans administered by the Minnesota State Retirement System; and

(2) is hired or rehired by a public employer as a health care worker on or after the effective date of a declaration of a peacetime emergency.

(b) A person described in paragraph (a) is not subject to the provisions of Minnesota Statutes, section 352.115, subdivision 10, or 353.37, and the monthly amount of the person's retirement annuity shall not change as a result of employment during a peacetime emergency, notwithstanding the additional hours and percentage of time worked by the person.

(c) Notwithstanding any law to the contrary, a public employer may hire or rehire a person under this subdivision without either the public employer or the person having to enter into or comply with the requirements of Minnesota Statutes, section 43A.346 or 353.371.

Subd. 3. No limitation on hours or percentage of time worked under a postretirement option. (a) A health care worker who entered into a phased retirement agreement under Minnesota Statutes, section 353.371, before the effective date of this section, or has been employed in a postretirement option position under Minnesota Statutes, section 43A.346, since before the effective date of this section, shall not be subject to any limitation on the number of hours or percentage of time worked imposed by Minnesota Statutes, section 43A.346 or 353.371, as applicable, during any reemployment year that includes the date on which this section expires.

(b) Upon the expiration of a peacetime emergency, the health care worker shall continue to be covered by the phased retirement agreement or continue employment in the postretirement option position, as applicable, if the health care worker elects to continue employment, except that the limitation on the number of hours or percentage of time worked shall not apply until the reemployment year that begins after the reemployment year that includes the date on which this section expires.

(c) The period of employment during a peacetime emergency shall be added to and shall extend the period of employment governed by the phased retirement agreement under Minnesota Statutes, section 353.371, subdivision 4, or in a postretirement option position under Minnesota Statutes, section 43A.346, subdivision 6, as applicable.

3.1 (d) The requirements of Minnesota Statutes, sections 43A.346 and 353.371, prohibiting
3.2 the crediting of additional service toward the health care worker's annuity and prohibiting
3.3 the making of employee or employer contributions during employment covered by a phased
3.4 retirement agreement or in a postretirement option position, as applicable, shall apply during
3.5 a peacetime emergency. The monthly amount of the health care worker's retirement annuity
3.6 shall not change as a result of employment during a peacetime emergency, notwithstanding
3.7 any increase in the hours and percentage of time worked by the health care worker.

3.8 (e) Nothing in this section shall be considered as terminating (1) a phased retirement
3.9 agreement under Minnesota Statutes, section 353.371, or (2) the employment of a health
3.10 care worker in a postretirement option position under Minnesota Statutes, section 43A.346.

3.11 Subd. 4. **Expiration date.** This section expires on December 31 of the year in which
3.12 the peacetime emergency expires or is terminated or rescinded by proper authority.

3.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.