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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4689

05/16/2020 Authored by Jordan
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; providing for compensation for school employees during
1.3 distance learning periods during the 2019-2020 school year due to COVID-19.

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

1.5 Section 1. DISTANCE LEARNING PERIOD; 2019-2020 SCHOOL YEAR.

1.6 Subdivision 1. Definitions. (a) For the purposes of this act, "distance learning period"
1.7 means March 18, 2020, through May 4, 2020, or later, if extended by emergency executive
1.8 order.

1.9 (b) For the purposes of this section, a "school district" includes a cooperative unit under
1.10 Minnesota Statutes, section 123A.24, subdivision 2, that serves students on site.

1.11 Subd. 2. Distance learning period; employees. (a) This subdivision applies to an
1.12 employee of a school district or charter school, during the distance learning period, who:

1.13 (1) was scheduled to work during the distance learning period;

1.14 (2) did not work on a scheduled day or worked fewer than the number of scheduled
1.15 hours for the employee that day; and

1.16 (3) did not receive compensation for all scheduled hours that day.

1.17 (b) In addition to paragraph (a), this subdivision applies to any day or portion of a day
1.18 not worked, during which the employee was scheduled to work, that the employee did not
1.19 work at the recommendation or direction of a health care provider acting within the provider's
1.20 scope of practice or a Department of Health staff member due to the possibility the employee
1.21 was exposed to or infected with COVID-19.

2.1 (c) Notwithstanding any law to the contrary, for each day or portion of a day identified
2.2 in paragraph (a) or (b), a school district or charter school must compensate any school
2.3 district or charter school employee for any hours scheduled but not worked at the employee's
2.4 regular rate of pay.

2.5 (d) Notwithstanding any law to the contrary, for the purposes of this subdivision, an
2.6 employee is deemed scheduled to work if:

2.7 (1) a school district or charter school notified the employee of the schedule orally or in
2.8 writing;

2.9 (2) the employee works a fixed or periodically recurring schedule and had not notified
2.10 the school district or charter school that the employee intended to deviate from that schedule;
2.11 or

2.12 (3) if neither clause (1) nor (2) apply, the employee is deemed scheduled to work the
2.13 same number of hours and days as the most recent prior schedule for which the school
2.14 district or charter school provided notice.

2.15 (e) Subject to Department of Health guidelines, labor agreements, and school district or
2.16 charter school policies, a school district or charter school may schedule an employee to
2.17 work on tasks outside of their normal purview.

2.18 (f) Notwithstanding any law to the contrary, compensation under this subdivision must
2.19 not be deducted from accrued sick or paid leave unless the employee is unable to work due
2.20 to illness, injury, or other incapacity, including treatment for a COVID-19 infection.

2.21 (g) Notwithstanding any law to the contrary, a school district or charter school must
2.22 count any hours or days for which an employee is entitled to compensation under this
2.23 subdivision as hours or days worked for the purpose of entitlement to or accrual of any
2.24 benefits to which the employee would be otherwise entitled.

2.25 (h) A school district or charter school is encouraged to use hourly employees for
2.26 COVID-19 response related work. This may include but is not limited to appropriate work
2.27 in food distribution, cleaning and disinfecting, assistance with distance learning, or connecting
2.28 families with resources.

2.29 **Subd. 3. Distance learning period; contract employer compensation for eligible**
2.30 **employees. (a) For purposes of this subdivision, "contract employer" means an employer**
2.31 **who provides student-related services throughout the school year to a school district or**
2.32 **charter school, and "eligible employee" means a person who:**

3.1 (1) has the primary task of providing services to students attending a school district or
3.2 charter school;

3.3 (2) was scheduled to work for the contract employer on any day or days of the distance
3.4 learning period;

3.5 (3) did not work on any or all of those days; and

3.6 (4) did not receive compensation for any or all of the employee's regularly scheduled
3.7 shifts or hours on those school days.

3.8 (b) A contract employer who agrees to compensate eligible employees at the regular
3.9 rate of pay for the hours of pay lost during the distance learning period must notify the
3.10 school district or charter school of the intended compensation and, once notified, the school
3.11 district or charter school must fully compensate the contract employer for the days identified.

3.12 (c) Notwithstanding paragraph (b), a school district or charter school and contract
3.13 employer may, by mutual agreement, adjust the full, regularly scheduled daily contract rate
3.14 if special circumstances within the school district or charter school warrant an adjustment.

3.15 **EFFECTIVE DATE.** This section is effective the day following final enactment and
3.16 effective retroactively from the beginning of the 2019-2020 school year.