



**Minnesota Department of Human Services
Elmer L. Anderson Human Services Building
Commissioner Jodi Harpstead
Post Office Box 64998
St. Paul, MN 55164-0998**

December 6, 2021

Susan Lenczewski
Executive Director
Legislative Commission on Pensions and Retirement
100 Rev. Dr. Martin Luther King Jr. Boulevard
Room 55, State Office Building
St. Paul, Minnesota 55155

Dear Ms. Lenczewski:

The Department of Human Services (DHS) appreciates the importance of benefits, including retirement and pension options, as a way of rewarding the critical work and services our incredible state employees provide to Minnesotans. There is no question that 911 telecommunicators are an invaluable part of the State of Minnesota's emergency response efforts.

DHS acknowledges that the 2021 omnibus pension and retirement bill established a working group to study whether 911 telecommunicators should receive enhanced pension benefits. It is our understanding that, currently, most 911 telecommunicators in Minnesota are covered by the PERA or MSRS general plans. The law requires the working group to "recommend whether changes to the pension plan coverage for 911 telecommunicators are appropriate. If the working group finds that such changes are appropriate, the working group must recommend changes to the pension plan coverage for 911 telecommunicators. **The recommended changes may include but are not limited to moving 911 telecommunicators to the correctional plans.**"

This letter serves as the DHS position statement regarding whether to transfer 911 telecommunicators employed by the State of Minnesota from the MSRS General Plan to the MSRS Correctional Plan. DHS is also available to discuss the matter and is willing to respond to questions that the working group may have.

DHS acknowledges that 911 telecommunicators play an integral role in our public safety system. They are often the first interaction community members and victims have with the system. 911 telecommunicators often hear harrowing incidents play out in real time that affect their well-being and cause trauma. First responders rely on them to ensure they have the relevant information to keep themselves and those involved in dangerous situations safe from harm. The work that 911

telecommunicators do is difficult and provides tremendous value to the rest of the criminal justice system.

Minn. Stat. § 352.91 establishes the MSRS Correctional Plan. It sets the eligibility criteria and includes specific staff from DHS and DOC: corrections officers, supervisors, lieutenants, captains, canine officers, special teachers, nursing personnel, security counselors, or positions with at least 75 percent of work time spent in direct contact with incarcerated individuals or patients at a state correctional facility, the state-operated forensic services program, or the Minnesota Sex Offender Program.

DHS expects that the working group will likely review the differences between the MSRS General Plan and the MSRS Correctional Plan being considered, including how and when vesting occurs, employee contribution rates, normal retirement age, etc. It is critically important to understand *why* those differences exist. Expanding the state correctional plan to include 911 telecommunicators would impact both DHS and DOC.

The eligibility and criteria specific to the MSRS Correctional Plan are due to the unique nature of work inside secure facilities. These particular DHS and DOC personnel work in environments like none other in the state – in direct contact with incarcerated individuals or patients that present a danger to themselves and/or others.

The DHS MN Sex Offender Program (MSOP) provides treatment, care and custody to individuals committed by a court to the Commissioner of DHS as sexually dangerous persons or sexual psychopathic personalities.

The DHS State-Operated Forensics Program (Forensics) provides treatment, care and custody to individuals committed by a court as mentally ill and dangerous or committed by a court for competency evaluation and assessment for criminal justice matters.

Commitments to MSOP and Forensics are indeterminate with a goal of treatment and programming to transform lives and create a safer Minnesota. Secure settings, particularly those where longer-term confinement, programming, and treatment are the focus, offer a very exclusive kind of employment opportunity for the individuals who work there. Health and safety are paramount and concerns around both have a particularly acute impact on DHS and DOC employees.

Only jobs that meet the statutory definition and thresholds are included in the MSRS Correctional Plan for these reasons. It is important to note that not all jobs that work in these settings at MSOP and Forensics are in the MSRS Correctional Plan. The MSRS Correctional Plan is reserved for jobs with the most direct contact and potentially dangerous work.

The pension benefits in the MSRS Correctional Plan take this impact into account by incorporating a higher pension valuation formula, requiring longer terms of service to vest, allowing higher employee and employer contribution rates, establishing a significantly lower normal retirement age (11 years) than a typical state employee, and include a higher annual cost of living increase for retirees.

Ms. Susan Lenczewski

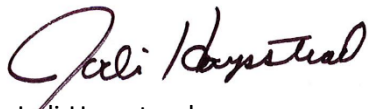
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Taking all of these differences into consideration, DHS is concerned about expanding the pool of eligible employees with very diverging job responsibilities. DHS recommends that the retirement/pension benefits for our 911 telecommunicators colleagues be appropriately reviewed but cautions against making changes to the criteria for inclusion laid out in Minn. Stat. § 352.91.

DHS is ready and willing to engage with the working group around this issue and recognizes that this position may make the working group work more challenging. If you have additional questions or concerns, please do not hesitate to reach out to me or Government Relations Director Matt Burdick, matthew.burdick@state.mn.us.

Sincerely,

A handwritten signature in black ink that reads "Jodi Harpstead". The signature is written in a cursive, flowing style.

Jodi Harpstead

Commissioner, Department of Human Services

Cc: Matt Burdick, Director of State Government Relations
Josh Ney, Policy Advisor, Governor Walz