**S.F. xxx, LCPR06-BA012****H.F. xxx****Executive Summary of Commission Staff Materials**

<i><u>Affected Pension Plan(s):</u></i>	MSRS-Correctional
<i><u>Relevant Provisions of Law:</u></i>	Minnesota Statutes, Sections 352.90 and 352.91
<i><u>General Nature of Proposal:</u></i>	Expands MSRS-Correctional Retirement Plan to Include 107 Additional State Employees
<i><u>Date of Summary:</u></i>	February 23, 2006

**Specific Proposed Changes**

- Adds 12 employment positions (involving 67 current State employees) in the Department of Human Services to the plan;
- Adds ten employment positions (involving 40 current State employees) in the Department of Corrections to the plan;
- Specifies the internal process within the Department of Corrections for the review of additional MSRS-Correctional Retirement Plan inclusions in detail.

**Policy Issues Raised by the Proposed Legislation**

1. Adequacy of the assessment/determination process.
2. Extent of actual inmate/patient/client contact in the recommended inclusions.
3. Extent of compliance with other historic MSRS-Correctional Plan coverage requirements.
4. Appropriateness in light of lack of transfer recommendations in 1996, 1998, and 1999.
5. Actuarial condition of MSRS-Correctional.
6. Department of Corrections budget impact from coverage transfers.
7. Appropriateness of the addition of "correctional industry" reference to Minnesota Statutes, Section 352.91, Subd. 2.
8. Appropriateness of 75 percent inmate contact standard for maintenance and trades personnel in Minnesota Statutes, Section 352.91, Subd. 2.
9. Appropriateness of nursing personnel changes proposed for Minnesota Statutes, Section 352.91, Subd. 3c.
10. Appropriateness of revised occupational title changes to Minnesota Statutes, Section 352.91, Subd. 3d.
11. Appropriateness of adding positions without incumbents to Minnesota Statutes, Section 352.91, Subd. 3e.
12. Appropriateness of dropping facility-specific designations in Minnesota Statutes, Section 352.91, Subd. 3g; need for statutory reorganization at large.
13. Appropriateness of continuing crossreferences to Laws 1996, Chapter 408, Article 8, Section 21.
14. Need to handle past correctional service credit transfers.
15. Appropriateness of codifying the internal department inclusion review and appeal procedure.
16. Need for handling future occupational title changes.
17. Appropriateness of the addition of MCF-Faribault delivery driver position.
18. Continued need for referencing prior Phoenix/Pomiga treatment/behavior change director or assistant group supervisor service.

**Potential Amendments**

LCPR06-BA012 is the base amendment containing the 2006 recommendations of the Department of Human Services and the Department of Corrections regarding additional inclusions into MSRS-Correctional (substantive).

LCPR06-BA027 provides additional review by the Department of Employee Relations of those positions where the applicable job descriptions did not support the minimum inmate/patient contact requirement on their face (substantive).

LCPR06-BA013 indicates that the addition of a "correctional industry" reference is not approval of an additional expansion of the retirement plan membership (substantive).

LCPR06-BA014 revises the proposed consolidation of nursing personnel inclusion provisions because of unintended collateral impact (substantive).

LCPR06-BA015 revises proposed replacement for discontinued "Stores Clerk Senior" position name pending substantiation of position duty similarities for the new position (substantive).

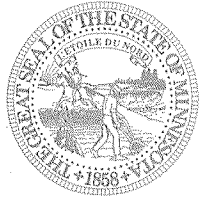
LCPR06-BA020 removes the METO Behavior Analyst 2 position from inclusion because of a lack of any incumbent in the position for a determination (substantive).

LCPR06-BA016 eliminates presumably obsolete references to 1996/1997 non-transfer option provision from some inclusion subdivisions (substantive).

LCPR06-BA017 adds process for handling future occupational title changes (substantive).

LCPR06-BA018 adds MCF-Faribault Delivery Van Driver position to MSRS-Correction Plan coverage based on post-recommendation inmate contact information (substantive).

LCPR06-BA019 deletes Phoenix/Pomiga Program reference, since the program no longer exists (substantive).



TO: Legislative Commission on Pensions and Retirement

FROM: Lawrence A. Martin, Executive Director *JAM*

RE: Consolidated Proposed Legislation Implementing Department of Corrections and Department of Human Services Recommended Inclusions in the MSRS-Correctional Retirement Plan

DATE: February 20, 2006

#### Summary of LCPR06-BA012

Amendment LCPR06-BA012 amends Minnesota Statutes, Sections 352.90 and 352.91, the statutory provisions governing the membership of the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional), as follows:

1. Additional Department of Human Services Positions/Employees. Adds 12 employment positions (involving 67 current State employees) in the Department of Human Services to the plan;
2. Additional Department of Corrections Positions/Employees. Adds ten employment positions (involving 40 current State employees) in the Department of Corrections to the plan;
3. Additional Department of Human Services and Department of Corrections Positions Without Incumbents. Includes additional employment positions where there are no current incumbents or no incumbents in some facilities;
4. Updates Department of Human Services Facility References. Updates the references to the Minnesota Sex Offender Program (MSOP) and to the Minnesota Extended Treatment Option (METO) Program with the Department of Human Services; and
5. Specifies Internal Department of Corrections Review Procedure. Specifies the internal process within the Department of Corrections for the review of additional MSRS-Correctional Retirement Plan inclusions in detail.

#### Background Information on the MSRS-Correctional Retirement Plan and on the Recent Inadequacies of and Problems in MSRS-Correctional Plan Membership Provisions

Background information on the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) is contained in **Attachment A**. Background information on the inadequacies of and the problems in the membership provisions of the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional), based on a 2003-2004 Interim project of the Legislative Commission on Pensions and Retirement, is contained in **Attachment B**.

#### Background Information on Department of Corrections Correctional Facilities and on the Department of Human Services Facilities with MSRS-Correctional Plan-Covered Employees

Background information on the correctional facilities operated by the Department of Corrections is set forth in **Attachment C**. Background information on the three facilities/programs operated by the Department of Human Services with employees covered by the MSRS-Correctional Plan is set forth in **Attachment D**.

#### Analysis and Discussion

LCPR06-BA012 amends the membership inclusion provisions of the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) to add to plan coverage 12 occupational titles within the Department of Human Services, involving 67 current State employees, and ten occupational titles within the Department of Corrections, involving 40 current State employees, includes additional Department of Human Services and Department of Corrections employment positions without incumbents in plan coverage in the future, cleans up occupational title references with past name

changes for 11 Department of Human Services positions and six Department of Corrections positions, updates various Department of Human Services facility/program references, and details a specific internal MSRS-Correctional review and appeals process for the Department of Corrections.

The proposed legislation raises numerous pension and related public policy issues for Commission consideration and discussion as follows:

1. Adequacy of the Assessment/Determination Process. The policy issue is the adequacy of the processes implemented by the Department of Human Services and the Department of Corrections for identifying departmental employment positions for potential inclusion in the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) and their determination of positions for recommendation to the Legislature. Since the MSRS-Correctional Plan was expanded from prison guards and security hospital guards in 1974, both explicit statutory requirements for coverage and historic requirements for coverage have been utilized to decide which occupational positions to include in the plan coverage. If the two departments have internalized the statutory and historic criteria and have seriously and rigorously implemented those criteria in making its recommendations, the Commission and the Legislature can rely on that process without any extensive or intensive scrutiny of the recommendations. This is the initial year that the two departments have undertaken these formal reviews with a recommendation of statutory additions and deletions, with the internal processes still likely to be in their formative stages or subject to refinement. For the Department of Human Services, the process utilized is governed by its policy set forth in Attachment E. For the Department of Corrections, the process utilized is summarized in the language proposed for statutory inclusion in Section 9 of the proposed legislation. The Commission should take sufficient testimony from the two departments to gain a comfort level about each department's seriousness, rigor, and conformity to explicit and historic special retirement plan coverage standards in its process.
2. Extent of Actual Inmate/Patient/Client Contact in the Recommended Inclusions. The policy issue is whether or not the 22 occupational positions recommended by the two applicable departments actually engage in the required 75 percent of working time direct inmate or patient contact requirement contained in Minnesota Statutes, Section 352.91. Attachment F summarizes the information on inmate or patient contact contained in the job descriptions provided by the Department of Human Services, including an employee-completed self-assessment certification form. Attachment G summarizes the information on inmate contact contained in the job descriptions provided by the Department of Corrections. The Commission staff reviewed each supplied job description and assessed the description percentage attribution elements based on inmate or patient contact, either "unclear" if contact was not predominantly or exclusively indicated, "clear" if contact was predominantly or exclusively indicated, "employment with mix" where the inmate or patient contact occurred in the context of employment duties for another program not covered by the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional), and "no indicated" where inmate or patient contact is not indicated at all. While the Commission staff appraisal of the job descriptions is not a substitute for the presumably rigorous process that each department utilized in making its recommendations, the analysis does allow the Commission to focus on those recommendations that might be borderline qualified or actually unqualified. Based on the job description appraisal of the extent of inmate or patient contact, the Commission staff would recommend that the Commission take additional testimony or additional appropriate steps to verify the extent of actual contact for the following employment positions for the following identified reasons:
  - a. Indicated contact involves a mix of covered and ineligible programs. For the Department of Human Services, at the Minnesota Security Hospital (MSH), several occupational positions are required to provide services for department programs beyond the Security Hospital and which are not eligible for MSRS-Correctional Plan coverage. The ineligible programs in which some recommended occupational positions also provide services are the Special Needs Services Program and the Transition Services Program at the St. Peter Regional Treatment Center, some unspecified community programs, and the Southern Minnesota State Operated Services Program. The positions meriting additional scrutiny by the Commission in this regard are:
    - Chemical Dependency Counselor Senior
    - Registered Dental Assistant
    - Occupational Therapist
    - Occupational Therapist Senior
    - Speech Pathology Clinician

- b. Indicated “no contact” elements totaled at least 25 percent of working time. Some job descriptions have work elements that included no indicated contact with inmates or patients. The positions meriting additional scrutiny in this regard are:

- MSH Registered Dental Assistant
- METO Behavior Analyst 3
- MCF-St. Cloud Chaplain
- MCF-Red Wing Correctional Program Therapist III (Mental Health)
- MCF-Faribault Laundry Worker\*
- MCF-Shakopee Library Technician

\* Laundry Worker was not an occupational position recommended for MSRS-Correctional inclusion, but the named individual was recommended by the Department of Corrections under the title “Laundry Coordinator.”

- c. “Unclear contact” percentage very large. Some job descriptions have elements that include inmate contact with non-contact items, without the inmate contact items appearing to predominate. The positions meriting additional scrutiny in this regard are:

- MSH Group Supervisor
- MSH Skills Development Specialist
- METO Behavior Analyst 3
- Group Supervisor
- METO Assistant Group Supervisor
- METO Social Work Specialist
- METO Speech Pathology Specialist
- MSOP Patient Advocate/Client Advocate
- MSOP Group Supervisor
- MSOP Social Work Specialist Senior
- MCF-Shakopee Correctional Inmate Program Coordinator (Work Assignment)
- MCF-Lino Lakes Correctional Program Therapist III (Sex Offender)
- DOC Correctional Program Therapist III (Mental Health)
- DOC Correctional Program Therapist III (Chemical Dependency)
- DOC Correctional Transition Program Coordinator
- MCF-Stillwater Registered Dental Hygienist
- MCF-Faribault Library Technician
- MCF-Rush City Library Technician
- MCF-Lino Lakes Psychologist I
- MCF-Moose Lake/Willow River Sports Medicine Specialist

The written processes of the Department of Human Service and the Department of Corrections relating to the evaluation of potential inclusion in the MSRS-Correctional Plan do not reference actual job audits by a human resources professional (facility-based or non-facility), although job audits may actually have been a part of the process. If the positions identified above were the subject of job audits by a disinterested human resources professional and if records of the applicable were available for Commission or Commission staff review, the Commission reasonably could rely on the results of review job audits. Alternatively, Amendment LCPR06-BA027 would include these various positions in MSRS-Correctional Retirement Plan coverage if the Department of Employee Relations determines that the recommendation for inclusion was made on the basis of actual job audits and concurs that the occupational position is appropriate for quasi-public safety retirement coverage.

3. Extent of Compliance With Other Historic MSRS-Correctional Plan Coverage Requirements. The policy issue is the extent of compliance by the two occupational positions with other coverage transfer requirements that the Commission has historically utilized. Since the Commission first reviewed demands from trades personnel and special teachers to be included in MSRS-Correctional Plan coverage in 1974, the Commission has considered as part of its consideration of potential MSRS-Correctional membership inclusion the question of whether or not the considered occupational position was responsible to intervene in the event of a facility incident, whether or not the extent that workers’ compensation claims support the notion that the hazards of the positions approximate that of a public safety position, and whether or not the extent that the position’s duty days lost to incidents or employment hazards are consistent with a public safety-like position. The Commission staff requested from the two departments’ information on the compliance of the various occupational positions

recommended for MSRS-Correctional Plan inclusion with these historic requirements. The Department of Human Services reported “for the last few years” five workers’ compensation claims from the 71 employees it is recommending for MSRS-Correctional Plan inclusion (four Assistant Group Supervisors (one at METO, three at MSH) and one Behavior Analyst 3 at METO), with no lost work time in any occurrence and one employee (Behavior Analyst 3 at METO) with 31 days of restricted activity and reported no lost work days for any recommended position as a result of an institution incident. The Department of Corrections reported injury rates by job class for three calendar years (2003, 2004, and 2005), with five positions having no injuries, the Corrections Program Therapist 3 position having two injuries, the Dental Hygienist position having one injury, the Laundry Coordinator position having one injury, the Psychologist 1 position having three injuries, and the Sentencing to Service Crew Leader position having 26 injuries.

4. Appropriateness in Light of Lack of Transfer Recommendations in 1996, 1998, and 1999. The policy issue is the appropriateness of the proposed transfers when the occupational positions were not recommended for transfer to the MSRS-Correctional Plan in 1996, the last comprehensive review of the Department of Corrections and transfer recommendation process for the plan, or in the department-sponsored administrative transfers that occurred in June 1998, June 1999, and December 1999. If the extent of inmate contact is as great as suggested in the current recommendations, the positions should have been likely candidates for transfer in the period 1996-1999, and some explanation should be provided why these occupational positions were not included in those past transfer requests. In the 1996-1999 period, there should have been a heightened awareness about retirement plan coverage issues and consequently the departments should have identified these positions as eligible for transfer at that time.
5. Actuarial Condition of MSRS-Correctional. The policy issue is the actuarial condition of the MSRS-Correctional Retirement Plan. The July 1, 2005, actuarial valuation of the MSRS-Correctional Plan was due in November 2005, but was not filed until January 19, 2006, and was not prepared using the revised actuarial assumptions approved by the Legislative Commission on Pensions and Retirement in December 2005. The growing contribution deficiency of the plan is likely to increase once the actuarial assumption revisions are implemented. The Minnesota State Retirement System (MSRS) has been seeking a 7.03 percent of covered pay increase in MSRS-Correctional Plan contribution rates, 2.91 percent of pay by the member and 4.12 percent of pay by the employing units, phased in over four installments, to address the growing plan contribution deficiency. The following sets forth the July 1, 2004, and July 1, 2005, actuarial valuation results for the MSRS-Correctional Plan:

	2004		2005	
<u>Membership</u>				
Active Members		3,326		3,607
Service Retirees		943		1,025
Disabilitants		154		150
Survivors		91		104
Deferred Retirees		678		738
Nonvested Former Members		<u>339</u>		<u>351</u>
Total Membership		5,531		5,975
<u>Funded Status</u>				
Accrued Liability		\$524,215,028		\$546,117,680
Current Assets		<u>\$486,617,032</u>		<u>\$503,573,272</u>
Unfunded Accrued Liability		\$37,597,996		\$42,544,408
Funding Ratio	92.83%		92.21%	
<u>Financing Requirements</u>				
Covered Payroll		\$134,117,624		\$147,385,402
Benefits Payable		\$17,265,693		\$19,025,766
Normal Cost	14.96%	\$20,066,740	15.01%	\$22,111,459
Administrative Expenses	<u>0.20%</u>	<u>\$268,235</u>	<u>0.20%</u>	<u>\$294,771</u>
Normal Cost & Expense	15.16%	\$20,334,975	15.21%	\$22,406,230
Normal Cost & Expense	15.16%	\$20,334,975	15.21%	\$22,406,230
Amortization	<u>2.31%</u>	<u>\$3,098,117</u>	<u>2.50%</u>	<u>\$3,684,635</u>
Total Requirements	17.48%	\$23,433,092	17.71%	\$26,090,865
Employee Contributions	5.69%	\$7,631,293	5.69%	\$8,386,229
Employer Contributions	7.98%	\$10,702,586	7.98%	\$11,761,355
Employer Add'l Cont.	0.00%	\$0	0.00%	\$0
Direct State Funding	0.00%	\$0	0.00%	\$0
Other Govt. Funding	0.00%	\$0	0.00%	\$0
Administrative Assessment	<u>0.00%</u>	<u>\$0</u>	<u>0.00%</u>	<u>\$0</u>
Total Contributions	13.67%	\$18,333,879	13.67%	\$20,147,584
Total Requirements	17.48%	\$23,433,092	17.71%	\$26,090,865
Total Contributions	<u>13.67%</u>	<u>\$18,333,879</u>	<u>13.67%</u>	<u>\$20,147,584</u>
Deficiency (Surplus)	3.81%	\$5,099,213	4.04%	\$5,943,281
Amortization Target Date	2020		2020	
Actuary	Segal		Segal	

6. Department of Corrections Budget Impact from Coverage Transfers. The policy issue is the impact on the budget of the Department of Corrections and of the Department of Human Services if the recommended transfers are approved. The current employer contribution for the General State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-General) is 4.00 percent, with a requested contribution increase pending to 5.00 percent. The current Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) employer contribution rate is 7.98 percent, with a requested contribution increase pending to 12.10 percent. If the affected employees earn, on average, the current (July 1, 2005) MSRS-Correctional Plan average salary of \$40,861, a 7.10 percent net employer contribution rate increase, after the phase-in, would total \$194,376 annually for the Department of Human Services and would total \$116,045 for the Department of Corrections, plus any subsequent salary increases. The member contribution rate increase would produce a likely total additional net member contribution of 2.26 percent of pay, or \$61,872 annually for the Department of Human Services and \$36,938 for the Department of Corrections.
7. Appropriateness of the Addition of “Correctional Industry” Reference to Minnesota Statutes, Section 352.91, Subdivision 2. The policy issue is the appropriateness of adding “correctional industry” personnel to the existing “maintenance and trades” inclusion. It is unclear from the departmental recommendation whether or not the reference addition actually adds individuals to the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) or if it is intended to clarify that “trades and maintenance personnel” has always meant prison industries personnel. In 1974, when MSRS-Correctional was expanded by the Legislature (Laws 1974, Chapter 520) to include special teachers, trades, and maintenance personnel, the 27 trades and maintenance positions initially certified by the Commissioner of Personnel under the trades and maintenance personnel inclusion were the following:

Building Maintenance Foreman	Machinery Factory Manager 1
Building Maintenance Supervisor	Machinery Factory Manager 2
Caulker	Machinery Repair Worker
Chief Power Plant Engineer	Machinist
Electrician	Machinist Foreman
Electrician Foreman	Painter
Electronics Technician, Senior	Plant Maintenance Engineer
Engineer, Senior	Plumber
Food Service Manager	Printing Shop Supervisor
General Repair Worker	Prison Industries Foreman General
Institution Education Administrator	Prison Industries Foreman Metal Fabricating
Institution Education Supervisor	Prison Industries Supervisor
License Plant Manager	Special Teacher
	Stationary Engineer

While the phrases “trades,” “maintenance,” and “correctional industry” have commonly understood meanings in general parlance, without greater specificity, the commonly understood meanings will change and can become more ambiguous over time. If the departments do not intend to add additional personnel to the MSRS-Correctional Plan by virtue of the addition of the phrase “correctional industry,” Amendment LCPR06-BA013 would specify that the additional phrase clarifies the meaning of existing law and is not intended to add any employment positions not currently in the plan.

8. Appropriateness of 75 Percent Inmate Contact Standard for Maintenance and Trades Personnel in Minnesota Statutes, Section 352.91, Subdivision 2. The policy issue is the appropriateness of replacing the current standard of “regularly engaged in rehabilitation, treatment, custody, or supervision” with a “75 percent working time engaged in rehabilitation, treatment, custody, or supervision” standard. The 75 percent contact standard is a product of the 1996 legislation expanding the membership of the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional), was initially proposed at 50 percent, but was increased by Commission amendment to 75 percent. Since the 1996 MSRS-Correctional amendments did not address Minnesota Statutes, Section 352.91, Subdivision 2, the 75 percent standard was not applied to this plan inclusion provision. The Department of Corrections, which is the agency primarily or solely affected, is recommending the change, apparently for the sake of consistency with other plan inclusion provisions.



9. Appropriateness of Nursing Personnel Changes Proposed for Minnesota Statutes, Section 352.91, Subdivision 3c. The policy issue is the appropriateness of the changes proposed for Minnesota Statutes, Section 352.91, Subdivision 3c, which relates to nursing personnel. The provision would add a number of potential Department of Human Services nursing positions in the Minnesota Sex Offender Program and in the Minnesota Extended Treatment Options Program without the department providing specific information on the nature of the affected nursing position duties or the extent of inmate or patient contact. Currently, no nursing personnel at the Moose Lake portion of the Minnesota Sex Offender Program is included as a covered position in Minnesota Statutes, Section 352.91, and only the registered nurse senior position at the Minnesota Extended Treatment Options Program is currently included as a covered position in Minnesota Statutes, Section 352.91. From the Department of Human Services summary of changes, it appears that at least eight registered nurses in the Minnesota Sex Offender Program are affected by the change, although those individuals already may be unauthorized inclusions in the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional). Also, the addition of the Licensed Practical Nurse 1 position to this subdivision, moved from Minnesota Statutes, Section 352.91, Subdivision 3f, would newly include this position at the Minnesota Extended Treatment Options Program and at all Department of Corrections facilities, without the provision of any information about the nature of the position in those facilities or the extent of inmate or patient contact involved for those facilities. Since this may be an unintended consequence on Department of Corrections of a Department of Human Services recommendation, Amendment LCPR06-BA014 returns the two provisions to the current law in this regard.
10. Appropriateness of Revised Occupational Title Changes to Minnesota Statutes, Section 352.91, Subdivision 3d. The policy issue is the appropriateness of changes to Minnesota Statutes, Section 352.91, Subdivision 3d, that are intended to capture title changes over time and are not intended to add individuals to the plan, specifically the comparability of the added positions of central services administrative specialist, intermediate, and central services administrative specialist, principal, to the deleted position “stores clerk senior.” Apparently, the occupational classification “stores clerk senior” has been discontinued and has been renamed with occupational titles that are actually or potentially broader than the duties and the extent of inmate contact for the stores clerk senior. Neither department provided job descriptions for the central services administrative specialist, intermediate, or central services administrative specialist, principal, positions and any comparison with the “stores clerk senior” in order to validate the assertion that the change is simply a title update solely. Amendment LCPR06-BA015 would reverse this proposed change pending the provision of additional information.
11. Appropriateness of Adding Positions Without Incumbents to Minnesota Statutes, Section 352.91, Subdivision 3e. The policy issue is the appropriateness of adding positions to the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) without any incumbents in the positions on which to base the extent of inmate or patient contact and other relevant factors for inclusion. Specifically, the Department of Human Services proposes to add the classification Behavior Analyst 2 at the Minnesota Extended Treatment Options Program to plan coverage in anticipation of creating the job at Cambridge in the future. Without an incumbent, the assessment of the nature of the job and its appropriateness for inclusion is more conjecture than factual determination, which is not appropriate, especially since requests for inclusions into MSRS-Correctional can be expected annually. Amendment LCPR06-BA020 removes the Behavior Analyst 2 position for retirement plan inclusion at the Minnesota Extended Treatment Option Program.
12. Appropriateness of Dropping Facility-Specific Designations in Minnesota Statutes, Section 352.91, Subdivision 3g; Need for Statutory Reorganization at Large. The policy issue is the appropriateness of making inclusion of occupational title designations in Minnesota Statutes, Section 352.91, Subdivision 3g, applicable department-wide rather than in specific facilities and the consequent need to reorganize Minnesota Statutes, Section 352.91, Subdivision 3g, generally. The current statutory provision grew out of administrative transfers processed by the Commission in 1998 and 1999, where the occupational titles that were justified for inclusion were specified solely for the institutions involved. The Department of Corrections reportedly finds the specific facility designations inconvenient and cumbersome, which they undoubtedly are, but the simple elimination of facility designations without documenting the appropriateness of potential additional inclusions in other Department of Corrections facilities from that recommendation is questionable. As a quick review of the job description summary set forth in Attachment G for the three recommended chaplains, the Correctional Inmate Program Coordinators, the Correctional Program Therapists III, the Laundry Coordinators, the Library Technicians, and the Psychologists I demonstrates, job duties and inmate contact levels differ within the same occupational title between facilities and even within facilities, so it is not safe to assume that the inclusion of an occupational title in one facility validates the inclusion of that occupational title

department-wide. Amendment LCPR06-BA021 deletes the section, leaving the Department of Corrections in the future to specifically validate the five occupational titles in the remaining facilities in a clear and rigorous manner. If the changes in the section are retained by the Commission, the resulting condition of Minnesota Statutes, Section 352.91, strongly argues for the provision to be reorganized in a more straightforward and logical manner.

13. Appropriateness of Continuing Crossreferences to Laws 1996, Chapter 408, Article 8, Section 21. The policy issue is the appropriateness of retaining crossreferences to the 1996 law that permitted individual State employees recommended for inclusion in the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) in 1996 to elect to retain coverage by the General State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-General). The option applies in Minnesota Statutes, Section 352.91, Subdivisions 3c (nursing personnel), 3d (Department of Corrections personnel), and 3e (METO, comparable 1997 provision), but not in Minnesota Statutes, Section 352.91, Subdivision 3f, or 3g, where the coverage change was mandatory. Amendment LCPR06-BA016 eliminates references to the 1996-1999 coverage retention option provisions, recognizing the provisions as increasingly obsolete, and making future retirement plan coverage changes under all provisions consistent.
14. Need to Handle Past Correctional Service Credit Transfers. The policy issue is the future need for the Department of Corrections and the Department of Human Services to identify any past State service by the 107 State employees transferred from the General State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-General) to the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) for which past service credit and retirement coverage should be transferred. The question of a past service transfer need has been raised with the Department of Corrections, which is unable to identify the extent of any past correctional service credit at this time. It is unclear whether the Department of Human Services is able to determine and document the past service credit at this time. To the extent that documentation of the nature and extent of past patient or inmate contact exists, each department should be requested to determine any past service transfer time applicable to these recommendations for the 2007 Legislature to address and to deal with the issue in any future MSRS-Correctional recommendations.
15. Appropriateness of Codifying the Internal Department Inclusion Review and Appeal Procedure. The policy issue is the appropriateness of codifying the internal procedure of the Department of Corrections for determining recommended inclusions in the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) and the appropriateness of doing so without codifying the comparable internal review and appeal procedure for the Department of Human Services. The impetus for codifying the Department of Corrections internal procedure comes from the department and the affected labor unions. The Department of Human Services has indicated to the Commission staff informally that it opposes a comparable codification. The Commission may wish to explore the question further with the two departments and with the various affected labor unions.
16. Need for Handling Future Occupational Title Changes. The policy issue is the need for establishing a procedure for ensuring that occupational title changes are reflected with appropriate changes in Minnesota Statutes, Section 352.91, so that qualified and deserving State employees do not lose the special retirement plan coverage because of designations that may not have any retirement policy basis or considerations. Amendment LCPR06-BA017 provides such a procedure, with Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) coverage continued until the next succeeding July 1 if the Commission of Employee Relations determines that the revised job duties match the prior job duties, thereby allowing sufficient time for the affected department to seek the appropriate legislative change.
17. Appropriateness of the Addition of MCF-Faribault Delivery Driver Position. The policy issue is the appropriateness of also including the delivery driver position at the Minnesota Correctional Facility (MCF)-Faribault in the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional). On February 2, 2006, the Commission heard S.F. 503 (Murphy); H.F. 441 (Fritz), which provided for a transfer of past and future retirement plan coverage from the General State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-General) to the MSRS-Correctional for several laundry coordinators and for the delivery van driver at the MCF-Faribault. The Department of Corrections recommendations contained in LCPR06-BA012 cover the laundry coordinators, but do not include the delivery van driver. Initially, in 2004, the Department of Corrections and the Department of Employee Relations did not support the retirement coverage change for the delivery driver position because of a lack of inmate contact. Subsequently, the delivery driver position apparently was assigned an inmate worker or work crew and now appears to have the



requisite extent of inmate contact for the coverage change. Amendment LCPR06-BA018 would include the delivery van driver position in the MSRS-Correctional Plan.

18. Continued Need for Referencing Prior Phoenix/Pomiga Treatment/Behavior Change Director or Assistant Group Supervisor Service. The policy issue is whether or not a reference to the Phoenix/Pomiga program service is sufficiently obsolete that a current statutory reference to it can be eliminated. The Phoenix/Pomiga program was a program at the MCF-St. Cloud and has been discontinued. The addition to the General State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-General) of the program service for its director and assistant group supervisor was made by a House floor amendment that was not supported by the Department of Corrections. Its purpose was to cover past service in the plan for a program that had been discontinued, so it is no longer needed. Amendment LCPR06-BA019 would eliminate the provision.

## Attachment A

### Background and Historical Information on the Correctional State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional)

1. Pre-1973 Correctional State Employee Retirement Coverage. Before 1973, all employees of the Department of Corrections were covered by the State Employees Retirement Association (SERA) until 1967, and then by SERA's successor, the General State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-General). MSRS-General's predecessor was established in 1929 (Laws 1929, Chapter 191).

MSRS-General has been a defined benefit plan since 1929 and has been entirely coordinated with the federal Social Security program since 1957. At that time, coordination was available on an "all or none" basis. The then SERA members, by a majority vote on a Social Security referendum, chose coordination. At the same time, and on the same basis of all or none coverage, the other two statewide funds, the General Employee Retirement Plan of the Public Employees Retirement Association (PERA-General) and the Teachers Retirement Association (TRA), held similar referenda, which were rejected by the existing membership of those plans. TRA coordinated with Social Security in 1959 on a "split fund" basis, with the members who did not elect Social Security coverage placed in a phasing-out Basic program. In 1965-1967, PERA coordinated on a "split fund" basis.

The SERA/MSRS-General benefit plan has changed considerably since 1929. Significant plan changes have occurred in 1967, when retirement coverage and contributions were extended to a person's full salary (up to a limit of \$4,800 before 1965 and a limit of \$7,200 before 1967), in 1969, when the predecessor to the Minnesota Post Retirement Investment Fund was created, in 1973, when the calculation of retirement benefits shifted from a career average salary to the highest five successive years average salary and the benefit accrual rates were simplified and increased, in 1989, when the "Rule of 90" benefit tier was created, in 1992, when the Minnesota Post Retirement Investment Fund adjustment mechanism was revised, and in 1997, when the benefit accrual rates were increased to achieve "uniformity" among the various general employee retirement plans.

2. 1973 Creation of the MSRS-Correctional Retirement Plan. The Correctional State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) was established in 1973 as a result of collective bargaining by the State of Minnesota with the American Federation of State, County and Municipal Employees, Council 6, and the resulting implementing legislation (Laws 1973, Chapter 653, Sections 39 to 44). The membership of the 1973 plan was limited to a small number of employees of the Department of Corrections or of the Department of Public Welfare (now Human Services), as follows:

Attendant Guard	Director of Attendant Guards
Attendant Guard Supervisor	Guard Farmer Garden
Correctional Captain	License Plant Manger
Correctional Counselor I	Prison Industry Foreman
Correctional Counselor II	Prison Industry Supervisor
Correctional Counselor III	Food Service Manager
Correctional Counselor IV	Prison Farmer Supervisor
Correctional Lieutenant	Prison Farmer Assistant Supervisor
Correctional Officer	Rehabilitation Therapist
Correctional Sergeant	

Pre-July 1, 1973, service in a covered position was generally transferred from the General State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-General), as was prior State employment as a houseparent, guard instructor, and guard farmer dairy. The identification of the State personnel for inclusion in the plan was made by the collective bargaining process and the administrations of the two affected departments. Although a separate retirement plan, MSRS-Correctional shared the State Employees Retirement Fund as its funding and investment mechanism until 1987, when a separate retirement fund was created for the MSRS-Correctional Retirement Plan. The creation of the MSRS-Correctional Retirement Plan, with an age 55 normal retirement age, coincided with the imposition of a statutory early mandatory retirement age for correctional personnel covered by MSRS-Correctional. Under Laws 1973, Chapter 653, Section 12, the previously applicable age 70 mandatory retirement age was reduced for correctional employees to age 65 as of July 1, 1974, to age 62 as of January 1, 1975, and phased down to age 55 as of July 1, 1976. The creation of the MSRS-Correctional Plan was part of an initiative to accelerate the retirement of the prior cadre of Minnesota prison guards, to upgrade the function and reliability of the security personnel at the State's correctional facilities, reflected in the renaming of the prison guards as correctional officers, to increase the pre-employment educational attainment of correctional personnel to match their upgraded job responsibilities, and to reduce the amount of contraband that was then entering correctional facilities from correctional employees. The initial active membership of the plan on July 1, 1973, was 677.

3. 1974 Membership Expansion of the MSRS-Correctional Retirement Plan. The initial expansion for the MSRS-Correctional Retirement Plan occurred in 1974 (Laws 1974, Chapter 520). Following Interim hearings by the Legislative Retirement Study Commission (renamed in 1975 the Legislative Commission on Pensions and Retirement) at the St. Cloud Reformatory and otherwise, the Legislature authorized an expansion in the plan membership to include special teachers, trades personnel, and maintenance personnel at the Minnesota Correctional Facility-Stillwater, the Minnesota Correctional Facility-St. Cloud, and the Minnesota Correctional Facility-Shakopee. The special teachers, trades personnel, and maintenance personnel transferred to coverage by the MSRS-Correctional Retirement Plan were those certified by the then newly created Commissioner of Personnel (now Commissioner of Employee Relations) as being regularly engaged in the rehabilitation, treatment, custody, or supervision of inmates. Credit for past applicable correctional employment, including employment as a special schools counselor or a shop instructor, was transferred to the MSRS-Correctional Retirement Plan. For correctional teachers covered by TRA, a transfer of past member, employer regular, and employer additional contributions from TRA accompanied the service credit transfer. The Commission hearings leading to the 1974 expansion focused primarily on the safety hazards reportedly suffered by these State employees from inmates and the public safety-related rationale of the need to maintain a particularly vigorous workforce through emphasizing an early age normal retirement. The 1974 expansion of the plan increased its active membership by 60, to 737.
4. 1975-1978 MSRS-Correctional Retirement Plan Coverage Changes. In 1975 (Laws 1975, Chapter 230, Section 1), following complaints from correctional personnel facing imminent early retirement, the mandatory retirement age for MSRS-Correctional Plan active members was modified by making it a conditional mandatory retirement age through age 65, with annual extensions beyond the mandatory age if a medical examination supports the extension. The amendment reflected considerable disgruntlement by MSRS-Correctional Plan active members approaching the mandatory retirement age because the 1974 recession considerably reduced the second career employment prospects of the early retirees, especially when those members believed that they retained a physical capacity to continue to perform the employment position responsibilities.

Also in 1975 (Laws 1975, Chapter 368, Section 35), allowable service credit for prior State employment at a correctional facility as a farmer or a farmer manager by an MSRS-Correctional Plan active member on July 1, 1973, was transferred to the plan. Special teachers previously covered by the TRA Basic program had a TRA Basic program retirement annuity amount set as a floor benefit amount.

In 1978 (Laws 1978, Chapter 781, Section 2), institution educational administrators and institution educational supervisors at correctional facilities were included in the MSRS-Correctional Plan membership.

5. 1980 Addition of MSRS-Correctional Plan Covered Position Administrative Certification Process. In 1980 (Laws 1980, Chapter 600, Sections 2, 3, 4, and 5), coverage by the MSRS-Correctional Plan was classified as applicable only to employees in adult correctional facilities, and post-June 1, 1980, employment as a special teacher, a tradesperson, or a maintenance person at the Minnesota Correctional Facility-Lino Lakes was included in MSRS-Correctional Plan coverage. Additionally, special authority was enacted for the Commissioner of Personnel (also renamed Employee Relations in 1980), upon the recommendation of the Commissioner of Corrections or the recommendation of the Commissioner of Public Welfare (subsequently renamed Human Services), whichever applies, the notification of and receipt of comments from the Legislative Commission on Pensions and Retirement, and the approval of the Legislative Advisory Committee, to certify additional civil service classifications in adult correctional facilities or in the Minnesota Security Hospital as covered by the MSRS-Correctional Retirement Plan. The provision was codified as Minnesota Statutes, Section 352.91, Subdivision 4. The provision was intended to allow for plan expansions between legislative sessions when there was an urgency to do so.
6. 1981-1987 MSRS-Correctional Retirement Plan Coverage Changes. In 1981 (Laws 1981, Chapter 297, Sections 3 and 4), service credit for pre-1981 State employment as a security guard by an MSRS-Correctional Plan member was transferred to the MSRS-Correctional Plan, with the payment of an additional contribution amount.

In 1986 (Laws 1986, Chapter 458, Sections 31 and 32), service credit for correctional employment rendered between 1973 and 1980, that was excluded from MSRS-Correctional Plan coverage because the person was age 45 or older upon hiring were given the option to elect MSRS-Correctional Plan coverage with the payment of an additional contribution amount.

In 1987 (Laws 1987, Chapter 372, Article 1, Section 4), the 1980 administrative certification process for additional MSRS-Correctional Retirement Plan active members was amended to require both the Commissioner of Corrections and the Commissioner of Human Services to establish written criteria

for basing a recommendation on certifying additional positions for MSRS-Correctional Retirement Plan membership to the Commissioner of Employee Relations.

7. 1980s MSRS-Correctional Plan Administrative Transfers. Before 1998, several transfers of retirement coverage to the Correctional State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) were approved by the Commissioner of Employee Relations and implemented by MSRS without the receipt of Legislative Commission on Pensions and Retirement comments as required by Minnesota Statutes 1998, Section 352.91, Subdivision 4. Some or all of these past coverage changes may have been implemented without Legislative Advisory Commission approval also. Although the requested information was not gathered in a timely fashion, the Commission staff was provided with information for at least 48 recent retirement coverage transfers under Minnesota Statutes 1998, Section 352.91, Subdivision 4, without explicit Commission comment. The 48 transfers involved 19 employment classifications in six correctional facilities and two Department of Human Services facilities.
8. 1996 MSRS-Correctional Retirement Plan Coverage Expansion. In 1996 (Laws 1996, Chapter 408, Article 8, Sections 10-17), various positions providing service at a correctional facility or the state security hospital were made newly eligible for Correctional Plan coverage, providing the employee has at least 75 percent inmate or patient contact. The groups added to the MSRS-Correctional Retirement Plan coverage were in 31 job classifications, as follows:

Special Teacher in Juvenile Facilities	Dentist
Registered Nurse Senior	Electrician Supervisor
Registered Nurse	General Repair Worker
Registered Nurse-Principal	Library/Information Research Services Specialist
Licensed Practical Nurse 2	Plumber Supervisor
Baker	Psychologist 3
Chemical Dependency Counselor Supervisor	Recreation Therapist
Chief Cook	Recreation Therapist Coordinator
Cook	Recreation Program Assistant
Cook Coordinator	Recreation Therapist Senior
Corrections Behavior Therapist	Stores Clerk Senior
Corrections Behavior Therapist Specialist	Water Treatment Plant Operator
Corrections Parent Education Coordinator	Work Therapy Technician
Corrections Security Caseworker	Work Therapy Assistant
Corrections Security Caseworker Career	Work Therapy Program Coordinator
Corrections Teaching Assistant	

Incumbents in the State employment positions that were newly included in plan coverage were permitted to waive the coverage change and retain their prior coverage and incumbents were permitted to transfer any prior applicable State employment with the payment of an additional contribution amount. The MSRS-Correctional Plan member and employer contribution rates were increased to cover the cost of the coverage expansion. The transfer involved 54 special teachers, 70 nurses, and 277 other classifications of State employees. By July 1, 1996, the plan active membership had increased to 2,264.

9. 1997 MSRS-Correctional Retirement Plan Coverage Changes. In 1997 (Laws 1997, Chapter 239, Article 9, Sections 40 and 41; Laws 1997, Chapter 241, Article 11), certain individuals at the Minnesota sexual psychopathic personality treatment center and individuals in certain employment classifications at the Minnesota correctional facility at Red Wing (auto mechanic lead, electrician, electrician master of record, groundskeeper intermediate, or plumber master) were added to an uncoded 1996 coverage election law authorizing a prospective coverage by the MSRS-Correctional Plan rather than continued MSRS-General coverage, with the deadline for making an election set at December 31, 1997. The individuals who transferred prospective coverage to MSRS-Correctional were authorized to elect to transfer prior state service if that service would have been eligible for current MSRS-Correctional coverage, with a deadline of December 31, 1997.
10. Post-1996 Administrative Transfers to the MSRS-Correctional Plan. Under the 1980 administrative transfer provision, Minnesota Statutes 1998, Section 352.91, Subdivision 4, the Commission considered requests for the transfer of State employees to the MSRS-Correctional Retirement Plan on three instances – June 1998, June 1999, and December 1999. The June 1998 transfer request involved seven employees in five employment positions in four correctional facilities. The June 1999 transfer request involved a ratification of prior transfers of 51 employees in 20 employment positions in six correctional facilities and two Department of Human Services facilities and a transfer request that involved 39 employees in 10 employment positions and that involved 13 employment positions without incumbents in eight Department of Corrections facilities and two Department of Human Services facilities. The December 1999 transfer request involved 40 employees in 11 employment positions and one employment position without incumbents in eight Department of Corrections facilities and two Department of Human Services facilities. Except for the prospective transfers

contained in the June 1999 transfer request, the Legislative Advisory Committee approved the transfers.

11. 1999 MSRS-Correctional Retirement Plan Coverage Changes. In 1999 (Laws 1999, Chapter 222, Article 13), nine positions in the Minnesota Extended Treatment Options Program (METO), located at the Cambridge Regional Treatment Center and operated by the Department of Human Services, were included in MSRS-Correctional Retirement Plan coverage if the positions are certified by the Commissioner of Human Services as having at least 75 percent direct patient contact. The Minnesota Extended Treatment Options Program is a statewide program for adults who have developmental disabilities and who exhibit severe behaviors that present a risk to public safety. The nine job classifications added to MSRS-Correctional Retirement Plan coverage were as follows:

- Behavior Analyst
- Human Services Support Specialist
- Mental Retardation Residential Program Lead
- Psychologist 2
- Recreation Therapist Senior
- Registered Nurse
- Skills Development Specialist
- Social Worker Senior

Individuals who gained prospective MSRS-Correctional Plan coverage were allowed to elect to transfer past METO service to MSRS-Correctional, back to July 1, 1997, providing that the service was in one of the specified positions and the 75 percent inmate contact requirement was met. To transfer past service coverage, the employee was required to pay the difference between the employee contribution paid to MSRS-General and the employee contribution that would have been paid to MSRS-Correctional, if coverage by that plan had been provided during that time period, plus six percent interest. If payment was made by the member, MSRS was required to transfer from MSRS-General to MSRS-Correctional the funded portion of the benefit that accrued during that period. The transfer involved 115 State employees, including 90 Human Services Support Specialists. The 1999 METO transfer also involved the transfer of several part-time employees to MSRS-Correctional Retirement Plan coverage, which was perhaps the first large-scale introduction of part-time employees into Minnesota public safety retirement plan coverage.

12. 2000 MSRS-Correctional Retirement Plan Coverage Changes. In 2000 (Laws 2000, Chapter 461, Article 6, Sections 1 to 4 and 6), several positions in the Department of Corrections and the Department of Human Services were included in the MSRS-Correctional Retirement Plan if the applicable Commissioner certified that at least 75 percent of the employee's working time was spent in direct inmate or patient contact. The applicable positions were as follows:

- (a) registered nurse practitioner at a correctional facility or at the Minnesota Security Hospital;
- (b) behavior analyst 2, licensed practical nurse 1, office and administrative specialist senior, psychologist 2, social worker specialist, behavior analyst 3, and social worker senior at the Minnesota Security Hospital or the Minnesota Sexual Psychopathic Personality Treatment Center;
- (c) corrections discipline unit supervisor at Minnesota correctional facilities at Lino Lakes, Oak Park Heights, and St. Cloud;
- (d) dental assistant registered, at Minnesota correctional facilities at Faribault, Lino Lakes, Moose Lake, Oak Park Heights, and Red Wing;
- (e) dental hygienist, at the Minnesota correctional facility at Shakopee;
- (f) psychologist 2, at the correctional facility at Faribault, Lino Lakes, Moose Lake, Oak Park Heights, Red Wing, St. Cloud, Shakopee, and Stillwater;
- (g) the sentencing-to-service crew chief leader involved with the inmate community work crew program at Faribault and Lino Lakes; and
- (h) director and assistant group supervisor of the former Phoenix/Pomiga treatment/behavioral change program at the Minnesota Correctional facility at St. Cloud.

Individuals who newly gained MSRS-Correctional Retirement Plan coverage were permitted to have comparable past service, if continuous and if performed after June 20, 1975, transferred to MSRS-Correctional. To transfer the past service credit, the individuals were required to have paid in a lump sum by June 30, 2002, the difference for the applicable period between the MSRS-Correctional employee contribution and the employee contributions paid to MSRS-General, plus six percent interest. Upon payment, assets equal to the individual's present value of benefits in MSRS-General were required to be transferred to MSRS-Correctional. The Department of Corrections and the Department of Human Services must cover the expense of computing the proper transfer amounts.

The transferred positions were the various Department of Corrections and Department of Human Services employees who were recommended for administrative transfer during 1999, who were formally reviewed by the Legislative Commission on Pensions and Retirement in December 1999, but who were not subsequently approved by the Legislative Advisory Commission.

Additionally, Minnesota Statutes 1998, Section 352.94, Subdivision 4, which previously provided an administrative process for adding additional positions to the MSRS-Correctional Retirement Plan based on recommendations from the Commissioner of Human Services or Corrections, a review by the Legislative Commission on Pensions and Retirement, and approval by the Legislative Advisory Committee, was repealed.

13. 2004 MSRS-Correctional Retirement Plan Coverage Changes. In 2004 (Laws 2004, Chapter 267, Article 1, Section 1), three additional positions in the Department of Corrections were included in the MSRS-Correctional Retirement Plan if the Commissioner of Corrections certified that at least 75 percent of the employee's working time was spent in direct inmate or patient contact. The positions were:

- (a) corrections discipline unit supervisor at the Minnesota Correctional Facility-Rush City;
- (b) dental hygienist at the Minnesota Correctional Facility-Rush City; and
- (c) psychologist 2 at the Minnesota Correctional Facility-Rush City.

No transfer to the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) of any past service credit related to past employment in the affected position and covered by the General State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-General) was permitted in the 2004 legislation, which resulted from a House Governmental Operations and Veterans Affairs Policy Committee amendment to the 2004 Omnibus Retirement Bill.

14. 2005 MSRS-Correctional Retirement Plan Coverage Transfer Request Process. In 2005 (First Special Session Laws 2005, Chapter 8, Article 4, Section 3), the Department of Corrections and the Department of Human Services were required to establish a procedure for recommending positions for Correctional Plan coverage, and for determining positions no longer qualified for inclusion under that plan. The evaluation must consider the extent of working time spent in direct contact with patients or inmates, the extent of the physical hazard, and the extent of intervention routinely expected by the employee in a facility incident. Positions may be recommended for inclusion if the individual routinely spends 75 percent of the employee's time in direct inmate contact and is regularly engaged in rehabilitation, treatment, custody, or supervision of inmates or patients. Any recommendations must be in the form of proposed legislation and be forwarded to the Chair of the Legislative Commission on Pensions and Retirement, the Executive Director of the Legislative Commission on Pensions and Retirement, the Chair of the House Government Operations and Veterans Affairs Policy Committee, and the Chair of the Senate Government Operations Committee. The recommendations must be received by January 15 to be considered during the upcoming Legislative Session. In the initial set of recommendations under the 2005 transfer request procedure, the Department of Corrections recommended the transfer of 11 positions, involving 36 employees, and the Department of Human Services recommended the transfer of 13 positions, involving 75 employees.

15. Attraction of MSRS-Correctional Plan Membership and Transfer Demands. The attraction of the MSRS-Correctional Plan for groups seeking this coverage is that the plan pays higher benefits than a general employee plan and has an earlier normal retirement age. Because of the better benefits and earlier retirement age, the plan is more costly than a regular employee plan. The plan offers a hybrid of general employee plan and public safety plan features. MSRS-Correctional Plan members are coordinated members, unlike Public Employees Retirement Association Police and Fire Plan (PERA-P&F) members. Like a public safety plan, members can retire without a reduction for early retirement at age 55 or with a reduction at age 50. This annuity is computed using a 2.4 percent yearly service benefit accrual factor. Duty-related disability benefits are generous, typical of a public safety plan. The duty-related disability receives 50 percent of high five average salary, plus 2.4 percent of high five average salary for each year in excess of 20 years of allowable service. Also like a public safety plan, the MSRS-Correctional Plan uses an occupational definition of disability rather than the total impairment disability definition used by the MSRS-General Plan.

The premise for coverage by the MSRS-Correctional Plan is that certain employment positions in correctional or analogous security hospital or psychopathic personality treatment center service are sufficiently hazardous and there is sufficient need for a particularly vigorous workforce in these specific positions to warrant a separate plan with larger retirement benefits payable at an earlier normal retirement age.

Historically, about 85 percent of MSRS-Correctional Plan members are employees of the Department



of Corrections and about 15 percent of MSRS-Correctional Plan members are employees of the Department of Human Services. The correctional facilities with the largest numbers of MSRS-Correctional Plan members are MCF-Stillwater, MCF-Lino Lakes, MCF-St. Cloud, and MCF-Faribault. The plan currently has 3,249 members in approximately 100 employment classifications. Correctional officers comprise the largest single occupational group covered by the plan.

## Attachment B

### Background Information on the Recent Inadequacies and Problems in MSRS-Correctional Plan Membership Provisions

The Commission 2003-2004 Interim project, involving a detailed specific comparison of every employment position reported by the Minnesota State Retirement System (MSRS) as a member of the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) with the governing statutory provisions, indicated that there is a disparity between the MSRS-Correctional Plan membership eligibility provisions and the various Department of Corrections and Department of Human Services occupational positions actually covered by the plan.

The Commission staff analysis identified approximately five percent of the reported MSRS-Correctional Retirement Plan membership who lacked a clear statutory basis for inclusion in the plan. The problematic MSRS-Correctional Plan inclusions fell into several categories, summarized as follows:

1. Information Lacking. The Commission staff found that no specific information was provided by MSRS for eight persons, with no information available on the occupational titles or facilities involved. MSRS indicated that seven employees actually terminated before June 30, 2003, but were included in the actuarial valuation data transmitted to the actuarial firm retained by the Commission, and that one employee was included twice in the actuarial valuation demographic data sent to the Commission-retained actuary because of a duplicate Social Security number. (Initially, in early August 2003, MSRS provided information on 3,229 members of the MSRS-Correctional Plan to the Commission staff and information on 3,262 MSRS-Correctional members to the Commission-retained actuary. In response to an August 15, 2003, Commission staff request to explain the difference between the two counts, MSRS sent information on 25 additional MSRS-Correctional members in late August 2003, but did not explain the situation of the remaining eight-person differential until October 30, 2003.)
2. Nonexistent Statutory Authority. The Commission staff found that there was no specific statutory inclusion authority for 20 persons in ten occupational titles at six Department of Corrections and two Department of Human Services facilities. The joint MSRS/Department of Corrections/Department of Human Services response on October 30, 2003, indicated that:
  - (a) the central services administrative specialist intermediate positions at MCF-St. Cloud and MCF-Moose Lake, involving five employees, and the central services administrative specialist senior positions at MCF-Red Wing, involving one employee, were previously stores clerk positions who were included in the plan under the occupational title "stores clerk senior";
  - (b) the correctional inmate program coordinator position at MCF-Lino Lakes was improperly left in the plan, but the mistake was not discovered within the statutory three-year correction period;
  - (c) the groundskeeper senior positions at MCF-Red Wing and MCF-Rush City, involving two employees, are considered authorized for inclusion by the Department of Corrections and MSRS under Minnesota Statutes, Section 352.91, Subdivision 2, as maintenance employees;
  - (d) the reported human services technician position at the St. Peter State Security Hospital, involving one employee, had no MSRS-Correctional Plan service or member deductions and was included in the information transmitted by MSRS to the Commission staff in error;
  - (e) the reported library technician position at MCF-Moose Lake, involving one employee, is actually in a library/information resource services specialist position and was improperly coded by MSRS under a different occupational title;
  - (f) the rehabilitation counselor senior positions at the St. Peter State Security Hospital, involving three employees, were approved as an administrative transfer that was retroactively approved by the Legislative Advisory Commission in 1999 (however, the 1999 approval was for a rehabilitation counselor position, not the indicated rehabilitation counselor senior position);
  - (g) the sales and service positions at MCF-Stillwater and MCF-Moose Lake, involving three employees, are considered authorized for inclusion by the Department of Corrections and MSRS under Minnesota Statutes, Section 352.91, Subdivision 3, as a member of a trade;
  - (h) the social worker senior position at the Minnesota Sexual Psychopathic Personality Treatment Center, involving two employees, was approved as an administrative transfer that was retroactively approved by the Legislative Advisory Commission in 1999 (however, the 1999 Legislative Advisory Commission approval was for a social worker specialist senior position at the Sexual Psychopathic Personality Treatment Center, not the indicated social worker senior position. A referenced Attachment B to the joint response included three handwritten additions of social

worker senior positions at the Minnesota Sexual Psychopathic Personality Treatment Center, but those additions were not processed by the Legislative Commission on Pensions and Retirement); and

- (i) the work therapy program coordinator position at the Sexual Psychopathic Personality Treatment Center, involving one employee, is not referenced in Minnesota Statutes, Section 352.91, but that omission is a statutory inconsistency when compared to identical job functions at the St. Peter State Security Hospital.

3. Unclear Statutory Authority. The Commission staff found that the statutory inclusion authority was unclear or questionable for 73 persons in 17 occupational titles at eight Department of Corrections facilities. The joint MSRS/Department of Corrections/Department of Human Services response dated October 30, 2003, indicated that the following occupational positions are all covered under Minnesota Statutes, Section 352.91, Subdivision 2, as trades, maintenance, or corrections industries/maintenance personnel. (However, Minnesota Statutes, Section 352.91, Subdivision 2, refers to “maintenance personnel and members of trades, but does not refer to “correctional industries/maintenance” personnel.)

- auto body;
- automotive technician;
- automotive mechanic lead;
- correctional industries production supervisor;
- correctional manufacturing specialist-engineering and drafting;
- correctional manufacturing specialist-tool and die;
- correctional manufacturing specialist-wood;
- correctional manufacturing specialist-upholstery;
- electronics technician;
- electronics technician senior;
- graphics;
- licensing plant;
- light assembly;
- light manufacturing;
- mechanical;
- refrigeration mechanic; and
- transportation warehouse.

4. Lack of Minnesota Sexual Psychopathic Personality Treatment Center References. The Commission staff found that for 28 persons in seven occupational titles at the Minnesota Sexual Psychopathic Personality Treatment Center, the individuals are included in MSRS-Correctional Plan coverage despite the lack of any Minnesota Sexual Psychopathic Personality Treatment Center reference in Minnesota Statutes, Section 352.91. Subdivisions 3c, 3d, and 3g. The joint MSRS/Department of Corrections/Department of Human Services response dated October 30, 2003, indicates that five positions (psychologist 3, recreation program assistant, recreation therapist senior, registered nurse, and work therapy assistant) were certified by the Department of Human Services under Laws 1996, Chapter 408, Article 8. (However, Laws 1996, Chapter 408, Article 8, Sections 14 and 15, was limited to the specified occupational titles only at the St. Peter State Security Hospital.) The joint MSRS/Department of Corrections/Department of Human Services response of October 30, 2003, also indicates that a rehabilitation counselor at the Minnesota Sexual Psychopathic Personality Treatment Center was recommended retroactively by the Legislative Commission on Pensions and Retirement in 1999. (However, the 1999 Pension Commission retroactive recommendation related to a rehabilitation counselor, not the rehabilitation counselor senior position in question.)
5. Unintended Employment Locale. The Commission staff found that for 27 persons in eight occupational titles, at the Department of Corrections Central Office and at the Anoka-Metro Regional Treatment Center, the applicable employment location is not a correctional facility (for the Department of Corrections) or a security facility (for the Department of Human Services) and hence are not eligible for MSRS-Correctional Plan coverage. The joint MSRS/Department of Corrections/Department of Human Services response of October 30, 2003, indicated that the correctional security caseworker, correctional security caseworker career, correctional officer 2, correctional officer 3, correctional officer 4, correctional program therapist 2, and sentencing to service crew leader positions work at multiple facilities and are only paid out of the Central Office payroll for budgeting purposes. The joint MSRS/Department of Corrections/Department of Human Services response also indicated that the registered nurse position was covered by MSRS-Correctional as a Minnesota Extended Treatment Options Program employee through July 1, 2003, although the transfer of the employee to the Anoka-Metro Regional Treatment Center was entered into the computer system on June 24, 2003.
6. Incorrect Reported Titles. The Commission staff found that for 22 persons in three occupational titles, at three Department of Human Services facilities, the reported title “benefit analyst” was incorrect.

The joint MSRS/Department of Corrections/Department of Human Services response of October 30, 2003, indicates that a typographical error occurred in the title name.

7. Occupational Title Changes. The Commission staff found that for 81 persons in three occupational titles at nine Department of Corrections facilities, occupational titles may have changed without any subsequent statutory reference change. The joint MSRS/Department of Corrections/Department of Human Services response of October 30, 2003, indicates that the central services administrative services intermediate, central services administrative services principal, and correctional program therapist occupational titles were simply title changes.
8. Obsolete References. The Commission staff found 13 occupational titles for which there was no incumbent in the MSRS-Correctional Plan as of July 1, 2003. The joint MSRS/Department of Corrections/Department of Human Services response of October 30, 2003, indicated that the occupational positions were obsolete, vacant, or replaced by other occupational titles, and recommended:
  - deleting from Minnesota Statutes, Section 352.91, references to the occupational titles of chemical dependency counselor supervisor, corrections officer supervisor, corrections parent education coordinator, office and administrative specialist senior, and registered nurse principal;
  - retaining references in Minnesota Statutes, Section 352.91, of the occupational titles of electrician supervisor, licensed practical nurse 1, recreation program assistant, and social worker senior;
  - changing the occupational titles corrections behavior therapist 1, 2, and 3 to corrections program therapist 1, 2, and 3; and
  - changing the occupational title stores clerk senior to central services administrative services intermediate, senior, and/or principal.

The joint MSRS/Department of Corrections/Department of Human Services response also indicated that the occupational title “water treatment plant operator” was covered by the MSRS-Correctional Plan as a trades member.

The Commission staff prepared proposed legislation, introduced in the 2004 Legislative Session as H.F. 2036 (Smith); S.F. 1982 (Betzold), which was intended to resolve the various inconsistencies in the actual membership of the MSRS-Correctional Retirement Plan and the applicable statutory provisions. The proposed legislation was not heard by the Commission in 2004 because of opposition by and complaints from some or all of the labor organizations representing the affected MSRS-Correctional Plan members.

## Attachment C

### Background Information on Department of Corrections Correctional Facilities in General

The Minnesota Department of Corrections was created in 1959 to consolidate state correctional functions into one agency. A service and regulatory agency, the department has a broad scope of activities and responsibilities.

The department currently operates ten correctional facilities including eight for adults and two for juveniles. For adult offenders, a five-level classification system reflects the necessary level of control for offenders classified in each designation. Adult prison populations total more than 8,000 inmates; juvenile residents number around 150. Department agents supervise nearly 18,000 adult and juvenile offenders on probation, supervised release, and parole. Through the state Community Corrections Act, the department also administers subsidy funds to units of local government for corrections program.

All of the department's correctional institutions meet standards established by the American Correctional Association (ACA). The standards relate to all aspects of institutional operation. The department's central office, adult and juvenile release functions, and adult and juvenile field services also meet ACA standards.

Inmates in state facilities have access to a variety of work, education, and other program activities. MINNCOR Industries provides positive activities for inmates while they are incarcerated and develops work skills they can use in productive employment after release. Education programs focus on basic literacy instruction. Programs are also provided for sex offenders and chemically dependent inmates.

The adult inmate profile of the Department of Corrections as of January 2005 was as follows:

Population:	Males .....	7,978.....	94.1%
	Females .....	<u>504.....</u>	5.9%
	Total	8,482	

Types of Offenses:	Person .....	4,272.....	50.4%
	Drugs .....	2,090.....	24.6%
	Property .....	930.....	11.0%
	Weapons .....	373.....	4.4%
	DWI .....	312.....	3.7%
	Other/Not Reported .....	<u>505.....</u>	6.0%
	Total	8,482	

Average Age (in years) .....	34.39
Current Inmates Age 50 or Older .....	676
Current Inmates Under Age 18 .....	16
MINNCOR Industry - Inmates Employed.....	1,075

Race:	White .....	4,958.....	58.5%
	Black.....	2,726.....	32.1%
	Indian .....	592.....	7.0%
	Asian.....	201.....	2.4%
	Unknown.....	5.....	<0.1%
	Total	8,482	

(Note: 615 of the above are of Hispanic ethnicity)

Education Level:	Grades 0-8.....	400.....	4.7%
	Grades 9-11.....	2,036.....	24.0%
	High School Graduate .....	1,568.....	18.5%
	GED .....	1,288.....	25.8%
	College and Up .....	159.....	1.9%
	Other/Unknown .....	<u>2,131.....</u>	25.1%
	Total	8,482	

Marital Status:	Single .....	5,788.....	68.2%
	Married .....	1,253.....	14.8%
	Divorced/Separated .....	1,208.....	14.2%
	Other/Unknown .....	<u>233.....</u>	2.7%
	Total	8,482	

Population by

Facility/Location:	Stillwater.....	1,375.....	16.2%
	Lino Lakes .....	1,290.....	15.2%
	Faribault.....	1,234.....	14.5%
	Willow River/Moose Lake .....	1,121.....	13.2%
	Rush City .....	1,023.....	12.1%
	St. Cloud .....	975.....	11.5%
	Oak Park Heights.....	432.....	5.1%
	Shakopee.....	452.....	5.3%
	Red Wing .....	55.....	0.6%
	Thistledew .....	24.....	0.3%
	Work Release.....	222.....	2.6%
	Institution Community Work Crews.....	44.....	0.5%
	County Jail (Contract) .....	87.....	1.0%
	Prairie Correctional Facility (PCF) ..	148.....	1.7%
	Total	8,482	

(Note: Red Wing started housing adult offenders effective 11/06/2003, Thistledew started housing adult offenders effective 01/20/2004, County Jail and PCF started housing adult offenders effective 04/06/2004 and 05/25/2004, respectively.)

Appropriations to Correctional Facilities:	<u>FY2006</u>	<u>FY2007</u>
Minnesota Correctional Facilities (MCF)-Faribault	\$25,446 .....	\$25,446
MCF-Red Wing .....	\$11,709 .....	\$11,709
MCF-Lino Lakes .....	\$26,748 .....	\$26,748
MCF-Shakopee .....	\$11,924 .....	\$11,924
MCF-Willow River/Moose Lake:		
Willow River site.....	\$ 2,375.....	\$ 2,375
Moose Lake site.....	\$21,314 .....	\$21,314
Thistledew Camp		
Juvenile program.....	\$ 23.....	\$ 23
Adult program.....	\$ 918.....	\$ 918
MCF-Stillwater .....	\$31,993 .....	\$31,993
MCF-St. Cloud.....	\$24,920 .....	\$24,920
MCF-Oak Park Heights .....	\$18,254 .....	\$18,254
MCF-Rush City .....	\$21,065 .....	\$21,065
Education.....	\$ 370.....	\$ 370
Health Services .....	\$44,614 .....	\$44,615
Facility Support Services.....	\$45,761 .....	\$59,450
Total	\$287,434	\$301,124

### MCF-Faribault

The Minnesota Correctional Facility-Faribault is a medium-security, level-three facility housing adult males. A level one and two minimum-security unit is also located outside the secure perimeter. The 1989 Minnesota Legislature initially approved opening of the facility by authorizing funds to convert portions of the Faribault Regional Center for correctional use. Population is 1,230 (6/05).

The facility includes ten remodeled buildings used for living quarters. One of the buildings has been adapted to meet the needs of the department's geriatric and special needs populations.

A variety of work, vocational/academic, and other programs is offered, MINNCOR Industries include wood furniture manufacturing, truck refurbishing, laundry, cleaning products, and subcontract work.

Education programs include adult basic education, literacy, general educational development (GED), critical thinking skills, and transitional life skills. Vocational diploma/certificate programs include cabinetmaking, painting and decorating, commercial drywall, floor covering installation, carpentry, computer certification, small business management, and mechanical drafting.

The facility also has a treatment unit for alcohol and other drugs.

The 2005 Legislature appropriated funding for phase 1 renovation/expansion to 1,941 beds by 12/07. Remodeling is scheduled to begin in October 2005, with construction of new units and food service beginning in April 2006.



### MCF-Lino Lakes

The Minnesota Correctional Facility-Lino Lakes opened in 1963, originally served as a juvenile facility. In 1978 the institution was remodeled and converted to a level three, medium-security facility for adult males transferred from the state's higher-security locations that are housed inside a secure perimeter. A level one, minimum-security unit is located outside the perimeter. Population is 1,300 (6/05).

The facility is the primary department treatment center for sex offenders and provides prerelease programming for sex offenders released to the community. Chemical dependency programming is provided in TRIAD, a 390-bed therapeutic community. Additional programming is offered through educational and vocational classes, and work opportunities are available through support services.

Lino Lakes is also the site of the InnerChange Freedom Initiative, a faith-based program funded and operated by Prison Fellowship through a partnership with the corrections department.

### MCF-Oak Park Heights

The Minnesota Correctional Facility-Oak Park Heights opened in 1982, receives offenders transferred primarily from other adult male institutions who are classified as maximum custody or extreme risks to the public. The level five, maximum-security institution has a population of 430 (6/05). The facility has nine self-contained complexes that can operate independently. Six are designed to house 52 inmates each.

Inmates participate in highly structured programming including industry, education, and institutional housekeeping. The remaining three complexes contain the mental health, transitional health care, and administrative control units that serve adult male offenders department-wide.

Oak Park Heights is the site of the consolidated offender canteen service, operated by MINNCOR Industries and servicing all department adult facilities.

### MCF-Red Wing

The Minnesota Correctional Facility-Red Wing opened in 1889 and provides treatment, education, and transition services for approximately 130 serious and chronic male juvenile offenders placed at the facility either as a condition of court-ordered probation or as the result of having been committed to the commissioner of corrections. The facility also provides detention services and predisposition evaluation services as requested by the courts. A separate, community reentry program for 60 minimum-security adult male offenders also operates at Red Wing.

Juvenile residents participate in the facility's cognitive/behavior restructuring and skill development treatment model, which incorporates the principles of the restorative justice and therapeutic communities. The facility's Mental Health Treatment Support Unit provides services for residents assessed to be in need of mental health management and counseling.

The facility also provides sex offender and substance abuse-specific treatment programs.

The education program includes academic and prevocational components. Special education and Title 1 remedial/transition services are also available.

The facility provides both a prerelease and post-release transition services program, in collaboration with community-based service providers.

### MCF-Rush City

The Minnesota Correctional Facility-Rush City opened in February 2000. The close-custody, level-four facility currently houses 1,015 offenders (6/05), most in double-bunked cells. Offender activities are conducted on a strict schedule. These activities include institution support and prison industry jobs, education assignments, religious programming, and recreation and visiting times.

MINNCOR Industries at the facility focuses on providing production space and offender labor to the business community through subcontract services.

Educational programming focuses on basic education, parenting, English as a second language, vocational, and transitional programming.

### MCF-St. Cloud

The Minnesota Correctional Facility-St. Cloud is a level-four, close-security institution that was built in 1889 and has been remodeled and modernized. Population is 1,000 (6/05). A variety of programs are offered such as individual and group counseling and chemical dependency. The facility serves as the department's intake center for adult males.

Varied educational opportunities are available including adult basic education, GED instruction, and vocational training with programs in barbering, masonry, painting, and decorating. MINNCOR Industries oversees the production of Minnesota's auto and truck license plates and tabs.

### MCF-Shakopee

The Minnesota Correctional Facility-Shakopee, opened in 1986, houses adult women offenders committed to the commissioner of corrections. Population is 466 (6/05), which includes all custody levels. The facility has 11 buildings including a core building for administration and inmate activities, a segregation unit with a mental health programming unit connected, seven living units, an industry/vocational educational building, and a heating plant.

MINNCOR Industries provides part or full-time work for the offender population in the areas of data processing, assembly, market research, sewn products, and subcontract work. Many inmates also work in institution maintenance crews and in food service.

Offenders have access to a variety of academic and vocational educational opportunities. Mental health and treatment services are also available.

### MCF-Stillwater

The Minnesota Correctional Facility-Stillwater, built in 1914 as an industrial prison, is the state's largest close-security, level-four institution for adult male felons. Population is 1,400 (6/05).

MINNCOR Industries at Stillwater include metal products, farm machinery, wood products, furniture, upholstery, system furniture, distribution and installation services, warehousing, and subcontract work for private industry.

A wide variety of vocational and academic educational programs, a chemical dependency program, and a level-one minimum-security unit for selected offenders nearing release are available.

The 2005 Legislature appropriated phase 1 funding for a new 150-bed segregation unit to enhance the facility's security.

### MCF-Willow River/Moose Lake

The Minnesota Correctional Facility-Willow River/Moose Lake has two locations.

The Moose Lake site is a level-three, medium-security institution for adult males. The site is the former Moose Lake Regional Treatment Center. Conversion to a correctional facility began in 1988. The facility provides a variety of programming including vocational and academic education, sex offender programming, and industry. MINNCOR Industries encompasses textile/garment manufacturing, signage, printing, and subcontract work. The facility's current population is 1,025 (6/05).

Willow River was the facility's original site. It serves as phase 1 for male offenders in the department's Challenge Incarceration Program (CIP), a boot camp mandated by the 1992 Legislature. Phase 1 is a six-month, intensive program for up to 90 non-dangerous male offenders (CIP phase 1 female offenders are housed at Thistledew Camp). Programming components include education, critical thinking skills development, chemical dependency programming, and rigorous physical exercise. Phases 2 and 3, both supervised release phases, are at least six months in duration and served in the community. The 2005 Legislature authorized the department to add up to 100 beds at CIP.

### MCF-Togo/Thistledew Camp

Thistledew Camp is available for use on a per diem basis by all Minnesota juvenile county courts and provides court and social service agencies with an alternative residential program. Average daily population is approximately 39.

Thistledew offers a three-week program, operated separately for boys and girls between 13 and 17 years of age. Thistledew also offers a three-month program and a separate chemical dependency treatment program for boys. Each program is intended to serve as a treatment resource for juveniles who have experienced failure in the home, school, and community.

Thistledew Camp also serves as the site for adult female offenders in phase 1 of CIP, a boot camp mandated by the 1992 Legislature that accepted its first squad in October 1992. Phase 1 is a six-month intensive program for up to 24 non-dangerous female offenders (CIP phase 1 male offenders are housed at Willow River). Programming components include education, critical thinking skills development, chemical dependency programming, and rigorous physical exercise. Phases 2 and 3, both supervised release phases, are at least six months in duration and served in the community.

## Attachment D

### Background Information on Department of Human Services Facilities/Programs with Employees Covered by the MSRS-Correctional Plan

#### In General

The Department of Human Services operates three programs or facilities at which there are employees covered by the Correctional State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional). The programs or facilities are the Minnesota Security Hospital at St. Peter, Minnesota, the Minnesota Extended Treatment Options Program, and the Minnesota Sex Offender Program.

#### Minnesota Security Hospital and the St. Peter Regional Treatment Center Campus

The Minnesota Security Hospital, a maximum-security psychiatric hospital located in St. Peter, Minnesota, serves people who have been committed by the court as mentally ill and dangerous.

The St. Peter State Hospital was built in 1866 and was the first state hospital in the state of Minnesota. The hospital has undergone a major renovation and replacement program and has been transformed from the oldest to one of the newest state hospitals.

The new Minnesota Security Hospital at St. Peter was completed in 1982. The building is 121,000 square feet and is a masonry and steel structure. It contains its own emergency generator and excellent plumbing, heating, and electrical systems. The general maintenance and physical condition of the Security Hospital have been rated excellent.

The St. Peter facility of the Department of Human Services includes the Special Needs Service program and the Transition Services Program. Both programs are part of the State Operated Forensic Services system of the Department of Human Services.

The Special Needs Service operates as part of the Minnesota Security Hospital. The Special Needs Service includes two high security units that serve low IQ patients who have committed sex offenses, and are committed as Sexually Dangerous Persons or as Mentally Ill and Dangerous. The patients served by the Special Needs Service would be either in the Minnesota Security Hospital or in the Minnesota Sex Offender Program if the Special Needs Service did not exist. Because the Special Needs Service is considered part of the Minnesota Security Hospital, the employees working the Special Needs Service units and the Minnesota Security Hospital units are interchangeable. Employees working the Special Needs Service units can be and are reassigned to work Minnesota Security Hospital units on a daily basis, and vice versa. Therefore there are no differences in staff responsibilities.

The Transition Services Program is a 58-bed unlocked program where Minnesota Security Hospital patients who are progressing in treatment transfer when eligible. The Transition Services Program serves only Mentally Ill and Dangerous committed patients. The Transition Service Program currently makes up 12 percent of the total forensic patient population on the St. Peter Regional Treatment Center Campus. Therefore an employee who's job description indicates that they work with patients in the Transition Services Program would spend no more than 12 percent of their time working with patients in a program that is not covered in the MSRS-Correctional Retirement Plan.

#### Minnesota Extended Treatment Options (METO)

The 1995 Legislature authorized the Commissioner of Human Services to develop a specialized service model at the Cambridge Regional Human Services Center campus to serve Minnesotans who have a developmental disability and exhibit severe behaviors that present a risk to public safety. The program developed is known as the Minnesota Extended Treatment Options (METO). METO combines extensive outreach and support services with the availability of specialized residential beds so that individuals can be served in the least restrictive setting necessary. With extensive outreach and support services available, admission to the program is limited to those few individuals who exhibit such extreme behaviors that they cannot, at present, be served safely in their communities. The program works closely with the responsible county to return the individual to the community as soon as necessary supports are available.

METO program participants must be mentally retarded, be of adult age, and exhibit behaviors that present a risk to public safety. Most individuals are placed in METO under the Minnesota Civil Commitment and

Treatment Act, with the majority being committed as a person with mental retardation. METO has the capacity to provide specialized residential services for up to 48 clients.

Vocational and day program services are provided. Work opportunities are provided through traditional contract production (piece) work, facility maintenance and support work, and contracts with community day training and habilitation sites for alternative work. METO has both indoor and outdoor recreational facilities for activities on the Cambridge campus.

METO provides general medical and psychiatric services and onsite nursing services are available 24 hours a day, seven days a week. Ancillary health care services, specialized diagnostic services and medical specialties are arranged through outside agencies.

METO provides the following:

- Individual psychotherapy and counseling, psychiatric assessment and follow-up and psychotropic medication evaluation and adjustment.
- Treatment for individuals who have committed criminal offenses or who have demonstrated sexually inappropriate behavior, which may have resulted in criminal charges.
- Counseling and support for victims of sexual abuse.
- Treatment for aggressive/assaultive and other challenging behaviors.
- Substance abuse treatment through a modified curriculum.

#### The Minnesota Sex Offender Program

The Minnesota Sex Offender Program operates secure treatment facilities operated by the Department of Human Services at Moose Lake, Minnesota, and at St. Peter, Minnesota, for persons who are civilly committed for sex offenses or for individuals that are found to be either a “sexual psychopathic personality” or a “sexually dangerous person” by a court. A sexual psychopathic personality is a person who, as a result of a mental or emotional condition:

1. engaged in a “habitual course of misconduct in sexual matters;”
2. has an “utter lack of power to control the person’s sexual impulses;” and
3. as a result of this inability to control his/her behavior is “dangerous to other persons.”

A sexually dangerous person is a person who:

1. has “engaged in a course of harmful sexual conduct” that creates a “substantial likelihood of serious physical or emotional harm to another;”
2. the person has a sexual, personality, or mental disorder; and
3. the person is likely to engage in harmful sexual conduct in the future.

The program’s main philosophy is based on cognitive-behavioral techniques, with strategies to assist a sex offender to reduce the chance of relapsing. Individuals who successfully complete the program may receive a recommendation from the program for release to a less restrictive setting.

The goal of the program is to help a person safely return to society. Group therapy is the main form of treatment. The program consists of evaluation, inpatient treatment, and transition.

Inpatient treatment stage helps the sex offender to learn basic skills and requires the sex offender to admit to and accept responsibility for past criminal behavior, the helps the person develop insight into the sex offending cycle and encourages the person to practice new attitudes for past behavior, then requires the person to demonstrate to the treatment staff that the insight learned in Phase II is being consistently integrated into daily behavior, and then gives the person a chance to practice attitude changes that will be necessary for transition to a less restrictive setting, outside of the secured treatment facility.

A special review board hears and considers all petitions for transfer, provisional discharge, revocation of provisional discharge, or full discharge from commitment. A petition may be filed by the patient, the patient’s attorney, or the facility medical director for a hearing before the special review board. Following the hearing, the special review board makes a recommendation to the commissioner. Based in part upon the special review board’s recommendation, the commissioner issues an order either denying or granting the petition. The order of the commissioner may be appealed to the Supreme Court Appeal Panel. Decisions by the Supreme Court Appeal Panel may be appealed to the Court of Appeals and the Minnesota Supreme Court.

## Attachment E

### **CORRECTIONAL EMPLOYEE RETIREMENT PLAN POLICY** **Minnesota Department of Human Services** **2005**

- AUTHORITY:** Minn. Stat. §§352.90 – 352.91.
- PURPOSE:** To establish guidelines and procedures for evaluating and recommending positions for inclusion in, and removal from, the Correctional Employee Retirement Plan (CERP).
- APPLICABILITY:** Employees working directly with patients at the Minnesota Security Hospital (MSH), the Minnesota Sex Offender Program (MSOP), or the Minnesota Extended Treatment Options (METO) on-campus program whose positions regularly require them to provide patients with treatment, rehabilitation, custody or supervision.
- POLICY:** The Department of Human Services will review, annually or at the request of employees or their exclusive representatives, MSH, MSOP and METO positions to determine whether they should be covered by the CERP. This review will be governed by the procedures and criteria contained in this document. If the commissioner determines that positions or classes should be added to, or removed from, the CERP, the commissioner may recommend those changes, with supporting documentation, by January 15<sup>th</sup> to the chair of the Legislative Commission on Pensions and Retirement, the chair of the Senate State and Local Governmental Operations Committee, the chair of the House Governmental Operations and Veterans Affairs Policy Committee, and the executive director of the Legislative Commission on Pensions and Retirement in the form of the proposed legislation.
- DEFINITIONS:** Patient contact is the provision of treatment, rehabilitation, custody or supervision to patients at the Minnesota Security Hospital (MSH), the Minnesota Sex Offender Program (MSOP), or the Minnesota Extended Treatment Options (METO) on-campus program.
- Supervision of patients is the coordination, direction, monitoring and evaluation of patient activities.
- Treatment of patients is the provision of health care services (physical or psychological) without the presence of security staff.
- Rehabilitation of patients is the provision of therapeutic services without the presence of security staff.
- Custody of patients is the control of patient behavior in order to provide a secure setting.



**CRITERIA:**

To be included in the CERP, the duties of a position must require the incumbent to:

- work in close physical proximity with patients;
- have direct responsibility for patients;
- actively/physically intervene in patient incidents;
- work with groups of patients in situations where security staff are not present;
- be responsible for controlling the behavior and/or activities of patients; and
- be engaged in treatment, rehabilitation, custody, or supervision of patients at least 75% of their work time.

The incumbents of positions meeting these criteria must be employed in the classes and facilities listed in Minn. Stat. §352.91 as eligible for inclusion in the CERP. If they are not, the positions/classes will also be considered for an amendment to the statute.

**PROCEDURES:**

**A. Agency Annual Review of Eligibility for CERP Inclusion**

1. The Forensics Human Resources Director will annually review all classes/positions in MSH, MSOP and METO and prepare a summary report listing positions/classes which should be added to, or removed from, the CERP.
  - For positions which no longer meet the above criteria, the Human Resources Director may recommend that the position duties be restructured so that the criteria are met.
2. The report will be reviewed, edited as appropriate, and signed by the MSH, MSOP and METO site directors.
3. Final review of the report will be by the SOS Human Resources Operations Manager.
4. The Forensics Human Resources Director will notify the incumbents whose positions no longer qualify for inclusion in the CERP that the positions will be removed. The notice will be in writing and will include their right to appeal the decision.

**B. Employee- or Supervisor-Initiated Requests**

1. An employee (or an exclusive representative on behalf of an employee) completes the CERP Certification Review Form, attaches a position description (s), and submits the request to the employee's supervisor.
2. A supervisor receiving an employee-initiated request, or acting on his or her own initiative, reviews or completes the form and submits it with the attached position documentation to the MSH, MSOP or METO site director, as appropriate.
3. The site director must review the requests and, if satisfied that they are accurate representations of the affected positions, forward them to the Forensics Human Resources Director for processing.

4. The Forensics Human Resources Director will secure final review and approval/denial of the requests by the SOS Human Resources Operations Manager.
5. Once final approval or denial is obtained, the Forensics Human Resources Director will notify the requestor(s) in writing of the decision and their right to appeal the decision.

**C. Appeal Process**

1. Affected parties will have 30 days from the date of the written notice of a decision to file a written appeal with the Chief Executive Officer (CEO) of State Operated Services.
2. All appeals will be determined by the CEO.
3. The CEO will provide the appellant with a written report of his/her decision.
4. The CEO's decisions are final.

**D. Implementation of Final Decisions**

1. Final recommendations for changes will be initiated by the agency in accord with Minn. Stat. §352.91, Subd. 4a or §352.91, Subd. 5, as appropriate.
2. Documentation of the processes and final decisions will be retained by the Forensics Human Resources Director.

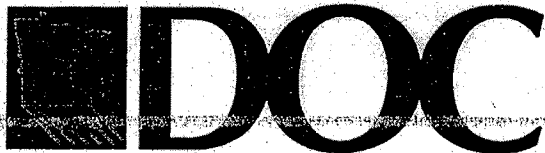
Attachment F

Work Time Percentage: Employee / Agency Appraisal						As Indicated on Job Description			
Occupational Title	Physical Proximity	Coordinate / Monitor / Evaluate Behavior or Activity	Respond to / Intervene in Incident	Provision of Health Care or Rehab / Therapy Services	Responsible for Control of Behavior / Activities	Unclear Extent of Contact	Clear Contact at Facility	Employment With Mix of Programs / Facilities	No Indicated Contact
<u>DHS: St. Peter Security Hospital</u>									
Chemical Dependency Counselor Sr	75%	90%	100%	50%	50%	25%	25%	50%	--
Registered Dental Assistant	80%	50%	100%	10%	50%	--	--	60%	40%
Group Supervisor	90%	75%	100%	5%	75%	60%	20%	--	20%
Occupational Therapist	80%	80%	100%	80%	80%	25%	--	70%	5%
Occupational Therapist Sr	80%	80%	100%	80%	80%	20%	40%	30%	10%
Skills Development Specialist	75%	75%	100%	75%	75%	100%	--	--	--
Speech Pathology Clinician	80%	80%	100%	80%	80%	--	--	80%	15%
<u>DHS: Minnesota Extended Treatment Option Program</u>									
Behavior Analyst 3	75%	80%	100%	75%	75%	75%	--	--	25%
Group Supervisor Assistant	75%	75%	100%	75%	75%	80%	8%	--	2%
Group Supervisor	75%	75%	100%	75%	75%	76%	12%	--	12%
Social Worker Specialist	75%	75%	100%	75%	75%	61%	27%	--	12%
Speech Pathology Specialist	75%	75%	100%	75%	75%	50%	48%	--	2%
<u>DHS: Minnesota Sex Offender Program</u>									
Patient Advocate/Client Advocate	90%	75%	100%	5%	75%	50%	45%	--	5%
Group Supervisor	90%	75%	100%	5%	75%	75%	25%	--	--
Psychologist 1	90%	75%	100%	5%	75%	25%	55%	--	20%
Social Worker Specialist Sr	90%	75%	100%	5%	75%	45%	45%	--	10%

Attachment G

Work Time Percentage

Occupational Title	Work Time Percentage			
	Unclear Extent of Contact	Clear Contact at Facility	Employment With Mix of Programs / Facilities	No Indicated Contact
<u>Department of Corrections</u>				
Chaplain, MCF-Moose Lake/ Willow River	5%	80%	--	15%
Chaplain, MCF-Rush City	5%	80%	--	15%
Chaplain, MCF-St. Cloud	--	75%	--	25%
Correctional Inmate Program Coordinator (Work Assign), MCF-Shakopee	35%	45%	--	20%
Correctional Inmate Program Coordinator (Parenting), MCF-Shakopee	25%	70%	--	5%
Correctional Program Therapist III (Sex Offender), MCF-Lino Lakes	70%	20%	--	10%
Correctional Program Therapist III (Sex Offender), MCF-Moose Lake	5%	80%	--	15%
Correctional Program Therapist III (Mental Health), MCF-Red Wing	--	75%	--	25%
Correctional Program Therapist III (Behavior Health)	5%	86%	--	9%
Correctional Program Therapist III (Mental Health)	60%	35%	--	5%
Correctional Program Therapist III (Marriage/Family)	5%	86%	--	9%
Correctional Program Therapist III (Mental Health)	5%	86%	--	9%
Correctional Program Therapist III (Chemical Dependency)	50%	40%	--	10%
Correctional Transition Program Coordinator, MCF-Faribault	90%	--	--	10%
Correctional Transition Program Coordinator, MCF-Lino Lakes	90%	--	--	10%
Correctional Transition Program Coordinator, MCF-Moose Lake/Willow River	90%	--	--	10%
Correctional Transition Program Coordinator, MCF-Rush City	90%	--	--	10%
Correctional Transition Program Coordinator, MCF-Shakopee	90%	--	--	10%
Dental Hygienist, MCF-Faribault	20%	65%	--	15%
Registered Dental Hygienist, MCF-Stillwater	90%	5%	--	5%
Laundry Coordinator, MCF-Faribault	--	95%	--	5%
Laundry Coordinator – Mending, MCF-Faribault	--	95%	--	5%
Laundry Coordinator, MCF-Faribault	15%	75%	--	10%
Laundry Worker, MCF-Faribault	--	75%	--	25%
Library Technician, MCF-Faribault	70%	20%	--	10%
Library Technician, MCF-Moose Lake/Willow River	15%	85%	--	--
Library Technician, MCF-Rush City	85%	--	--	15%
Library Technician, MCF-Shakopee	--	75%	--	25%
Psychologist I, MCF-Lino Lakes	35%	45%	--	20%
Psychologist I, MCF-Moose Lake	--	80%	--	20%
Psychologist I, MCF-Red Wing	5%	83%	--	12%
Psychologist I, MCF-Shakopee	--	80%	--	20%
Psychologist I, MCF-St. Cloud	5%	83%	--	12%
Sentence to Service Crew Leader	--	82%	--	18%
Sports Medicine Specialist, MCF-Moose Lake/Willow River	50%	50%	--	--



MINNESOTA DEPARTMENT OF CORRECTIONS

CENTRAL OFFICE

*Contributing to a Safer Minnesota*


DATE: February 8, 2006

TO: The Honorable Lawrence Pogemiller  
Chair of the Legislative Commission on Pensions and Retirement

The Honorable Linda Higgins  
Chair of the Senate State & Local Government Operations Committee

The Honorable Kathy Tingelstad  
Chair of the House Governmental Operations and Veterans Affairs Committee

Mr. Lawrence A. Martin  
Executive Director of the Legislative Commission on Pensions & Retirement

FROM: Joan Fabian,   
Commissioner Department of Corrections

RE: Recommendation for Positions in the Correctional Employees Retirement Plan

Pursuant to M.S. 352.91, Subdivision 4a, the Department of Corrections (DOC) has completed an evaluation of positions for inclusion or removal from the Correctional Employees Retirement Plan (CERP). In addition, consistent with this statute, we have included proposed legislation to accurately reflect appropriate positions for coverage and supporting documentation in the form of a summary report that describes the changes and the number of positions affected in each class at each Correctional facility. Full documentation substantiating this action is maintained in the DOC Human Resource Management Office.

We appreciate your assistance in helping the Department of Corrections accomplish this statutory requirement. Please contact Karen McCarty, DOC Human Resource Manager, at 651-642-0313 for any additional information you may require.

Attachments

C: Honorable Steve Smith, Chair, House Public Safety Committee  
Honorable Jane Ranum, Chair, Senate Public Safety Budget Division  
Dennis Benson, Deputy Commissioner  
Barbara Cox, Government Relations Director  
Karen McCarty, Human Resource Manager



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Dept. of Corrections

Minnesota Statutes 2005, Table of Chapters

Table of contents for Chapter 352

352.91 Covered correctional service.

Subdivision 1. Qualifying jobs. "Covered correctional service" means service performed by a state employee, as defined in section 352.01, employed at a state correctional facility, the Minnesota Security Hospital, or the Minnesota Sexual Psychopathic Personality Treatment Center as:

- (1) a corrections officer 1;
- (2) a corrections officer 2;
- (3) a corrections officer 3;
- (4) a corrections officer supervisor;
- (5) a ~~corrections officer 4~~ lieutenant;
- (6) a corrections captain;
- (7) a security counselor; ~~or~~
- (8) a security counselor lead; or
- (9) a corrections canine officer.

Subd. 2. Maintenance and trades. "Covered correctional service" also means service rendered at any time by state employees as maintenance or correctional industry personnel and members of trades certified by the commissioner of employee relations as being regularly engaged at least 75 percent of the employee's working time in rehabilitation, treatment, custody, or supervision of inmates at a Minnesota correctional facility, or of patients at the Minnesota Security Hospital or at the Minnesota Sexual Psychopathic Personality Treatment Center.

Subd. 2a. Special teachers. "Covered correctional service" also means service rendered by a state employee as a special teacher employed by the Department of Corrections or by the Department of Human Services at a security unit, provided that at least 75 percent of the employee's working time is spent in direct contact with inmates or patients and the fact of this direct contact is certified to the executive director by the appropriate commissioner, unless the person elects to retain the current retirement coverage under Laws 1996, chapter 408, article 8, section 21.

Subd. 3. Repealed, 1996 c 408 art 8 s 29

Subd. 3a. Security guards. "Covered correctional service" also means service rendered before January 1, 1981, in



the classification of security guard by any employee employed in a covered correctional position on January 1, 1981.

Subd. 3b. Older employees formerly excluded. "Covered correctional service" also means service performed by certain state employees in positions usually covered by this section who: (1) were excluded by law from coverage between July 1973 and July 1980; (2) were age 45 or over when hired; (3) were state employees on March 26, 1986; and (4) who elected coverage before July 1, 1986. An employee who did not elect coverage before July 1, 1986, is not covered by the correctional retirement plan, even if the employee's employment classification may be considered to be covered correctional service under another subdivision of this section.

Subd. 3c. Nursing personnel. (a) "Covered correctional service" means service by a state employee in one of the employment positions at a correctional facility or at the Minnesota Security Hospital specified in paragraph (b), provided that at least 75 percent of the employee's working time is spent in direct contact with inmates or patients and the fact of this direct contact is certified to the executive director by the appropriate commissioner, unless the person elects to retain the current retirement coverage under Laws 1996, chapter 408, article 8, section 21.

(b) The employment positions are as follows:

- (1) registered nurse - senior;
- (2) registered nurse;
- (3) registered nurse - principal;
- (4) licensed practical nurse 2; and
- (5) registered nurse advanced practitioner practice.

Subd. 3d. Other correctional personnel. (a) "Covered correctional service" means service by a state employee in one of the employment positions at a correctional facility or at the Minnesota Security Hospital specified in paragraph (b), provided that at least 75 percent of the employee's working time is spent in direct contact with inmates or patients and the fact of this direct contact is certified to the executive director by the appropriate commissioner, unless the person elects to retain the current retirement coverage under Laws 1996, chapter 408, article 8, section 21.

(b) The employment positions are as follows: baker, central services administrative specialist, intermediate, central services administrative specialist, principal, chaplain,  
chemical dependency counselor supervisor, chief cook, cook, cook coordinator, corrections behavior therapist, corrections  
behavior therapist specialist, corrections parent education  
coordinator, corrections program therapist 1, corrections program therapist 2,  
corrections program therapist 3, corrections inmate program coordinator,

corrections transitions program coordinator, corrections security caseworker, corrections security caseworker career, corrections teaching assistant, dentist, electrician supervisor, general maintenance worker, general repair worker, laundry coordinator, library/information research services specialist, library/information research services specialist senior, library technician, plumber supervisor, psychologist 1, psychologist 3, recreation therapist, recreation therapist coordinator, recreation program assistant, recreation therapist senior, sports medicine specialist, ~~stores clerk senior~~, water treatment plant operator, work therapy technician, work therapy assistant, work therapy program coordinator.

- c) "Covered correctional service" also means service as the director or as an assistant group supervisor of the Phoenix/Pomiga treatment/behavior change program of the Department of Corrections.

Subd. 3e. Minnesota extended treatment options program; Cambridge. "Covered correctional service" means service by a state employee in one of the following employment positions with the Minnesota extended treatment options on-campus program at the Cambridge Regional Human Services Center if at least 75 percent of the employee's working time is spent in direct contact with patients who are in the Minnesota extended treatment options program and if service in such a position is certified to the executive director by the commissioner of human services, unless the person elects to retain current retirement coverage under section 6:

- (1) behavior analyst I;
- (2) human services support specialist;
- (3) mental retardation residential program lead;
- (4) psychologist 2;
- (5) recreation program assistant;
- (6) recreation therapist senior;
- (7) registered nurse senior;
- (8) skills development specialist; and
- (9) social worker senior.

Subd. 3f. Additional Department of Human Services personnel. (a) "Covered correctional service" means service by a state employee in one of the employment positions specified in paragraph (b) at the Minnesota Security Hospital or the Minnesota Sexual Psychopathic Personality Treatment Center, provided that at least 75 percent of the employee's working time

is spent in direct contact with patients and the fact of this direct contact is certified to the executive director by the commissioner of human services.

(b) The employment positions are:

- (1) behavior analyst 2;
- (2) licensed practical nurse 1;
- (3) office and administrative specialist senior;
- (4) psychologist 2;
- (5) social worker specialist;
- (6) behavior analyst 3; and
- (7) social worker senior.

Subd. 3g. Additional Corrections Department personnel.

(a) "Covered correctional service" means service by a state employee in one of the employment positions at the designated Minnesota correctional facility specified in paragraph (b) if at least 75 percent of the employee's working time is spent in direct contact with inmates and the fact of this direct contact is certified to the executive director by the commissioner of corrections.

(b) The qualifying employment positions are: ~~and the designated correctional facilities are:~~

(1) corrections discipline unit supervisor, ~~at the Minnesota Correctional Facility Faribault, the Minnesota Correctional Facility Lino Lakes, and the Minnesota Correctional Facility Oak Park Heights, the Minnesota Correctional Facility Rush City, and the Minnesota Correctional Facility St. Cloud;~~

(2) dental assistant registered, ~~at the Minnesota Correctional Facility Faribault, the Minnesota Correctional Facility Lino Lakes, the Minnesota Correctional Facility Moose Lake, the Minnesota Correctional Facility Oak Park Heights, and the Minnesota Correctional Facility Red Wing, the Minnesota Correctional Facility - Stillwater, and the Minnesota Correctional Facility St. Cloud;~~

(3) dental hygienist, ~~at the Minnesota Correctional Facility Shakopee, and the Minnesota Correctional Facility Rush City, the Minnesota Correctional Facility Faribault, and the Minnesota Correctional Facility Stillwater;~~

(4) psychologist 2, ~~at the Minnesota Correctional Facility Faribault, the Minnesota Correctional Facility Lino Lakes, the Minnesota Correctional Facility Moose Lake, the Minnesota Correctional Facility Oak Park Heights, the Minnesota Correctional Facility Red Wing, the Minnesota Correctional Facility Rush City, the Minnesota Correctional Facility St.~~

~~Cloud, the Minnesota Correctional Facility-Shakeopee, and the Minnesota Correctional Facility-Stillwater; or~~

(5) sentencing to service crew leader involved with the inmate community work crew program, ~~at the Minnesota Correctional Facility-Faribault, and the Minnesota Correctional Facility-Line Lakes, and the Minnesota Correctional Facility-Stillwater.~~

Subd. 4. Repealed, 2000 c 461 art 6 s 6

Subd. 4a. **Process for evaluating and recommending potential employment positions for membership inclusion.** (a)

The Department of Corrections and the Department of Human Services must establish a procedure for evaluating periodic requests by department employees for qualification for recommendation by the commissioner for inclusion of the employment position in the correctional facility or human services facility in the correctional retirement plan and for periodically determining employment positions that no longer qualify for continued correctional retirement plan coverage.

(b) The procedure must provide for an evaluation of the extent of the employee's working time spent in direct contact with patients or inmates, the extent of the physical hazard that the employee is routinely subjected to in the course of employment, and the extent of intervention routinely expected of the employee in the event of a facility incident. The percentage of routine direct contact with inmates or patients may not be less than 75 percent.

(c) The applicable commissioner shall notify the employee of the determination of the appropriateness of recommending the employment position for inclusion in the correctional retirement plan, if the evaluation procedure results in a finding that the employee:

(1) routinely spends 75 percent of the employee's time in direct contact with inmates or patients; and

(2) is regularly engaged in the rehabilitation, treatment, custody, or supervision of inmates or patients.

(d) After providing the affected employee an opportunity to dispute or clarify any evaluation determinations, if the commissioner determines that the employment position is appropriate for inclusion in the correctional retirement plan, the commissioner shall forward that recommendation and supporting documentation to the chair of the Legislative Commission on Pensions and Retirement, the chair of the State and Local Governmental Operations Committee of the senate, the chair of the Governmental Operations and Veterans Affairs Policy Committee of the house of representatives, and the executive director of the Legislative Commission on Pensions and Retirement in the form of the appropriate proposed legislation. The recommendation must be forwarded to the legislature before

January 15 for the recommendation to be considered in that year's legislative session.

Subd. 4b Department of Corrections Process for Consideration of Coverage.

The Department of Corrections will convene meetings of the Review Committee. This Committee exists to review and determine positions that should be included in legislative requests for Plan coverage.

The Review Committee will review all requests and supporting documentation for coverage by the Plan and will determine which classes/positions meet the statutory requirement. *Initial service date determinations will be made on all employees who were provided coverage as a result of this review process, including any who may have retired.*

The Agency will provide a notice of determination and right to appeal from the Review Committee to all those who requested inclusion.

Appeals must be filed with the Agency Human Resource Manager within 30 days of the date of the notice of determination.

All appeals will be heard and determined by the Appeal Committee. This Committee exists to hear appeals of determinations for coverage. Appeal committee determinations are final.

All positions approved for inclusion will be forwarded to the Commissioner of Corrections for preparation of legislation to seek coverage and will be submitted as directed by this statute.

The DOC Commissioner will submit a written recommendation in legislative format as directed by this statute documenting classes/positions that should or should not be covered by the Plan.

Documentation of each request and the final determination will be retained in the Department of Corrections Office of Human Resource Management.

Subd. 5. Correction of errors. (a) If it is determined that an employee should have been covered by the correctional retirement plan but was placed in the general employees retirement plan or Teachers Retirement Association in error, the commissioner of corrections or the commissioner of human services must report the error to the executive director

of the Minnesota State Retirement System. The service must be properly credited under the correctional employees retirement plan for a period of not to exceed five years before the date on which the commissioner of corrections or human services notifies the executive director of the Minnesota State Retirement System in writing or five years from the date on which an employee requests, in writing, the applicable department to determine if the person has appropriate retirement plan coverage, whichever is earlier. If the error covers more than a five-year period, the service before the five-year period must remain under the plan originally credited the service. The employee shall pay the difference between the employee contributions actually paid during the five-year period and what should have been paid under the correctional employees retirement plan. The department making the error shall pay to the correctional employees retirement plan an amount equal to the difference in the present value of accrued retirement benefits caused by the change in coverage after subtracting the amount paid by the employee. Calculation of this amount must be made by the executive director of the Minnesota State Retirement System using the applicable preretirement interest rate specified in section 356.215, subdivision 8, and the mortality table adopted for the Minnesota State Retirement System. The calculation must assume continuous future service in the correctional employees retirement plan until the employee would reach the age eligible for normal retirement. The calculation must also assume a future salary history that includes annual salary increases at the salary increase rate or rates specified in section 356.215, subdivision 8.

(b) If an employee was covered under the correctional employees retirement plan, but it is determined that the person should have been covered under the general employees retirement plan, the error must be corrected if written notification is provided to the employee and the executive director of the Minnesota State Retirement System within three years of the date on which the coverage was improperly started. The difference in employee and employer contributions actually paid to the correctional employees retirement plan in excess of the amount that should have been paid to the general employees retirement plan must be refunded to the employee and the employer paying the additional contributions.

HIST: 1973 c 653 s 40; 1974 c 520 s 1; 1975 c 368 s 35; 1978 c 781 s 2; 1980 c 600 s 3-5; 1980 c 617 s 47; 1981 c 224 s 59; 1981 c 297 s 3; 1984 c 654 art 5 s 58; 1986 c 444; 1986 c 458 s 31; 1987 c 229 art 6 s 1; art 11 s 1; 1987 c 372 art 1 s 4; 1996 c 408 art 8 s 10-17; 1999 c 222 art 13 s 2; 2000 c 461 art 6 s 1-4; 2002 c 392 art 11 s 52; 2004 c 267 art 1 s 1

Please direct all comments concerning issues or legislation to your House Member or State Senator.  
For Legislative Staff or for directions to the Capitol, visit the Contact Us page.



*Memo*

Minnesota Department of **Human Services**

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**DATE:** January 13, 2006

**TO:** The Honorable Lawrence Pogemiller  
Chair of the Legislative Commission on Pensions and Retirement

The Honorable Linda Higgins  
Chair of the Senate State & Local Government Operations Committee

The Honorable Kathy Tingelstad  
Chair of the House Governmental Operations and Veterans Affairs Committee

Lawrence A. Martin  
Executive Director of the Legislative Commission on Pensions & Retirement

**FROM:** Kevin Goodno *Kevin Goodno*  
Commissioner of the Department of Human Services

**SUBJECT:** Department of Human Services (DHS) Recommendations for Positions in the  
Correctional Employees Retirement Plan (CERP)

Pursuant to Minn. Stat. §352.91, Subdivision 4a, the Department of Human Services (DHS) has completed an evaluation of positions for inclusion in, or removal from, the Correctional Employees Retirement Plan (CERP). The purpose of this memo is to forward to you a draft amendment to Minn. Stat. §352.91, Subdivisions 3c, 3e and 3f to accomplish the changes we are recommending. We are also including supporting documentation in the form of a summary report that describes the changes and the number of positions affected in each class at each DHS facility. Full documentation substantiating our proposed changes is maintained by the DHS Forensics Human Resources Director.

The draft amendment includes several classes which were inadvertently omitted from the law several years ago when positions in those classes were added to the CERP. Thus, those changes do not result in the addition of any new positions or employees to the Plan. The other changes are the result of growth in our Forensics programs, especially in the Minnesota Sex Offender Program (formerly called the Minnesota Sexual Psychopathic Personality Treatment Center, a name change that is one of our proposed changes in the CERP law).

If you have any questions about our proposed changes or need additional information, please contact Larry Nelson, Forensics Human Resources Director, at 507-931-7118 or 218-485-5300, ext. 5535.

Thank you for your assistance.

cc: The Honorable Becky Lourey, Chair of the Senate Health and Family Security Committee

Dept. of Human Services

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The Honorable Fran Bradley, Chair of the House Health Policy & Finance Committee  
Julie Perrus, Committee Administrator, Senate State & Local Government Operations Committee  
Scott Neske, Committee Administrator, House Governmental Operations and Veterans Affairs Committee

# Summary of CERP Changes Recommended by DHS

## January 13, 2006

Classes	Comments	Number of Affected Positions		
		METO	MSH	MSOP
Behavior Analyst 1	Title change only in Subd. 3e	4	0	0
Behavior Analyst 2	Already in Subd. 3f; New in Subd. 3e in anticipation of METO's eventual need to reclassify positions (with no substantive change in duties) to this class as they already use both the BA 1 and BA 3 classes.	0	0	0
Behavior Analyst 3	New in Subd. 3e	4	0	0
Chemical Dependency Counselor, Sr.	Subd. 3f cleanup to reflect MSH positions already in CERP	0	2	0
Client Advocate	New in Subd. 3f for MSOP	0	0	1
Dental Asst Registered	New in Subd. 3f for MSH	0	2	0
Group Supervisor	New in Subds. 3e and 3f for METO, MSH and MSOP	1	18	24
Group Supervisor Assistant	New in Subds. 3e and 3f for METO, MSH and MSOP	3	0	0
Licensed Practical Nurse 1	Adding MSOP & METO to Subd. 3c; Moving LPN 1 from 3f to 3c to keep all the nursing classes in the same subdivision.	0	0	0
Occupational Therapist	New in Subd. 3f for MSH	0	1	0
Occupational Therapist, Sr.	New in Subd. 3f for MSH	0	3	0
Psychologist 1	Subd. 3f cleanup to reflect MSOP positions already in CERP	0	0	1
Psychologist 3	Subd. 3f clean up to reflect MSOP positions already in CERP (already in 3d for MSH)	0	0	6
Recreational Program Asst	Subd. 3f cleanup to reflect MSOP positions already in CERP	0	0	5
Recreation Therapist Sr	Subd. 3f cleanup to reflect MSOP positions already in CERP	0	0	4
Registered Nurse	Adding MSOP & METO to Subd. 3c which cleans up MSOP RN positions already in CERP	0	0	8
Registered Nurse Advanced Practice	Title change in Subd. 3c; Adding MSOP & METO to Subd. 3c to clean up MSH RN Advanced Practice positions already in CERP & to keep all nursing classes in the same subdivision.	0	1	0
Rehabilitation Counselor Sr.	Subd. 3f cleanup to reflect MSH & MSOP positions already in CERP	0	6	1
Skills Development Specialist	New in Subd. 3f for MSH	0	6	0
Social Worker Specialist	New in Subd. 3e for METO	1	0	0
Social Worker Specialist, Sr.	New in Subd. 3f for MSOP	0	0	1
Speech Pathology Specialist	New in Subd. 3e for METO	1	0	0
Speech Pathology Clinician	New in Subd. 3f for MSH	0	1	0
Work Therapy Asst.	Subd. 3f cleanup to reflect MSOP positions already in CERP	0	0	5
Work Therapy Program Coordinator	Subd. 3f cleanup to reflect MSOP positions already in CERP	0	0	1

### 352.90 Policy.

It is the policy of the legislature to provide special retirement benefits and contributions for certain correctional employees who may be required to retire at an early age because they lose the mental or physical capacity required to maintain the safety, security, discipline, and custody of inmates at state correctional facilities or of patients at the Minnesota Security Hospital or at the Minnesota ~~Sexual Psychopathic Personality Treatment Center~~ Offender Program or of patients in the Minnesota ~~eExtended tTreatment eOptions on-campus pProgram at the Cambridge Regional Human Services Center.~~

### 352.91 Covered correctional service.

Subdivision 1. **Qualifying jobs.** "Covered correctional service" means service performed by a state employee, as defined in section 352.01, employed at a state correctional facility, the Minnesota Security Hospital, or the Minnesota ~~Sexual Psychopathic Personality Treatment Center~~ Offender Program as:

- (1) a corrections officer 1;
- (2) a corrections officer 2;
- (3) a corrections officer 3;
- (4) a corrections officer supervisor;
- (5) a corrections officer 4;
- (6) a corrections captain;
- (7) a security counselor; or
- (8) a security counselor lead.

Subd. 2. **Maintenance and trades.** "Covered correctional service" also means service rendered at any time by state employees as maintenance personnel and members of trades certified by the commissioner of employee relations as being regularly engaged in rehabilitation, treatment, custody, or supervision of inmates at a Minnesota correctional facility, or of patients at the Minnesota Security Hospital or at the Minnesota ~~Sexual Psychopathic Personality Treatment Center~~ Offender Program.

Subd. 2a. **Special teachers.** "Covered correctional service" also means service rendered by a state employee as a special teacher employed by the Department of Corrections or by the Department of Human Services at a security unit, provided that at least 75 percent of the employee's working time is spent in direct contact with inmates or patients and the fact of this direct contact is certified to the executive director by the appropriate commissioner, unless the person elects to retain the current retirement coverage under Laws 1996, chapter 408, article 8, section 21.

Subd. 3. Repealed, 1996 c 408 art 8 s 29

Subd. 3a. **Security guards.** "Covered correctional service" also means service rendered before January 1, 1981, in the classification of security guard by any employee employed in a covered correctional position on January 1, 1981.

Subd. 3b. **Older employees formerly excluded.** "Covered correctional service" also means service performed by certain state employees in positions usually covered by this section who: (1) were excluded by law from coverage between July 1973 and July 1980; (2) were age 45 or over when hired; (3) were state employees on March 26, 1986; and (4) who elected coverage before July 1, 1986. An employee who did not elect coverage before July 1, 1986, is not covered by the correctional retirement plan, even if the employee's employment classification may be considered to be covered correctional service under another subdivision of this section.

Subd. 3c. **Nursing personnel.** (a) "Covered correctional service" means service by a state employee in one of the employment positions at a correctional facility or at the Minnesota Security Hospital, the Minnesota Sex Offender Program or the Minnesota Treatment Options Program specified in paragraph (b), provided that at least 75 percent of the employee's working time is spent in direct contact with inmates or patients and the fact of this direct contact is certified to the executive director by the appropriate commissioner, unless the person elects to retain the current retirement coverage under Laws 1996, chapter 408, article 8, section 21.

(b) The employment positions are as follows:

- (1) registered nurse - senior;
- (2) registered nurse;
- (3) registered nurse - principal;
- (4) licensed practical nurse 1 and 2; and
- (5) registered nurse advanced practice-practitioner.

Subd. 3d. **Other correctional personnel.** (a) "Covered correctional service" means service by a state employee in one of the employment positions at a correctional facility or at the Minnesota Security Hospital specified in paragraph (b), provided that at least 75 percent of the employee's working time is spent in direct contact with inmates or patients and the fact of this direct contact is certified to the executive director by the appropriate commissioner, unless the person elects to retain the current retirement coverage under Laws 1996, chapter 408, article 8, section 21.

(b) The employment positions are as follows: baker, chemical dependency counselor supervisor, chief cook, cook, cook coordinator, corrections behavior therapist, corrections behavior therapist specialist, corrections parent education coordinator, corrections security caseworker, corrections security caseworker career, corrections teaching assistant, dentist, electrician supervisor,

general repair worker, library/information research services specialist, library/information research services specialist senior, plumber supervisor, psychologist 3, recreation therapist, recreation therapist coordinator, recreation program assistant, recreation therapist senior, stores clerk senior, water treatment plant operator, work therapy technician, work therapy assistant, work therapy program coordinator.

(c) "Covered correctional service" also means service as the director or as an assistant group supervisor of the Phoenix/Pomiga treatment/behavior change program of the Department of Corrections.

Subd. 3e. **Minnesota extended treatment options program; Cambridge.** "Covered correctional service" means service by a state employee in one of the following employment positions with the Minnesota ~~eExtended tTreatment eOptions-on-campus pProgram at the Cambridge Regional Human Services Center~~ if at least 75 percent of the employee's working time is spent in direct contact with patients who are in the Minnesota extended treatment options program and if service in such a position is certified to the executive director by the commissioner of human services, unless the person elects to retain current retirement coverage under section 6:

- (1) behavior analyst ~~1~~, 2 and 3;
- (2) human services support specialist;
- (3) mental retardation residential program lead;
- (4) psychologist 2;
- (5) recreation program assistant;
- (6) recreation therapist senior;
- (7) ~~registered nurse senior~~ group supervisor and group supervisor assistant;
- (8) skills development specialist; and
- (9) social worker senior and social worker specialist; and
- (10) speech pathology specialist.

Subd. 3f. **Additional Department of Human Services personnel.**

(a) "Covered correctional service" means service by a state employee in one of the employment positions specified in paragraph (b) at the Minnesota Security Hospital or the Minnesota Sexual-Psychopathic Personality Treatment Center Offender Program, provided that at least 75 percent of the employee's working time is spent in direct contact with patients and the fact of this direct contact is certified to the executive director by the commissioner of human services.

(b) The employment positions are:

- (1) behavior analyst 2;

- (2) licensed practical nurse - skills development specialist;
- (3) office and administrative specialist senior;
- (4) psychologist 1, 2 and 3;
- (5) social worker specialist and social worker specialist, senior;
- (6) behavior analyst 3; ~~and~~
- (7) social worker senior;
- (8) speech pathology clinician;
- (9) rehabilitation counselor senior;
- (10) group supervisor and group supervisor assistant;
- (11) dental assistant registered;
- (12) occupational therapist and occupational therapist, senior;
- (13) chemical dependency counselor senior;
- (14) recreation program assistant;
- (15) recreation therapist senior;
- (16) client advocate;
- (17) work therapy assistant; and
- (18) work therapy program coordinator

Subd. 3g. **Additional Corrections Department personnel.**

(a) "Covered correctional service" means service by a state employee in one of the employment positions at the designated Minnesota correctional facility specified in paragraph (b) if at least 75 percent of the employee's working time is spent in direct contact with inmates and the fact of this direct contact is certified to the executive director by the commissioner of corrections.

(b) The qualifying employment positions and the designated correctional facilities are:

(1) corrections discipline unit supervisor, at the Minnesota Correctional Facility-Faribault, the Minnesota Correctional Facility-Lino Lakes, the Minnesota Correctional Facility-Oak Park Heights, the Minnesota Correctional Facility-Rush City, and the Minnesota Correctional Facility-St. Cloud;

(2) dental assistant registered, at the Minnesota Correctional Facility-Faribault, the Minnesota Correctional Facility-Lino Lakes, the Minnesota Correctional Facility-Moose Lake, the Minnesota Correctional

Facility-Oak Park Heights, and the Minnesota Correctional Facility-Red Wing;

(3) dental hygienist, at the Minnesota Correctional Facility-Shakopee and the Minnesota Correctional Facility-Rush City;

(4) psychologist 2, at the Minnesota Correctional Facility-Faribault, the Minnesota Correctional Facility-Lino Lakes, the Minnesota Correctional Facility-Moose Lake, the Minnesota Correctional Facility-Oak Park Heights, the Minnesota Correctional Facility-Red Wing, the Minnesota Correctional Facility-Rush City, the Minnesota Correctional Facility-St. Cloud, the Minnesota Correctional Facility-Shakopee, and the Minnesota Correctional Facility-Stillwater; or

(5) sentencing to service crew leader involved with the inmate community work crew program, at the Minnesota Correctional Facility-Faribault and the Minnesota Correctional Facility-Lino Lakes.

Subd. 4. Repealed, 2000 c 461 art 6 s 6

Subd. 4a. **Process for evaluating and recommending potential employment positions for membership inclusion.** (a) The Department of Corrections and the Department of Human Services must establish a procedure for evaluating periodic requests by department employees for qualification for recommendation by the commissioner for inclusion of the employment position in the correctional facility or human services facility in the correctional retirement plan and for periodically determining employment positions that no longer qualify for continued correctional retirement plan coverage.

(b) The procedure must provide for an evaluation of the extent of the employee's working time spent in direct contact with patients or inmates, the extent of the physical hazard that the employee is routinely subjected to in the course of employment, and the extent of intervention routinely expected of the employee in the event of a facility incident. The percentage of routine direct contact with inmates or patients may not be less than 75 percent.

(c) The applicable commissioner shall notify the employee of the determination of the appropriateness of recommending the employment position for inclusion in the correctional retirement plan, if the evaluation procedure results in a finding that the employee:

(1) routinely spends 75 percent of the employee's time in direct contact with inmates or patients; and

(2) is regularly engaged in the rehabilitation, treatment, custody, or supervision of inmates or patients.

(d) After providing the affected employee an opportunity to dispute or clarify any evaluation determinations, if the commissioner determines that the employment position is appropriate for inclusion in the correctional retirement plan, the commissioner shall forward that recommendation and supporting documentation to the chair of the Legislative Commission on Pensions and Retirement, the chair of the State and Local Governmental Operations Committee of the senate, the

chair of the Governmental Operations and Veterans Affairs Policy Committee of the house of representatives, and the executive director of the Legislative Commission on Pensions and Retirement in the form of the appropriate proposed legislation. The recommendation must be forwarded to the legislature before January 15 for the recommendation to be considered in that year's legislative session.

Subd. 5. **Correction of errors.** (a) If it is determined that an employee should have been covered by the correctional retirement plan but was placed in the general employees retirement plan or Teachers Retirement Association in error, the commissioner of corrections or the commissioner of human services must report the error to the executive director of the Minnesota State Retirement System. The service must be properly credited under the correctional employees retirement plan for a period of not to exceed five years before the date on which the commissioner of corrections or human services notifies the executive director of the Minnesota State Retirement System in writing or five years from the date on which an employee requests, in writing, the applicable department to determine if the person has appropriate retirement plan coverage, whichever is earlier. If the error covers more than a five-year period, the service before the five-year period must remain under the plan originally credited the service. The employee shall pay the difference between the employee contributions actually paid during the five-year period and what should have been paid under the correctional employees retirement plan. The department making the error shall pay to the correctional employees retirement plan an amount equal to the difference in the present value of accrued retirement benefits caused by the change in coverage after subtracting the amount paid by the employee. Calculation of this amount must be made by the executive director of the Minnesota State Retirement System using the applicable preretirement interest rate specified in section 356.215, subdivision 8, and the mortality table adopted for the Minnesota State Retirement System. The calculation must assume continuous future service in the correctional employees retirement plan until the employee would reach the age eligible for normal retirement. The calculation must also assume a future salary history that includes annual salary increases at the salary increase rate or rates specified in section 356.215, subdivision 8.

(b) If an employee was covered under the correctional employees retirement plan, but it is determined that the person should have been covered under the general employees retirement plan, the error must be corrected if written notification is provided to the employee and the executive director of the Minnesota State Retirement System within three years of the date on which the coverage was improperly started. The difference in employee and employer contributions actually paid to the correctional employees retirement plan in excess of the amount that should have been paid to the general employees retirement plan must be refunded to the employee and the employer paying the additional contributions.



..... moves to amend Amendment LCPR06-BA012 as follows:

Page 6, after line 28, insert:

"(c) Inclusion of the following occupational titles at the following facilities or in the following programs are authorized if the commissioner of employee relations determines that the applicable department performed a job audit on the position to determine the sufficiency of contact with the inmate, patient, or client population prior to making its recommendation under Minnesota Statutes, section 352.91, subdivision 4a, and concurs that there is sufficient contact and that the position is appropriate for special retirement coverage designed for quasi-public safety employment. The positions, facilities and programs are:

(1) Minnesota Security Hospital:

(i) chemical dependency counselor senior;

(ii) group supervisor;

(iii) occupational therapist;

(iv) occupational therapist senior;

(v) registered dental assistant;

(vi) skills development specialist; and

(vii) speech pathology clinician.

(2) Minnesota Extended Treatment Options Program:

(i) behavior analyst 3;

(ii) group supervisor;

(iii) group supervisor assistant;

(iv) social work specialist; and

(v) speech pathology specialist.

(3) Minnesota Sex Offender Program:

(i) group supervisor;

(ii) patient advocate/client advocate; and

- 2.1 (iii) social work specialist senior.
- 2.2 (4) Department of Corrections, all facilities:
- 2.3 (i) correctional program therapist III (mental health);
- 2.4 (ii) correctional program therapist III (chemical dependency); and
- 2.5 (iii) correctional transition program coordinator.
- 2.6 (5) Minnesota Correctional Facility-Faribault:
- 2.7 (i) laundry coordinator/laundry worker; and
- 2.8 (ii) library technician.
- 2.9 (6) Minnesota Correctional Facility-Lino Lakes:
- 2.10 (i) correctional program therapist III (sex offender); and
- 2.11 (ii) psychologist I.
- 2.12 (7) Minnesota Correctional Facility-Moose Lake/Willow River, sports medicine
- 2.13 specialist.
- 2.14 (8) Minnesota Correctional Facility-Red Wing, correctional program therapist III
- 2.15 (mental health).
- 2.16 (9) Minnesota Correctional Facility-Rush City, library technician.
- 2.17 (10) Minnesota Correctional Facility-St. Cloud, chaplain.
- 2.18 (11) Minnesota Correctional Facility-Shakopee:
- 2.19 (i) correctional inmate program coordinator (work assignment); and
- 2.20 (ii) library technician.
- 2.21 (12) Minnesota Correctional Facility-Stillwater, registered dental hygienist."

1.1 ..... moves to amend Amendment LCPR06-BA012 as follows:

1.2 Page 6, after line 28, insert:

1.3 "(c) The addition of the reference to "correctional industry" in section 3 is a  
1.4 clarification of the existing provision and is not intended to be the basis for the addition of  
1.5 any employment position to plan coverage beyond the employment positions included  
1.6 on January 15, 2006, unless there is a change in the duties of an employment position  
1.7 connected with correctional industries that increases the regularly occurring direct inmate  
1.8 contact of the position to in excess of 75 percent and the inclusion of the position as  
1.9 "correctional industry personnel" is approved by the commissioner of employee relations."

- 1.1 ..... moves to amend Amendment LCPR06-BA012 as follows:
- 1.2 Page 2, line 14, before "in" insert "or" and delete ", or at the Minnesota"
- 1.3 Page 2, line 15, delete "Extended Treatment Options Program"
- 1.4 Page 2, line 24, delete the new language
- 1.5 Page 2, line 25, delete "(5)"
- 1.6 Page 2, line 26, reinstate the stricken "(5)" and delete "(6)"
- 1.7 Page 4, line 4, after the stricken "(7)" insert "(11)" and reinstate the stricken "
- 1.8 registered nurse senior;"
- 1.9 Page 4, line 5, delete "(11)" and insert "(12)"
- 1.10 Page 4, line 6, delete "(12)" and insert "(13)"
- 1.11 Page 4, line 7, delete "(13)" and insert "(14)"
- 1.12 Page 4, line 8, delete "(14)" and insert "(15)"
- 1.13 Page 4, line 25, after "(8)" insert "licensed practice nurse 1;
- 1.14 "(9)"
- 1.15 Page 4, line 26, delete "(9)" and insert "(10)"
- 1.16 Page 4, line 27, delete "(10)" and insert "(11)"
- 1.17 Page 4, line 28, delete "(11)" and insert "(12)"
- 1.18 Page 4, line 29, delete "(12)" and insert "(13)"
- 1.19 Page 4, line 30, delete "(13)" and insert "(14)"
- 1.20 Page 4, line 31, delete "(14)" and insert "(15)"
- 1.21 Page 4, line 32, delete "(15)" and insert "(16)"
- 1.22 Page 4, line 33, delete "(16)" and insert "(17)"

- 2.1 Page 4, line 34, delete "(17)" and insert "(18)"
- 2.2 Page 4, line 35, delete "(18)" and insert "(19)"
- 2.3 Page 4, line 36, delete "(19)" and insert "(20)"
- 2.4 Page 5, line 1, delete "(20)" and insert "(21)"
- 2.5 Page 5, line 2, delete "(21)" and insert "(22)"
- 2.6 Page 5, line 3, delete "(22)" and insert "(23)"
- 2.7 Page 5, line 4, delete "(23)" and insert "(24)"

- 1.1 ..... moves to amend Amendment LCPR06-BA012 as follows:
- 1.2 Page 3, line 1, delete the new language
- 1.3 Page 3, line 2, delete everything before "; chaplain;"

1.1 ..... moves to amend Amendment LCPR06-BA012 as follows:

1.2 Page 3, line 31, delete "behavior analyst 2;"

1.3 Page 3, line 32, delete "(3)"

1.4 Page 3, line 33, delete "(4)" and insert "(3)"

1.5 Page 3, line 34, delete "(5)" and insert "(4)"

1.6 Page 3, line 35, delete "(6)" and insert "(5)"

1.7 Page 3, line 36, delete "(7)" and insert "(6)"

1.8 Page 4, line 1, delete "(8)" and insert "(7)"

1.9 Page 4, line 2, delete "(9)" and insert "(8)"

1.10 Page 4, line 3, delete "(10)" and insert "(9)"

1.11 Page 4, line 5, delete "(11)" and insert "(10)"

1.12 Page 4, line 6, delete "(12)" and insert "(11)"

1.13 Page 4, line 7, delete "(13)" and insert "(12)"

1.14 Page 4, line 8, delete "(14)" and insert "(13)"

- 1.1 ..... moves to amend Amendment LCPR06-BA012 as follows:
- 1.2 Page 5, delete section 8
- 1.3 Renumber the sections in sequence and correct internal cross-references
- 1.4 Amend the title accordingly



- 1.1 ..... moves to amend Amendment LCPR06-BA012 as follows:
- 1.2 Page 2, line 18, strike everything after "commissioner"
- 1.3 Page 2, line 19, strike everything before the period
- 1.4 Page 2, line 33, strike everything after "commissioner"
- 1.5 Page 2, line 34, strike everything before the period
- 1.6 Page 3, line 26, strike ", unless the"
- 1.7 Page 3, line 27, strike the old language and delete the new language
- 1.8 Page 3, line 28, strike "section 6" and delete "13,"

..... moves to amend Amendment LCPR06-BA012 as follows:

Page 5, after line 32, insert:

"Sec. 9. Minnesota Statutes 2004, section 352.91, is amended by adding a subdivision to read:

Subd. 3h. **Employment occupation name changes.** (a) If the occupational title of a state employee covered by the Minnesota correctional employees retirement plan changes from the applicable title listed in subdivision 1a, 2, 2a, 3c, 3d, 3e, 3f, or 3g, qualification for coverage by the correctional state employees retirement plan continues until the July 1 next following the title change if the commissioner of employee relations certifies to the executive director of the Minnesota State Retirement System and to the executive director of the Legislative Commission on Pensions and Retirement that the duties, requirements, and responsibilities of the new occupational title are substantially identical to the duties, requirements, and responsibilities of the prior occupational title.

(b) If the commissioner of employee relations does not certify a new occupational title under paragraph (a), eligibility for future correctional state employees retirement coverage terminates as of the start of the first payroll period next following the effective date of the occupational title change.

(c) For consideration by the Legislative Commission on Pensions and Retirement during the legislative session next following an occupational title change involving a state employee in covered correctional service, the commissioner of employee relations shall submit the applicable draft proposed legislation accommodating the occupational title change in this section.

Sec. 10. Minnesota Statutes 2004, section 352.91, is amended by adding a subdivision to read:

Subd. 3i. **Lateral transfers to new correctional facilities.** If a new correctional facility is established, a state employee rendering covered correctional service immediately before the transfer remains eligible for coverage by the correctional state employees

- 2.1 retirement plan for future state employment at the new facility if the person is employed in
- 2.2 the same occupational title at the new facility. The eligibility for future coverage continues
- 2.3 until the July 1 next following the effective date of the establishment of the new facility."
- 2.4 Renumber the sections in sequence and correct internal cross-references

1.1 ..... moves to amend Amendment LCPR06-BA012 as follows:

1.2 Page 3, line 8, before "dentist" insert "delivery van driver;"

1.1 ..... moves to amend Amendment LCPR06-BA012 as follows:

1.2 Page 3, strike lines 16, 17 and 18

..... moves to amend S.F. No. ....; H.F. No. ... as follows:

Page .., after line .., insert:

"

#### ARTICLE ...

#### MSRS-CORRECTIONAL PLAN COVERAGE INCLUSIONS

Section 1. Minnesota Statutes 2004, section 352.90, is amended to read:

#### **352.90 POLICY.**

It is the policy of the legislature to provide special retirement benefits for and special contributions for by certain correctional employees who may be required to retire at an early age because they lose the mental or physical capacity required to maintain the safety, security, discipline, and custody of inmates at state correctional facilities or of patients at the Minnesota Security Hospital ~~or at~~, of patients in the Minnesota Sexual Psychopathic Personality Treatment Center Sex Offender Program, or of patients in the Minnesota extended treatment options ~~on-campus program at the Cambridge Regional Human Services Center~~.

Sec. 2. Minnesota Statutes 2004, section 352.91, subdivision 1, is amended to read:

Subdivision 1. **Qualifying jobs.** "Covered correctional service" means service performed by a state employee, as defined in section 352.01, employed at a state correctional facility, the Minnesota Security Hospital, or the Minnesota ~~Sexual Psychopathic Personality Treatment Center~~ Sex Offender Program as:

- (1) a corrections officer 1;
- (2) a corrections officer 2;
- (3) a corrections officer 3;
- (4) a corrections officer supervisor;
- (5) a corrections ~~officer 4~~ lieutenant;
- (6) a corrections captain;
- (7) a security counselor; ~~or~~
- (8) a security counselor lead; or

2.1 (9) a corrections canine officer.

2.2 Sec. 3. Minnesota Statutes 2004, section 352.91, subdivision 2, is amended to read:

2.3 Subd. 2. **Maintenance, correctional industry, and trades.** "Covered correctional  
2.4 service" also means service rendered at any time by state employees as maintenance  
2.5 personnel ~~and~~, correctional industry personnel, or members of trades certified by the  
2.6 commissioner of employee relations to the executive director as being ~~regularly~~ engaged  
2.7 for at least 75 percent of the employee's working time in the rehabilitation, treatment,  
2.8 custody, or supervision of inmates at a Minnesota correctional facility, or of patients at  
2.9 the Minnesota Security Hospital or at the Minnesota ~~Sexual Psychopathic Personality~~  
2.10 Treatment Center Sex Offender Program.

2.11 Sec. 4. Minnesota Statutes 2004, section 352.91, subdivision 3c, is amended to read:

2.12 Subd. 3c. **Nursing personnel.** (a) "Covered correctional service" means service by  
2.13 a state employee in one of the employment positions at a correctional facility or at the  
2.14 Minnesota Security Hospital, in the Minnesota Sex Offender Program, or at the Minnesota  
2.15 Extended Treatment Options Program that are specified in paragraph (b); ~~provided that~~  
2.16 if at least 75 percent of the employee's working time is spent in direct contact with  
2.17 inmates or patients and the fact of this direct contact is certified to the executive director  
2.18 by the appropriate commissioner, unless the person elects to retain the current retirement  
2.19 coverage under Laws 1996, chapter 408, article 8, section 21.

2.20 (b) The employment positions are as follows:

- 2.21 (1) registered nurse - senior;  
2.22 (2) registered nurse;  
2.23 (3) registered nurse - principal;  
2.24 (4) licensed practice nurse 1;  
2.25 (5) licensed practical nurse 2; and  
2.26 ~~(5)~~ (6) registered nurse practitioner advance practice.

2.27 Sec. 5. Minnesota Statutes 2004, section 352.91, subdivision 3d, is amended to read:

2.28 Subd. 3d. **Other correctional personnel.** (a) "Covered correctional service" means  
2.29 service by a state employee in one of the employment positions at a correctional facility or  
2.30 at the Minnesota Security Hospital specified in paragraph (b); ~~provided that~~ if at least 75  
2.31 percent of the employee's working time is spent in direct contact with inmates or patients  
2.32 and the fact of this direct contact is certified to the executive director by the appropriate  
2.33 commissioner, unless the person elects to retain the current retirement coverage under  
2.34 Laws 1996, chapter 408, article 8, section 21.

(b) The employment positions are as follows: baker; central services administrative specialist, intermediate; central services administrative specialist, principal; chaplain; chemical dependency counselor supervisor; chief cook; cook; cook coordinator; corrections behavior therapist, corrections behavior therapist specialist, corrections parent education coordinator; corrections program therapist 1; corrections program therapist 2; corrections program therapist 3; corrections inmate program coordinator; corrections transitions program coordinator; corrections security caseworker; corrections security caseworker career; corrections teaching assistant; dentist; electrician supervisor; general maintenance worker; general repair worker; laundry coordinator; library/information research services specialist; library/information research services specialist senior; library technician; plumber supervisor; psychologist 1; psychologist 3; recreation therapist; recreation therapist coordinator; recreation program assistant; recreation therapist senior, stores clerk senior; sports medicine specialist; water treatment plant operator; work therapy technician; work therapy assistant; work therapy program coordinator; and work therapy technician.

(c) "Covered correctional service" also means service as the director or as an assistant group supervisor of the Phoenix/Pomiga treatment/behavior change program of the Department of Corrections.

Sec. 6. Minnesota Statutes 2004, section 352.91, subdivision 3e, is amended to read:

Subd. 3e. **Minnesota extended treatment options program; Cambridge.** (a) "Covered correctional service" means service by a state employee in one of the following employment positions with the Minnesota extended treatment options ~~on-campus~~ program ~~at the Cambridge Regional Human Services Center~~ specified in paragraph (b) if at least 75 percent of the employee's working time is spent in direct contact with patients who are in the Minnesota extended treatment options program and if service in such a position is certified to the executive director by the commissioner of human services, unless the person elects to retain current retirement coverage under Laws 1999, chapter 222, article 13, section 6.

(b) The employment positions are:

(1) behavior analyst ~~1~~ 1;

(2) behavior analyst 2;

(3) behavior analyst 3;

(4) group supervisor;

(5) group supervisor assistant;

(6) human services support specialist;

~~(7)~~ (7) mental retardation residential program lead;



- 4.1 ~~(4)~~ (8) psychologist 2;
- 4.2 ~~(5)~~ (9) recreation program assistant;
- 4.3 ~~(6)~~ (10) recreation therapist senior;
- 4.4 ~~(7)~~ registered nurse senior;
- 4.5 ~~(8)~~ (11) skills development specialist; and
- 4.6 ~~(9)~~ (12) social worker senior;
- 4.7 (13) social worker specialist; and
- 4.8 (14) speech pathology specialist.

4.9 Sec. 7. Minnesota Statutes 2004, section 352.91, subdivision 3f, is amended to read:

4.10 Subd. 3f. **Additional Department of Human Services personnel.** (a) "Covered  
4.11 correctional service" means service by a state employee in one of the employment  
4.12 positions specified in paragraph (b) at the Minnesota Security Hospital or in the Minnesota  
4.13 ~~Sexual Psychopathic Personality Treatment Center, provided that~~ Sex Offender Program if  
4.14 at least 75 percent of the employee's working time is spent in direct contact with patients  
4.15 and the ~~fact~~ determination of this direct contact is certified to the executive director by the  
4.16 commissioner of human services.

4.17 (b) The employment positions are:

- 4.18 (1) behavior analyst 2;
- 4.19 (2) ~~licensed practical nurse 1~~ behavior analyst 3;
- 4.20 (3) chemical dependency counselor senior;
- 4.21 (4) client advocate;
- 4.22 (5) dental assistant registered;
- 4.23 (6) group supervisor;
- 4.24 (7) group supervisor assistant;
- 4.25 (8) occupational therapist;
- 4.26 (9) occupational therapist, senior;
- 4.27 (10) office and administrative specialist senior;
- 4.28 ~~(4)~~ (11) psychologist 1;
- 4.29 (12) psychologist 2;
- 4.30 ~~(5)~~ (13) psychologist 3;
- 4.31 (14) recreation program assistant;
- 4.32 (15) recreation therapist senior;
- 4.33 (16) rehabilitation counselor senior;
- 4.34 (17) skills development specialist;
- 4.35 (18) social worker senior;
- 4.36 (19) social worker specialist;

- 5.1 ~~(6) behavior analyst 3~~ (20) social worker specialist, senior;  
5.2 (21) speech pathology clinician;  
5.3 (22) work therapy assistant; and  
5.4 ~~(7) social worker senior~~ (23) work therapy program coordinator.

5.5 Sec. 8. Minnesota Statutes 2004, section 352.91, subdivision 3g, is amended to read:

5.6 Subd. 3g. **Additional Corrections Department personnel.** (a) "Covered  
5.7 correctional service" means service by a state employee in one of the employment  
5.8 positions ~~at the designated Minnesota correctional facility~~ specified in paragraph (b) if at  
5.9 least 75 percent of the employee's working time is spent in direct contact with inmates  
5.10 and the ~~fact~~ determination of this direct contact is certified to the executive director by  
5.11 the commissioner of corrections.

5.12 (b) The qualifying employment positions ~~and the designated correctional facilities~~  
5.13 are:

5.14 (1) corrections discipline unit supervisor, ~~at the Minnesota Correctional~~  
5.15 ~~Facility-Faribault, the Minnesota Correctional Facility-Lino Lakes, the Minnesota~~  
5.16 ~~Correctional Facility-Oak Park Heights, the Minnesota Correctional Facility-Rush City,~~  
5.17 ~~and the Minnesota Correctional Facility-St. Cloud;~~

5.18 (2) dental assistant registered, ~~at the Minnesota Correctional Facility-Faribault, the~~  
5.19 ~~Minnesota Correctional Facility-Lino Lakes, the Minnesota Correctional Facility-Moose~~  
5.20 ~~Lake, the Minnesota Correctional Facility-Oak Park Heights, and the Minnesota~~  
5.21 ~~Correctional Facility-Red Wing;~~

5.22 (3) dental hygienist, ~~at the Minnesota Correctional Facility-Shakopee and the~~  
5.23 ~~Minnesota Correctional Facility-Rush City;~~

5.24 (4) psychologist 2, ~~at the Minnesota Correctional Facility-Faribault, the Minnesota~~  
5.25 ~~Correctional Facility-Lino Lakes, the Minnesota Correctional Facility-Moose Lake,~~  
5.26 ~~the Minnesota Correctional Facility-Oak Park Heights, the Minnesota Correctional~~  
5.27 ~~Facility-Red Wing, the Minnesota Correctional Facility-Rush City, the Minnesota~~  
5.28 ~~Correctional Facility-St. Cloud, the Minnesota Correctional Facility-Shakopee, and the~~  
5.29 ~~Minnesota Correctional Facility-Stillwater; or~~ and

5.30 (5) sentencing to service crew leader involved with the inmate community work  
5.31 crew program, ~~at the Minnesota Correctional Facility-Faribault and the Minnesota~~  
5.32 ~~Correctional Facility-Lino Lakes.~~

5.33 Sec. 9. Minnesota Statutes 2004, section 352.91, is amended by adding a subdivision  
5.34 to read:

5.35 Subd. 4b. **Department of Corrections; procedure for coverage change**  
5.36 **considerations.** (a) The commissioner of corrections shall appoint a standing review

6.1 committee to review and determine positions that should be included in legislative  
6.2 requests for correctional employees retirement plan coverage under subdivision 4a.

6.3 (b) The review committee must include relevant department employees and  
6.4 employee representatives. Periodically, the Department of Corrections will convene  
6.5 meetings of the review committee. The review committee must review all requests and  
6.6 the supporting documentation for coverage by the correctional employees retirement  
6.7 plan and must determine which classes or positions meet the statutory requirements for  
6.8 coverage. The review committee also must determine if incumbents of and recent retirees  
6.9 from classes or positions determined for inclusion in correctional employees retirement  
6.10 plan coverage have prior Department of Corrections employment which also qualified as  
6.11 correctional service and which should be transferred from the general state employees  
6.12 retirement plan to the plan and the initial date for each potential service credit transfer.

6.13 (c) The department must provide a notice of each determination and of the  
6.14 employee's right to appeal from the review committee to each employee who requested  
6.15 inclusion. Appeals must be filed with the agency human resource manager within 30 days  
6.16 of the date of the notice of determination.

6.17 (d) The commissioner of corrections shall appoint a standing appeals committee to  
6.18 hear appeals of determinations for coverage. Appeal committee determinations are final.

6.19 (e) All positions approved for inclusion must be forwarded to the commissioner  
6.20 of corrections for the preparation of legislation to implement the coverage change and  
6.21 submission. The commissioner will submit a written recommendation documenting  
6.22 classes or positions that should or should not be covered by the correctional employees  
6.23 retirement plan. Documentation of each request and the final determination must be  
6.24 retained in the Department of Corrections' office of human resource management.

6.25 **Sec. 10. EFFECTIVE DATE.**

6.26 (a) Sections 1 to 8 are effective on the first day of the first payroll period next  
6.27 following the date of enactment.

6.28 (b) Section 9 is effective on the day following final enactment."

6.29 Amend the title accordingly