

Lisa Diesslin

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Sent: Friday, April 24, 2020 6:00 PM
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Diesslin; Doug Anderson (PERA); Amy Strenge (PERA); Brian Peters; Lenczewski, Ann T.;
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Subject: HF 4298/SF 4203--PERA Police & Fire Plan disability changes
Attachments: Parsons letter.pdf; Letter re pending disability legislation 4.24.20 (00153193xBC171)
Klausner.pdf; H4298-S4203.Summary LCPR Staff.pdf

Chair Murphy and Vice-Chair Rosen:

On behalf of my client the Minnesota Professional Fire Fighters (MPFF), please accept the attached two letters that raise serious concerns about HF 4298 (Nelson)/SF 4203 (Rosen)—PERA Police & Fire Disability Changes.

By its letter, the MPFF is requesting that HF 4298/SF 4203 not be included in the 2020 Omnibus Pension Bill as they believe that the language of the bill would result in discriminatory treatment of older fire fighters with regard to their pension benefits.

This bill was heard on Tuesday, March 10th by the LCPR and the Commission agreed to include it in the 2020 Omnibus Pension Bill. PERA Executive Director Doug Anderson and PERA Legislative Director Amy Strenge consulted with me on the bill in advance of the hearing. Although I had expressed some concerns, Mr. Anderson and Ms. Strenge made some strong arguments on the need for the legislation. At the time I advised them that the MPFF would not be opposed to the bill and I understood what PERA was trying to accomplish. While I was in attendance at the March 10, 2020 LCPR hearing, I did not offer testimony on the bill.

After the hearing, I was approached by Ann Lenczewski who represents the MnFAC organization. Ann had concerns about the bill. Ms. Lenczewski asked why I did not testify against the bill. I advised her then that I thought the bill made sense. However, I told her that the LCPR staff memo did raise concerns about whether the bill could potentially result in age discrimination against certain police officers and firefighters. I told her I would raise the concerns expressed in the LCPR staff memo with Chris Parsons, the President of the MPFF.

In speaking with Mr. Parsons later, he did have some concerns. Mr. Parsons asked that I contact Mr. Robert Klausner, who acts as legal counsel for the International Association of Fire Fighters (IAFF), the parent organization of the MPFF. Mr. Klausner is a nationally recognized expert on public pension law. In fact, Mr. Klausner argued the leading case in this country on pension disability claims before the United States Supreme Court.

Mr. Klausner reviewed the legislation and he feels the concerns raised by the LCPR staff are well founded. In short, Mr. Klausner believes that if enacted HF 4298/SF 4203 would discriminate against older members of the PERA Police & Fire Plan on account of their age in regard to their benefits for the reasons stated in his letter and those in the attached LCPR memo.

For these reasons, we are requesting that the LCPR reconsider its action of March 10th to include HF 4298/SF 4203 in the 2020 Omnibus Pension Bill and ask that upon reconsideration the bill be rejected.

I apologize to the LCPR members and to the PERA staff for not bringing these concerns forward at the time of the hearing. I should have done a better job in vetting the bill with the MPFF and the IAFF. The PERA Executive Director and Legislative Coordinator made every effort to reach out and discuss this bill in advance of the hearing. The fault is all mine.

Thank you both for considering this request.

Brian Rice

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