

Lisa Diesslin

From: Doug Anderson (PERA) <doug.anderson@mnpera.org>
Sent: Monday, April 27, 2020 3:13 PM
To: 'Brian Rice'; Sen. Julie Rosen; Rep.Mary Murphy; Rep.Michael Nelson; Sen.Sandy.Pappas@senate.mn; Rep.Tim O'Driscoll; Rep.Bob Vogel; Rep.Ruth Richardson; David Senjem; Sen.John.Jasinski@senate.mn; Sen.Gary.Dahms@senate.mn; Sen.Warren.Limmer@senate.mn; Rep.Kaohly Her; rep.mike.freiber@house.mn
Cc: cjp74@msn.com; bob@robertdklausner.com; Susan Lenczewski; Chad Burkitt; Lisa Diesslin; Amy Strenge (PERA); Brian Peters; Lenczewski, Ann T.; 'cort@cortholten.com'
Subject: RE: HF 4298/SF 4203--PERA Police & Fire Plan disability changes

Chair Murphy and Vice-Chair Rosen:

On Friday afternoon, PERA requested the removal of language relating to Police & Fire disability changes contained in HF 4298 (Nelson)/SF 4203 (Rosen) from the 2020 Omnibus Pension Bill. We requested to remove this language because we recognize this language has become controversial, and we do not want to try to resolve differing points of view before the LCPR at this stage of an already challenging session. PERA desires that the 2020 Omnibus Pension Bill be allowed to move forward without dissension to ensure that other very important, and non-controversial, goals may be achieved.

We do appreciate and accept the apology from Brian Rice. As he noted in his email, PERA did make every effort to reach out and discuss this bill in advance of the March 10th hearing. PERA also made efforts to reach out after the March 10th hearing to work with the Minnesota Professional Fire Fighters (MPFF). We will continue to reach out on this issue and would like to be able to discuss the concerns expressed by MPFF in their letter. We will work with Brian on this issue before reintroducing it to the LCPR in the future.

While we are suggesting removing the language this year, we want the LCPR to know: (1) There has been no change in PERA's board position or that of the Minnesota Police and Peace Officers Association (MPPOA), whose Executive Director, Brian Peters, testified in support of the changes on March 10th and (2) We do not believe that is fair for the MPFF to characterize PERA's proposal as discriminatory, unlawful, poor personnel policy, illogical, or to say that it simply eliminates benefits. All of which imply that the merits for this proposal were not carefully considered by our board and other stakeholders.

In the letter from MPFF, Mr. Parsons writes "This bill is just bad public policy and says that Minnesota does not care about the public welfare of its older public safety workers." I believe this is an extremely unfair and inaccurate comment to make about PERA's staff, the PERA board, and supporting stakeholders who took the time to engage with us on this issue.

In summary, PERA believes the best path forward is to remove the related language this year and continue to work with stakeholders to address the issue in the next session.

S Sincerely,
Doug Anderson,
PERA Executive Director
(612) 270-6125

From: Brian Rice <BRice@ricemichels.com>
Sent: Friday, April 24, 2020 6:00 PM
To: Sen. Julie Rosen <Sen.Julie.Rosen@senate.mn>; Rep. Mary Murphy <rep.mary.murphy@house.mn>; Michael Nelson <rep.michael.nelson@house.mn>; Sen.Sandy.Pappas@senate.mn; rep.tim.odriscoll@house.mn; 'Bob Vogel (Rep.Bob.Vogel@house.mn)' <Rep.Bob.Vogel@house.mn>; rep.ruth.richardson@house.mn; David Senjem

<sen.david.senjem@senate.mn>; Sen.John.Jasinski@senate.mn; Sen.Gary.Dahms@senate.mn;
Sen.Warren.Limmer@senate.mn; rep.kaohly.her@house.mn; rep.mike.freiber@house.mn
Cc: cjp74@msn.com; bob@robertdklausner.com; Susan Lenczewski <Susan.Lenczewski@lcpr.leg.mn>; Chad Burkitt
<chad.burkitt@lcpr.leg.mn>; Lisa Diesslin <lisa.diesslin@lcpr.leg.mn>; Doug Anderson (PERA)
<doug.anderson@mnpera.org>; Amy Strenge (PERA) <Amy.Strenge@mnpera.org>; Brian Peters
<bpeters@mppoa.com>; Lenczewski, Ann T. <atlenczewski@locklaw.com>; 'cort@cortholten.com'
<cort@cortholten.com>

Subject: HF 4298/SF 4203--PERA Police & Fire Plan disability changes

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

Brian F. Rice
Rice, Michels & Walther, LLP
10 Second Street NE
Suite 206
Minneapolis, MN 55413
(612) 676-2303 (office)
(612) 865-8425 (cell)
(612) 676-2319 (fax)
brice@ricemichels.com

**This is a transmission from the law firm of Rice, Michels & Walther, LLP and is intended only for use by the party named above. The information contained in this email may be privileged, confidential and protected by the attorney-client or attorney work product privileges. If you are not the addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this transmission in error, please destroy it and notify us immediately at (612) 676-2300.

Emails are scanned by PERA Security System

The statutes and regulations governing PERA may change at any time. If there is a discrepancy between the law governing PERA and the information contained in this e-mail, the statutes and regulations shall govern. This e-mail and attachments are intended only for the addressee and may contain privileged or not-public data. If you are not the addressee, do not review, forward or use the information in this e-mail. If you received this e-mail in error, contact the sender and delete this e-mail and attachments.

[Public Employees Retirement Association of Minnesota](#)