



Minnesota Department of Human Services  
540 Cedar Street  
St. Paul, MN 55155

March 22, 2022

Representative Luke Frederick  
487 State Office Building  
St. Paul, MN 55155

Greetings Representative Frederick,

This letter serves as the DHS position statement regarding whether to transfer the Residential Program Lead employed by the State of Minnesota from the MSRS General Plan to the MSRS Correctional Plan.

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

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

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

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

Commitments to MSOP and Forensics are indeterminate with a goal of treatment and programming to transform lives and create a safer Minnesota.

Secure settings, particularly those where longer-term confinement, programming, and treatment are the focus; offer a very exclusive kind of employment opportunity for the individuals who work there. Health and safety are paramount and concerns around both have a particularly acute impact on DHS and DOC employees.

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

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

The Residential Program Lead position is a Lead Worker role to the Human Services Support Specialists and other staff at the Forensics Nursing Home. The position is responsible for providing day-to-day operation and direct care and implementing work and leisure time activities within a supportive therapeutic environment to nursing home patients. This position functions as part of the multidisciplinary team responsible for the development and implementation of a treatment/support plan for each individual patient. The position duties and position description clearly identify 75% direct care in the rehabilitation, treatment, support or custody of those served in our Forensic Nursing Home.

Taking all of this into consideration, DHS has no concerns about adding the Residential Program Lead to the MSRS Correctional Plan.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Johnson', with a long horizontal stroke extending to the right.

Chuck Johnson  
Deputy Commissioner  
CC: Melissa Gresczyk  
Carrie Briones

*Equal Opportunity Employer*