

1.1 A bill for an act
1.2 relating to retirement; Minnesota State Retirement System correctional state
1.3 employees retirement plan; implementing the recommendations of the MSRS
1.4 correctional plan eligibility work group; modifying the eligibility requirements;
1.5 updating the employment positions eligible for the plan if the direct contact
1.6 requirement is met; adding a definitions section that includes definitions for "direct
1.7 contact," "eligible facility," "eligible program," and "working time;" modifying
1.8 the procedures for adding or removing plan coverage for an employment position
1.9 or an employee; adding a right to appeal; making conforming changes; amending
1.10 Minnesota Statutes 2024, sections 352.01, by adding a subdivision; 352.029,
1.11 subdivision 3; 352.03, subdivision 5; 352.90; 352.93, subdivision 1; 352.955,
1.12 subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 352;
1.13 repealing Minnesota Statutes 2024, section 352.91, subdivisions 1, 2, 2a, 3c, 3d,
1.14 3e, 3f, 3g, 3h, 3i, 3j, 4a, 4b, 4c, 6.

1.15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.16 Section 1. Minnesota Statutes 2024, section 352.01, is amended by adding a subdivision
1.17 to read:

1.18 Subd. 28. **Executive director.** "Executive director" or "director" means the executive
1.19 director of the system, appointed under section 352.03, subdivision 5, with the duties and
1.20 powers under section 352.03, subdivision 6.

1.21 Sec. 2. Minnesota Statutes 2024, section 352.029, subdivision 3, is amended to read:

1.22 Subd. 3. **Contributions.** The employee and employer contributions required by section
1.23 352.04, or by section 352.92 for employees covered by section ~~352.91~~ 352.905, are the
1.24 obligation of the employee who is a member under section 352.01, subdivision 2a, paragraph
1.25 (a), or who chooses coverage under this section. However, the employing labor organization
1.26 may pay the employer contributions. Contributions made by the employee must be made

2.1 by salary deduction. The employing labor organization shall pay all contributions to the
 2.2 system as required by section 352.04, or by section 352.92 for employees covered by section
 2.3 ~~352.91~~ 352.905.

2.4 Sec. 3. Minnesota Statutes 2024, section 352.03, subdivision 5, is amended to read:

2.5 Subd. 5. **Executive director, deputy director, and assistant director.** (a) The board
 2.6 shall appoint an executive director, ~~in this chapter called the director~~, on the basis of
 2.7 education, experience in the retirement field, ability to manage and lead system staff, and
 2.8 ability to assist the board in setting a vision for the system. The executive director must
 2.9 have had at least five years' experience in either an executive level management position
 2.10 or in a position with responsibility for the governance, management, or administration of a
 2.11 retirement plan.

2.12 (b) The executive director, deputy director, and assistant director must be in the
 2.13 unclassified service but appointees may be selected from civil service lists if desired.
 2.14 Notwithstanding any law to the contrary, the board must set the salary of the executive
 2.15 director. The board must review the performance of the executive director on an annual
 2.16 basis and may grant salary adjustments as a result of the review. The salary of the deputy
 2.17 director and assistant director must be set in accordance with section 43A.18, subdivision
 2.18 3.

2.19 Sec. 4. Minnesota Statutes 2024, section 352.90, is amended to read:

2.20 **352.90 POLICY.**

2.21 It is the policy of the legislature to provide special retirement benefits for and special
 2.22 contributions by certain correctional employees who may ~~be required~~ need to retire at an
 2.23 early age because they lose the mental or physical capacity required to maintain the safety,
 2.24 security, discipline, and custody of ~~inmates~~ incarcerated persons at state correctional facilities;
 2.25 ~~of or patients and clients in the state-operated Forensic Services Program, which is comprised~~
 2.26 ~~of the Minnesota Security Hospital, the forensic nursing home, the forensic transition service,~~
 2.27 ~~and the competency restoration program; of patients in or the Minnesota Sex Offender~~
 2.28 ~~Program; or of patients in the Minnesota Specialty Health System-Cambridge.~~

2.29 Sec. 5. **352.901] DEFINITIONS APPLICABLE TO THE CORRECTIONAL PLAN.**

2.30 Subdivision 1. **Terms.** Unless the language or context clearly indicates that a different
 2.31 meaning is intended, the terms defined in this section, for the purposes of this chapter, have

3.1 the meanings given to them. The definitions in this section apply only to the correctional
3.2 employees retirement plan and supplement the definitions in section 352.01.

3.3 Subd. 2. **Chief executive officer.** "Chief executive officer" means the Direct Care and
3.4 Treatment chief executive officer appointed under section 246C.08 or a person to whom
3.5 the chief executive officer has delegated responsibilities under sections 352.90 to 352.955,
3.6 including the duty to certify direct contact under section 352.905, subdivision 2.

3.7 Subd. 3. **Commissioner.** "Commissioner" means the commissioner of corrections
3.8 appointed under section 241.01, subdivision 1, or a person to whom the commissioner has
3.9 delegated responsibilities under sections 352.90 to 352.955, including the duty to certify
3.10 direct contact under section 352.905, subdivision 2.

3.11 Subd. 4. **Custody.** "Custody" means an employee's exercise of legal and physical control
3.12 over an incarcerated person, patient, or client who is detained, confined, or otherwise
3.13 restricted from freedom of movement.

3.14 Subd. 5. **Direct Care and Treatment.** "Direct Care and Treatment" means the agency
3.15 established under section 246C.02

3.16 Subd. 6. **Direct contact.** "Direct contact" means interactions between an employee and
3.17 one or more patients, clients, or incarcerated persons in which the employee is physically
3.18 present and engaged with patients, clients, or incarcerated persons as part of the employee's
3.19 normal duties, as defined in section 352.01, subdivision 17d, which must include regular
3.20 involvement in rehabilitation, treatment, custody, or supervision of patients, clients, or
3.21 incarcerated persons, while maintaining safety, security, and order.

3.22 Subd. 7. **Direct contact requirement.** "Direct contact requirement" means the
3.23 requirement that the employee spend at least 75 percent of the employee's working time in
3.24 direct contact.

3.25 Subd. 8. **Eligible facility.** "Eligible facility" means:

3.26 (1) Minnesota Correctional Facility-Faribault;

3.27 (2) Minnesota Correctional Facility-Lino Lakes;

3.28 (3) Minnesota Correctional Facility-Moose Lake;

3.29 (4) Minnesota Correctional Facility-Oak Park Heights;

3.30 (5) Minnesota Correctional Facility-Red Wing;

3.31 (6) Minnesota Correctional Facility-Rush City;

4.1 (7) Minnesota Correctional Facility-Shakopee;

4.2 (8) Minnesota Correctional Facility-St. Cloud;

4.3 (9) Minnesota Correctional Facility-Stillwater;

4.4 (10) Minnesota Correctional Facility-Togo; or

4.5 (11) Minnesota Correctional Facility-Willow River.

4.6 Subd. 9. **Eligible program.** "Eligible program" means:

4.7 (1) the Forensic Services Program; or

4.8 (2) the Minnesota Sex Offender Program.

4.9 Subd. 10. **Employee organization** "Employee organization" has the meaning given in
4.10 section 179A.03, subdivision 6.

4.11 Subd. 11. **Employer.** "Employer" means the commissioner for employees of the
4.12 Department of Corrections or the chief executive officer for employees of Direct Care and
4.13 Treatment.

4.14 Subd. 12. **Rehabilitation.** "Rehabilitation" means the process of providing treatment,
4.15 education, or other interventions designed to improve the mental, physical, or behavioral
4.16 condition of a patient, client, or incarcerated person with the goal of facilitating the
4.17 reintegration into society or improving the quality of life of the patient, client, or incarcerated
4.18 person.

4.19 Subd. 13. **Supervision.** "Supervision" means the oversight and management of patients,
4.20 clients, or incarcerated persons by an employee at an eligible facility or eligible program
4.21 to ensure compliance with rules, regulations, and treatment plans, monitor behavior, enforce
4.22 discipline, and provide guidance or direction.

4.23 Subd. 14. **Treatment.** "Treatment" means the broad range of services, including medical,
4.24 psychological, or therapeutic interventions, aimed at addressing the health, mental health,
4.25 or behavioral needs and overall condition of patients, clients, or incarcerated persons, by
4.26 or under the supervision of employees at a eligible facility or eligible program.

4.27 Subd. 15. **Working time.** "Working time" means time spent performing the normal
4.28 duties of an employee's employment position, not including time spent in training or on a
4.29 leave of absence for vacation, illness, or other reasons as authorized in the human resources
4.30 policies applicable to the employee.

5.1 **Sec. 6. [352.905] COVERED CORRECTIONAL SERVICE.**

5.2 Subdivision 1. **Direct contact not required.** (a) For all periods of service that an
5.3 employee is performing covered correctional service as defined in this subdivision, the
5.4 employee is a member of the correctional employees retirement plan, whether or not the
5.5 employee has any direct contact.

5.6 (b) "Covered correctional service" under this subdivision means service performed by
5.7 a state employee employed at an eligible facility or in an eligible program in one of the
5.8 following employment positions:

5.9 (1) a corrections officer 1;

5.10 (2) a corrections officer 2;

5.11 (3) a corrections officer 3;

5.12 (4) a corrections lieutenant;

5.13 (5) a corrections captain;

5.14 (6) a security counselor;

5.15 (7) a security counselor lead; or

5.16 (8) a corrections canine officer.

5.17 Subd. 2. **Direct contact required.** (a) For all periods of service that an employee is
5.18 performing covered correctional service as defined in this subdivision, the employee is a
5.19 member of the correctional employees retirement plan, but only if the employee satisfies
5.20 the direct contact requirement and the employee's employer has certified to the executive
5.21 director, in the manner prescribed by the executive director, that the employee satisfies the
5.22 direct contact requirement.

5.23 (b) "Covered correctional service" under this subdivision means service performed by
5.24 a state employee employed at an eligible facility or in an eligible program in one of the
5.25 employment positions specified in subdivisions 3 to 6.

5.26 Subd. 3. **Employment positions A to C.** Employment positions with a title that begins
5.27 with the letters "A" to "C":

5.28 (1) automotive mechanic;

5.29 (2) baker;

5.30 (3) behavior analyst 1;

- 6.1 (4) behavior analyst 2;
- 6.2 (5) behavior analyst 3;
- 6.3 (6) building maintenance coordinator;
- 6.4 (7) building maintenance lead worker;
- 6.5 (8) building maintenance supervisor 2;
- 6.6 (9) building utilities mechanic;
- 6.7 (10) carpenter;
- 6.8 (11) carpenter lead;
- 6.9 (12) central services administrative specialist intermediate;
- 6.10 (13) central services administrative specialist principal;
- 6.11 (14) central services administrative specialist senior;
- 6.12 (15) certified occupational therapy assistant 1;
- 6.13 (16) certified occupational therapy assistant 2;
- 6.14 (17) chaplain;
- 6.15 (18) client advocate;
- 6.16 (19) clinical program therapist 1;
- 6.17 (20) clinical program therapist 2;
- 6.18 (21) clinical program therapist 3;
- 6.19 (22) clinical program therapist 4;
- 6.20 (23) cook;
- 6.21 (24) cook coordinator;
- 6.22 (25) corrections chief cook;
- 6.23 (26) corrections discipline unit supervisor;
- 6.24 (27) corrections food services supervisor;
- 6.25 (28) corrections industries production supervisor;
- 6.26 (29) corrections inmate program coordinator;
- 6.27 (30) corrections manufacturing specialist-tool and die;

- 7.1 (31) corrections manufacturing specialist-engraving and drafting;
- 7.2 (32) corrections manufacturing specialist-graphics;
- 7.3 (33) corrections manufacturing specialist-light assembly;
- 7.4 (34) corrections manufacturing specialist-light manufacturing;
- 7.5 (35) corrections manufacturing specialist-mechanical;
- 7.6 (36) corrections manufacturing specialist-sales and service;
- 7.7 (37) corrections manufacturing specialist-transportation and warehouse;
- 7.8 (38) corrections manufacturing specialist-wood;
- 7.9 (39) corrections security caseworker;
- 7.10 (40) corrections security caseworker career;
- 7.11 (41) corrections teaching assistant;
- 7.12 (42) corrections transitions program coordinator;
- 7.13 (43) culinary supervisor; and
- 7.14 (44) customer services specialist principal.
- 7.15 Subd. 4. **Employment positions D to M.** Employment positions with a title that begins
- 7.16 with the letters "D" to "M":
- 7.17 (1) delivery van driver;
- 7.18 (2) dental assistant;
- 7.19 (3) dental hygienist;
- 7.20 (4) dentist;
- 7.21 (5) electrical/electronics specialist;
- 7.22 (6) electrician;
- 7.23 (7) electrician lead;
- 7.24 (8) electrician master of record;
- 7.25 (9) electrician supervisor;
- 7.26 (10) food service supervisor;
- 7.27 (11) food service worker;

- 8.1 (12) general maintenance worker;
- 8.2 (13) general maintenance worker lead;
- 8.3 (14) general repair worker;
- 8.4 (15) groundskeeper senior;
- 8.5 (16) group supervisor;
- 8.6 (17) group supervisor assistant;
- 8.7 (18) human services support specialist;
- 8.8 (19) institution maintenance lead worker;
- 8.9 (20) laborer trades and equipment;
- 8.10 (21) library technician;
- 8.11 (22) library/information resource services specialist;
- 8.12 (23) library/information resource services specialist supervisor;
- 8.13 (24) licensed alcohol/drug counselor;
- 8.14 (25) licensed practical nurse;
- 8.15 (26) machinery repair worker;
- 8.16 (27) maintenance machinist;
- 8.17 (28) management analyst 3;
- 8.18 (29) mason;
- 8.19 (30) medical assistant, certified; and
- 8.20 (31) music therapist.
- 8.21 Subd. 5. **Employment positions O to R.** Employment positions with a title that begins
- 8.22 with the letters "O" to "R":
- 8.23 (1) occupational therapist;
- 8.24 (2) occupational therapist senior;
- 8.25 (3) painter;
- 8.26 (4) painter lead;
- 8.27 (5) physical therapist;

- 9.1 (6) plant maintenance engineer;
- 9.2 (7) plant maintenance engineer lead;
- 9.3 (8) plumber;
- 9.4 (9) plumber chief;
- 9.5 (10) plumber master in charge;
- 9.6 (11) plumber supervisor;
- 9.7 (12) psychiatric advanced practice registered nurse;
- 9.8 (13) psychologist 1;
- 9.9 (14) psychologist 2;
- 9.10 (15) psychologist 3;
- 9.11 (16) recreation program assistant;
- 9.12 (17) recreation therapist;
- 9.13 (18) recreation therapist coordinator;
- 9.14 (19) recreation therapist senior;
- 9.15 (20) refrigeration mechanic;
- 9.16 (21) registered nurse;
- 9.17 (22) registered nurse advanced practice;
- 9.18 (23) registered nurse principal;
- 9.19 (24) registered nurse senior;
- 9.20 (25) rehabilitation counselor senior; and
- 9.21 (26) residential program lead.
- 9.22 Subd. 6. **Employment positions S to W.** Employment positions with a title that begins
- 9.23 with the letters "S" to "W":
- 9.24 (1) security supervisor;
- 9.25 (2) sentencing to service crew leader, institution community work crews;
- 9.26 (3) skills development specialist;
- 9.27 (4) social work specialist;

- 10.1 (5) social work specialist senior-human services;
- 10.2 (6) social worker senior;
- 10.3 (7) special education program assistant;
- 10.4 (8) special teacher: bachelor of arts/bachelor of science+teachers license+10 credits;
- 10.5 (9) special teacher: bachelor of arts/bachelor of science+teachers license+30 credits;
- 10.6 (10) special teacher master of arts/master of science+teachers license+10 graduate credits;
- 10.7 (11) special teacher: doctoral;
- 10.8 (12) special teacher: master of arts/master of science/5 year+teachers license;
- 10.9 (13) special teacher: 5 year career technical credential;
- 10.10 (14) special teacher: 5 year career technical credential+10 credits;
- 10.11 (15) special teacher: 5 year career technical credential+20 credits;
- 10.12 (16) special teacher: 5 year career technical credential+30 credits;
- 10.13 (17) special teacher: 5 year career technical credential+40 credits;
- 10.14 (18) special teacher: 5 year career technical credential+50 credits;
- 10.15 (19) special teacher: bachelor of arts/bachelor of science+teachers license;
- 10.16 (20) special teacher: bachelor of arts/bachelor of science+teachers license+10 credits;
- 10.17 (21) special teacher: bachelor of arts/bachelor of science+teachers license+20 credits;
- 10.18 (22) special teacher: bachelor of arts/bachelor of science+teachers license+30 credits;
- 10.19 (23) special teacher: bachelor of arts/bachelor of science+teachers license+40 credits;
- 10.20 (24) special teacher: career technical credential;
- 10.21 (25) special teacher: master of arts/master of science+teachers license+10 graduate
- 10.22 credits;
- 10.23 (26) special teacher: master of arts/master of science+teachers license+20 graduate
- 10.24 credits;
- 10.25 (27) special teacher: master of arts/master of science+teachers license+30 graduate
- 10.26 credits;
- 10.27 (28) special teacher: no degree/teachers license;
- 10.28 (29) speech pathology clinician;

- 11.1 (30) sports medicine specialist;
11.2 (31) work therapy assistant;
11.3 (32) work therapy program coordinator; and
11.4 (33) work therapy technician.

11.5 Subd. 7. Former employees of Minnesota Specialty Health System-Cambridge. A
11.6 Department of Human Services or Direct Care and Treatment employee who was employed
11.7 at the Minnesota Specialty Health System-Cambridge immediately preceding the 2014
11.8 conversion to the community-based homes and was in covered correctional service at the
11.9 time of the transition shall continue to be covered by the correctional employees retirement
11.10 plan while employed in the direct care and treatment of patients by and without a break in
11.11 service with the Department of Human Services or Direct Care and Treatment.

11.12 Sec. 7. [352.907] CHANGES TO EMPLOYMENT POSITIONS AND EMPLOYEES
11.13 IN COVERED CORRECTIONAL SERVICE.

11.14 Subdivision 1. Correctional plan membership committee. (a) A correctional plan
11.15 membership committee is established to make determinations regarding changes to
11.16 employment positions and employees covered by the correctional employees retirement
11.17 plan.

11.18 (b) The members of the correctional plan membership committee are:

11.19 (1) the commissioner or the commissioner's designee;

11.20 (2) the chief executive officer or the chief executive officer's designee;

11.21 (3) the executive director or the executive director's designee;

11.22 (4) the commissioner of management and budget or the commissioner's designee;

11.23 (5) one representative from each employee organization that represents one or more
11.24 employees of the Department of Corrections or Direct Care and Treatment and who are
11.25 covered by the correctional employees retirement plan;

11.26 (6) the human resources director or the director's designee from the Department of
11.27 Corrections; and

11.28 (7) the human resources director or the director's designee from Direct Care and
11.29 Treatment.

11.30 (c) A member of the correctional plan membership committee under paragraph (b),
11.31 clause (5), need not attend a meeting of the committee if none of the employees represented

12.1 by the employee organization will be impacted by any action to be taken by the committee
12.2 at the meeting.

12.3 (d) The executive director must convene the correctional plan membership committee
12.4 at least as frequently as once every calendar quarter to consider requests for changes to the
12.5 title of an employment position, the addition or removal of an employment position from
12.6 the lists in section 352.905, or the commencement or cessation of coverage of an employee
12.7 by the correctional employees retirement plan. If the executive director has not received
12.8 any requests during a calendar quarter, the executive director is not required to convene a
12.9 meeting.

12.10 (e) The human resources directors of the Department of Corrections and Direct Care
12.11 and Treatment must retain each request to the correctional plan membership committee and
12.12 the related documentation and final determination for an employee of or employment position
12.13 in their respective department or agency.

12.14 Subd. 2. **Change in the title of an employment position.** (a) No later than 60 days
12.15 before the effective date of a change in the title of an employment position listed in section
12.16 352.905, the Department of Corrections or Direct Care and Treatment, as applicable, must
12.17 submit a request to the commissioner of management and budget to review the title change
12.18 and determine whether the responsibilities of the employment position have changed. The
12.19 commissioner of management and budget must provide a response to the Department of
12.20 Corrections or Direct Care and Treatment, as applicable, by the effective date of the change.

12.21 (b) If the commissioner of management and budget determines that the responsibilities
12.22 of the employment position have not changed or the responsibilities of the employment
12.23 position have changed but the changes do not affect the eligibility of the employment position
12.24 for coverage by the correctional employees retirement plan, the department or agency, as
12.25 applicable, must:

12.26 (1) submit the title change to the executive director of the Legislative Commission on
12.27 Pensions and Retirement before the start of the next legislative session and request legislation
12.28 to replace the title in section 352.905 with the new title; and

12.29 (2) notify each employee in the employment position no later than 30 days after the
12.30 effective date of the title change that the title change will not affect the continued coverage
12.31 of the employee by the correctional employees retirement plan and that the department or
12.32 agency, as applicable, has submitted a request to the legislature to change the title in section
12.33 352.905.

13.1 (c) If the commissioner of management and budget determines that the responsibilities
13.2 of the employment position have changed and that the changes result in the employment
13.3 position no longer being qualified for coverage by the correctional employees retirement
13.4 plan, the employer must:

13.5 (1) submit a request to the correctional plan membership committee for confirmation
13.6 that the employment position must be removed from the lists of employment positions in
13.7 section 352.905; and

13.8 (2) notify each employee in the employment position no later than 30 days after the
13.9 effective date of the title change that a determination was made by the commissioner of
13.10 management and budget that, because the responsibilities of the employment position have
13.11 changed, the employment position and all employees in the employment position are no
13.12 longer eligible for coverage by the correctional employees retirement plan subject to
13.13 confirmation by the correctional plan membership committee.

13.14 Subd. 3. **Transfers to new eligible facility or eligible program.** (a) If the Department
13.15 of Corrections or Direct Care and Treatment adds a facility to the list of eligible facilities
13.16 under section 352.901, subdivision 8, or a program to the list of eligible programs under
13.17 section 352.901, subdivision 9, and the department or agency, as applicable, responsible
13.18 for the new facility or program transfers a state employee who was rendering covered
13.19 correctional service under section 352.905 to the new facility or program, the state employee
13.20 must continue to be covered by the correctional employees retirement plan if the employee
13.21 is employed in the same employment position at the new facility or in the new program.

13.22 (b) The employee continues to be covered by the correctional employees retirement plan
13.23 unless the department or agency, as applicable, completes the process under subdivision 5
13.24 and the correctional plan membership committee has determined that the employee no
13.25 longer qualifies for coverage.

13.26 Subd. 4. **Procedures for making employment position changes.** (a) The correctional
13.27 plan membership committee must consider requests to add or remove an employment
13.28 position listed in section 352.905, subdivisions 3 to 6, or to confirm a determination, under
13.29 subdivision 2, by the commissioner of management and budget that, because the
13.30 responsibilities of the employment position have changed, the employment position and all
13.31 employees in the employment position are no longer eligible for coverage by the correctional
13.32 employees retirement plan.

13.33 (b) An employee, employee organization, or employer may submit a request to the
13.34 correctional plan membership committee to add an employment position to section 352.905,

14.1 subdivisions 3 to 6. The correctional plan membership committee may determine that an
14.2 employment position must be added if the committee determines that at least one employee
14.3 in the employment position satisfies the direct contact requirement.

14.4 (c) The correctional plan membership committee may, at the request of an employer,
14.5 determine under this subdivision or confirm a determination under subdivision 2, clause
14.6 (2), that an employment position must be removed from the lists in section 352.905,
14.7 subdivisions 3 to 6, if the committee determines that no employee in the employment
14.8 classification satisfies the direct contact requirement.

14.9 (d) The correctional plan membership committee must include an effective date in any
14.10 determination to add or remove an employment position from the lists in section 352.905,
14.11 subdivisions 3 to 6. The effective date may be retroactive for a determination to add an
14.12 employment position.

14.13 (e) If the determination by the correctional plan membership committee is that an
14.14 employment position must be added to or removed from the lists of employment positions
14.15 in section 352.905, subdivisions 3 to 6, the department or agency affected by the
14.16 determination must submit the employment position change to the executive director of the
14.17 Legislative Commission on Pensions and Retirement before the start of the next legislative
14.18 session and request legislation to make the change.

14.19 (f) After making a determination that an employment position must be added to or
14.20 removed from the lists of employment positions in section 352.905, subdivisions 3 to 6, the
14.21 correctional plan membership committee must designate a member of the committee to
14.22 communicate the committee's determination to all affected employees no later than ten days
14.23 after the date of the meeting at which the determination was made and inform the employees
14.24 of the right to appeal the determination under subdivision 6.

14.25 Subd. 5. **Procedures for adding or ceasing coverage for employees.** (a) The correctional
14.26 plan membership committee must consider requests to provide coverage by the correctional
14.27 employees retirement plan to an employee in an employment position listed in section
14.28 352.905, subdivisions 3 to 6, or to cease coverage of an employee.

14.29 (b) An employee, an employee's employee organization, or an employee's manager may
14.30 submit a request to the correctional plan membership committee to provide coverage to an
14.31 employee in an employment position listed in section 352.905, subdivisions 3 to 6. The
14.32 request must include:

14.33 (1) a signed and dated position description for the employee's position; and

15.1 (2) a statement signed by the employer's human resources director or the director's
15.2 designee and the commissioner or the chief executive officer, as applicable, that the employee
15.3 satisfies the direct contact requirement.

15.4 The request may include a description of the extent of the physical hazard that the
15.5 employee is routinely subjected to in the course of employment, the extent of intervention
15.6 routinely expected of the employee in the event of a facility incident, and the extent with
15.7 which the employee is routinely involved in the rehabilitation, treatment, custody, or
15.8 supervision of patients, clients, or incarcerated persons.

15.9 (c) An employer may submit a request to the correctional plan membership committee
15.10 to cease coverage of an employee. The request must include:

15.11 (1) a signed and dated position description for the employee's position; and

15.12 (2) a statement signed by the employee's employer that the employee no longer satisfies
15.13 the direct contact requirement.

15.14 (d) The correctional plan membership committee must include an effective date in any
15.15 determination that an employee must begin to receive coverage by the correctional employees
15.16 retirement plan or that coverage must cease. The effective date may be retroactive to the
15.17 date as of which the coverage requirements were first satisfied or were no longer met.

15.18 (e) After making a determination of coverage or no coverage for an employee, the
15.19 correctional plan membership committee must designate a member of the committee to
15.20 communicate the committee's determination to the affected employee no later than ten days
15.21 after the date of the meeting at which the determination was made and inform the employee
15.22 of the right to appeal the determination under subdivision 6.

15.23 Subd. 6. **Right to appeal.** (a) No later than 30 days after receiving a determination under
15.24 subdivision 4 or 5, the affected employee may appeal a determination of the correctional
15.25 plan membership committee by filing an appeal with the human resources manager of the
15.26 department or agency, as applicable, in which the employee is employed. The appeal must
15.27 include:

15.28 (1) the reasons for the appeal and rationale for a determination that the employee be
15.29 covered by the correctional employees retirement plan; and

15.30 (2) new or additional information, if any, not previously submitted or considered by the
15.31 correctional plan membership committee, which information may include a new or revised
15.32 position description and samples of work product.

16.1 (b) The appeal must be decided by the commissioner of corrections if the employee is
16.2 an employee of the Department of Corrections or by the chief executive officer of Direct
16.3 Care and Treatment if the employee is an employee of Direct Care and Treatment. The
16.4 decision of the commissioner or chief executive officer, as applicable, is final.

16.5 (c) A determination not timely appealed under paragraph (a) is not entitled to further
16.6 administrative or judicial review. A determination under subdivision 4 or 5 or an appeal
16.7 decided under paragraph (b) may not be appealed under section 356.96.

16.8 **Sec. 8. [352.908] CORRECTION OF PLAN COVERAGE ERRORS.**

16.9 Section 356.637 applies if an employee is erroneously covered by:

16.10 (1) the correctional employees retirement plan when the employee should have been
16.11 covered by one of the other plans specified in section 356.637; or

16.12 (2) a plan specified in section 356.637, other than the correctional employees retirement
16.13 plan, when the employee should have been covered by the correctional employees retirement
16.14 plan.

16.15 Sec. 9. Minnesota Statutes 2024, section 352.93, subdivision 1, is amended to read:

16.16 Subdivision 1. **Basis of annuity; when to apply.** After separation from state service,
16.17 an employee covered under section ~~352.94~~ 352.905 who has reached age 55 years and is
16.18 vested under section 352.925, is entitled upon application to a retirement annuity under this
16.19 section, based only on covered correctional employees' service. Application may be made
16.20 no earlier than 60 days before the date the employee is eligible to retire by reason of both
16.21 age and service requirements.

16.22 Sec. 10. Minnesota Statutes 2024, section 352.955, subdivision 1, is amended to read:

16.23 Subdivision 1. **Election to transfer prior MSRS-general service credit.** (a) An eligible
16.24 employee described in paragraph (b) may elect to transfer service credit in the general state
16.25 employees retirement plan of the Minnesota State Retirement System to the correctional
16.26 state employees retirement plan for eligible prior correctional employment.

16.27 (b) An eligible employee is a person who ~~is covered by legislation implementing the~~
16.28 ~~recommendations under section 352.91, subdivision 4a~~ the correctional plan membership
16.29 committee determines is entitled to coverage by the correctional employees retirement plan
16.30 under section 352.907.

17.1 (c) Eligible prior correctional employment is employment covered by the general state
17.2 employees retirement plan of the Minnesota State Retirement System, is continuous service,
17.3 and is certified by the commissioner of corrections and the Direct Care and Treatment
17.4 executive board, whichever applies, and by the commissioner of management and budget
17.5 to the executive director of the Minnesota State Retirement System as service that would
17.6 qualify for correctional state employees retirement plan coverage under section ~~352.91~~
17.7 352.905, if the service had been rendered after the date of coverage transfer.

17.8 (d) The election to transfer past service credit under this section must be made in writing
17.9 by the applicable person on a form prescribed by the executive director of the Minnesota
17.10 State Retirement System and must be filed with the executive director of the Minnesota
17.11 State Retirement System on or before the one year anniversary of the coverage transfer or
17.12 the date of the eligible employee's termination of state employment, whichever is earlier.

17.13 Sec. 11. **REPEALER.**

17.14 Minnesota Statutes 2024, section 352.91, subdivisions 1, 2, 2a, 3c, 3d, 3e, 3f, 3g, 3h,
17.15 3i, 3j, 4a, 4b, 4c, and 6, are repealed.

17.16 Sec. 12. **EFFECTIVE DATE.**

17.17 Sections 1 to 11 are effective January 1, 2026.