

1.1 moves to amend S.F. No. 193; H.F. No. 727, as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2008, section 352.01, is amended by adding a
1.4 subdivision to read:

1.5 Subd. 17a. **Occupational disability.** "Occupational disability," for purposes of
1.6 determining eligibility for disability benefits for a correctional employee, means a
1.7 disabling condition that is expected to prevent the correctional employee, for a period of
1.8 not less than 12 months, from performing the normal duties of the position held by the
1.9 correctional employee.

1.10 **EFFECTIVE DATE.** This section is effective July 1, 2009.

1.11 Sec. 2. Minnesota Statutes 2008, section 352.01, is amended by adding a subdivision
1.12 to read:

1.13 Subd. 17b. **Duty disability, physical or psychological.** "Duty disability, physical
1.14 or psychological," for a correctional employee, means an occupational disability that is the
1.15 direct result of an injury incurred during, or a disease arising out of, the performance of
1.16 normal duties or the performance of less frequent duties either of which are specific to
1.17 the correctional employee.

1.18 **EFFECTIVE DATE.** This section is effective July 1, 2009.

1.19 Sec. 3. Minnesota Statutes 2008, section 352.01, is amended by adding a subdivision
1.20 to read:

1.21 Subd. 17c. **Regular disability, physical or psychological.** "Regular disability,
1.22 physical or psychological," for a correctional employee, means an occupational disability
1.23 resulting from a disease or an injury that arises from any activities while not at work or
1.24 from activities while at work performing normal or less frequent duties that do not present
1.25 inherent dangers specific to covered correctional positions.

1.26 **EFFECTIVE DATE.** This section is effective July 1, 2009.

1.27 Sec. 4. Minnesota Statutes 2008, section 352.01, is amended by adding a subdivision
1.28 to read:

1.29 Subd. 17d. **Normal duties.** "Normal duties" means specific tasks designated in the
1.30 applicant's job description and which the applicant performs on a day-to-day basis, but
1.31 do not include less frequent duties which may be requested to be done by the employer
1.32 from time to time.

2.1 **EFFECTIVE DATE.** This section is effective July 1, 2009.

2.2 Sec. 5. Minnesota Statutes 2008, section 352.01, is amended by adding a subdivision
2.3 to read:

2.4 Subd. 17e. **Less frequent duties.** "Less frequent duties" means tasks designated
2.5 in the applicant's job description as either required from time to time or as assigned, but
2.6 which are not carried out as part of the normal routine of the applicant's job.

2.7 **EFFECTIVE DATE.** This section is effective July 1, 2009.

2.8 Sec. 6. Minnesota Statutes 2008, section 352.95, subdivision 1, is amended to read:

2.9 Subdivision 1. ~~Job-related disability~~ **Duty disability; computation of benefit.**

2.10 A covered correctional employee who ~~becomes disabled and who is expected to be~~
2.11 ~~physically or mentally unfit to perform the duties of the position for at least one year as a~~
2.12 ~~direct result of an injury, sickness, or other disability that incurred in or arose out of any~~
2.13 ~~act of duty that makes the employee physically or mentally unable to perform the duties~~ is
2.14 determined to have a duty disability, physical or psychological, as defined under section
2.15 352.01, subdivision 17b, is entitled to a duty disability benefit. The duty disability benefit
2.16 ~~may~~ must be based on covered correctional service only. The duty disability benefit
2.17 amount is 50 percent of the average salary defined in section 352.93, plus an additional
2.18 percent equal to that specified in section 356.315, subdivision 5, for each year of covered
2.19 correctional service in excess of 20 years, ten months, prorated for completed months.

2.20 **EFFECTIVE DATE.** This section is effective July 1, 2009.

2.21 Sec. 7. Minnesota Statutes 2008, section 352.95, subdivision 2, is amended to read:

2.22 Subd. 2. ~~Non-job-related~~ **Regular disability; computation of benefit.** A covered
2.23 correctional employee who was before July 1, 2009, after rendering at least one year of
2.24 covered correctional service, or a covered correctional employee who was first hired after
2.25 June 30, 2009, after rendering at least three years of covered correctional plan service,
2.26 ~~becomes disabled and who is expected to be physically or mentally unfit to perform the~~
2.27 ~~duties of the position for at least one year because of sickness or injury that occurred while~~
2.28 ~~not engaged in covered employment~~ and who is determined to have a regular disability,
2.29 physical or psychological, as defined under section 352.01, subdivision 17c, is entitled
2.30 to a regular disability benefit. The regular disability benefit must be based on covered
2.31 correctional service only. The regular disability benefit must be computed as provided
2.32 in section 352.93, subdivisions 1 and 2, and. The regular disability benefit of a covered
2.33 correctional employee who was first hired before July 1, 2009, and who is determined

3.1 to have a regular disability, physical or psychological, under this subdivision must be
3.2 computed as though the employee had at least 15 years of covered correctional service.

3.3 **EFFECTIVE DATE.** This section is effective July 1, 2009.

3.4 Sec. 8. Minnesota Statutes 2008, section 352.95, subdivision 4, is amended to read:

3.5 Subd. 4. **Medical or psychological evidence.** (a) An applicant shall provide
3.6 medical, chiropractic, or psychological evidence to support an application for disability
3.7 benefits. The director shall have the employee examined by at least one additional
3.8 licensed physician, chiropractor, or psychologist who is designated by the medical adviser.
3.9 The physicians, chiropractors, or psychologists with respect to a mental impairment,
3.10 shall make written reports to the director concerning the question of the employee's
3.11 disability, including their expert opinions as to whether the employee ~~is disabled~~ has an
3.12 occupational disability within the meaning of ~~this~~ section 352.01, subdivision 17a, and
3.13 whether the employee has a duty disability, physical or psychological, under section
3.14 352.01, subdivision 17b, or has a regular disability, physical or psychological, under
3.15 section 352.01, subdivision 17c. The director shall also obtain written certification from
3.16 the employer stating whether or not the employee is on sick leave of absence because of a
3.17 disability that will prevent further service to the employer performing normal duties as
3.18 defined in section 352.01, subdivision 17d, or performing less frequent duties as defined in
3.19 section 352.01, subdivision 17e, and as a consequence, the employee is not entitled to
3.20 compensation from the employer.

3.21 (b) If, on considering the reports by the physicians, chiropractors, or psychologists
3.22 and any other evidence supplied by the employee or others, the medical adviser finds that
3.23 the employee ~~disabled~~ has an occupational disability within the meaning of ~~this~~ section
3.24 352.01, subdivision 17a, the advisor shall make the appropriate recommendation to the
3.25 director, in writing, together with the date from which the employee has been disabled.
3.26 The director shall then determine the propriety of authorizing payment of a duty disability
3.27 benefit or a regular disability benefit as provided in this section.

3.28 (c) Unless the payment of a disability benefit has terminated because the employee
3.29 ~~is no longer disabled~~ has an occupational disability, or because the employee has reached
3.30 either age 65 or the five-year anniversary of the effective date of the disability benefit,
3.31 whichever is later, the disability benefit must cease with the last payment which was
3.32 received by the disabled employee or which had accrued during the employee's lifetime.
3.33 While disability benefits are paid, the director has the right, at reasonable times, to
3.34 require the disabled employee to submit proof of the continuance of ~~the~~ an occupational
3.35 disability ~~claimed.~~ If any examination indicates to the medical adviser that the employee

4.1 ~~is no longer disabled~~ has an occupational disability, the disability payment must be
4.2 discontinued upon the person's reinstatement to state service or within 60 days of the
4.3 finding, whichever is sooner.

4.4 **EFFECTIVE DATE.** This section is effective July 1, 2009."

4.5 Amend the title accordingly