



H.F. 2199
(Lanning)

S.F. 1808
(Rosen)

Executive Summary of Commission Staff Materials

Affected Pension Plan(s): MSRS-Correctional
Relevant Provisions of Law: Minnesota Statutes, Section 352.91
General Nature of Proposal: Dept. of Human Services plan coverage change recommendations
Date of Summary: February 16, 2012

Specific Proposed Changes

- Adds to MSRS-Correctional coverage Dept. of Human Services employment classifications of "Psychiatric Advanced Practice Registered Nurse," "Clinical Program Therapist 1," "Clinical Program Therapist 2," "Clinical Program Therapist 3," and "Clinical Program Therapist 4" and by changing the name of four current included employment classifications "Corrections Program Therapist 1, 2, 3, and 4" to "Clinical Program Therapist 1, 2, 3, and 4."

Policy Issues Raised by the Proposed Legislation

1. Renaming of existing inclusions or membership expansion.
2. Adequacy of the Dept. of Human Services MSRS-Correctional membership assessment/determination process.
3. Appropriateness of inclusions of employment positions without incumbents.
4. Compliance with coverage requirements for MSRS-Correctional inclusion for Dept. of Human Services employment positions with incumbents.
5. Appropriateness of the omission of updating the Minnesota Extended Treatment Option Program MSRS-Correctional inclusion provision.
6. Need to address MSRS-Correctional funding problems.
7. Need for future reorganization/recodification of the MSRS-Correctional membership specification provisions.

Potential Amendments

H2199-1A removes the clinical program therapist 1 and 2 employment positions from the "additional Department of Human Services personnel" listing, while leaving it in the "other correctional personnel" listing of M.S., Sec. 352.91, Subd. 3d, where a certification from MMB that the change replaces the corrections program therapist 1 and 2 employment positions has been filed with the Commission.

H2199-2A would prompt department action by repealing the METO MSRS-Correctional subdivision as of the last day of the last payroll period in May 2013.

H2199-3A would provide for an immediate full elimination of the deficiency, leaving the member and employer contributions with a 40%/60% split.

H2199-4A, an alternative to -3A, would phase in the contribution rate increases to offset the current deficiency over four years on a 40%/60% contribution rate split basis



TO: Members of the Legislative Commission on Pensions and Retirement
FROM: Lawrence A. Martin, Executive Director *JAM*
RE: H.F. 2199; S.F. 1808 (Rosen); MSRS-Correctional: Dept. of Human Services
Recommendations for Changes in the MSRS-Correctional Retirement Plan Membership
DATE: February 16, 2012

Summary of H.F. 2199; S.F. 1808 (Rosen)

H.F. 2199; S.F. 1808 (Rosen) amends Minnesota Statutes 2010, Section 352.91, Subdivisions 3c, 3d, and 3f, portions of the provision delineating the membership of the Correctional State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional), by adding the employment classification of psychiatric advanced practice registered nurse to the nursing personnel inclusion provision, by changing the employment classifications of corrections program therapist 1, corrections program therapist 2, corrections program therapist 3, and corrections program therapist 4 to clinical program therapist 1, clinical program therapist 2, clinical program therapist 3, and clinical program therapist 4 in the other correctional personnel inclusion provisions, and by adding the employment classifications of clinical program therapist 1, clinical program therapist 2, clinical program therapist 3, and clinical program therapist 4 to the additional Department of Human Services personnel inclusion provision.

Background Information Relevant to the Proposed Legislation

The following attachments provide information that the Commission may find useful when considering the proposed legislation:

- **Attachment A:** Background information on State Employees covered by MSRS-Correctional.
- **Attachment B:** Background information on Department of Human Services Facilities/Programs with Employees Covered by MSRS-Correctional.

Discussion and Analysis

H.F. 2199; S.F. 1808 (Rosen) makes three changes in specifying the coverage of the Correctional State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) for a segment of employees of the Department of Human Services by adding to MSRS-Correctional coverage the employment classifications of "Psychiatric Advanced Practice Registered Nurse," "Clinical Program Therapist 1," "Clinical Program Therapist 2," "Clinical Program Therapist 3," and "Clinical Program Therapist 4" and by changing the name of four current included employment classifications "Corrections Program Therapist 1, 2, 3, and 4" to "Clinical Program Therapist 1, 2, 3, and 4."

The proposed legislation raises several pension and related public policy issues for Commission consideration and potential Commission discussion, as follows:

1. Renaming of Existing Inclusions or Membership Expansion. The policy issue is whether the recommended changes by the Department of Human Services represent a simple renaming of four employment classification names or whether the name addition and three revisions are causing an increase in the membership of the Correctional State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional). In her memorandum accompanying the Department of Human Services MSRS-Correctional plan coverage changes, Commissioner Lucinda Jesson indicates that the recommendations do not increase the MSRS-Correctional membership because all members of the added occupational classification and the three renamed occupational classifications are currently MSRS-Correctional members.
2. Adequacy of the DHS MSRS-Correctional Membership Assessment/Determination Process. The policy issue is the adequacy of the process utilized by the Department of Human Services for identifying changes in the coverage of the MSRS-Correctional plan and making change recommendations to the Legislature. Since MSRS-Correctional was expanded beyond prison guards and security hospital guards in 1974, both explicit statutory requirements for coverage and historic requirements for coverage have been utilized by the Legislature to decide which occupational positions to include in the plan coverage. If the Department of Human Services has internalized the

statutory and historic criteria used by the Legislature with respect to MSRS-Correctional coverage and if the Department of Human Services has rigorously implemented those criteria in making these recommendations, the Commission and the Legislature can rely on that process without any extensive or intensive scrutiny of its recommendations. The explicit statutory criterion is very substantial inmate contact in a supervisory, custody, rehabilitation, or treatment capacity. The historic criteria, stemming from the 1974 legislation adding trades personnel and special teachers to plan coverage, are the responsibility to intervene in the event of a facility incident, the demonstration of public safety personnel-like employment hazards through the number of workers' compensation claims, and the indication of public safety personnel-like employment hazards through the extent of lost duty days from employment incidents. In 2006, the Department of Human Services utilized the MSRS-Correctional coverage determination process set forth in **Attachment C**.

In response to a request by the Commission staff to indicate its current MSRS-Correctional coverage determination procedure, the Department of Human Services provided a new policy and procedure document relating to MSRS-Correctional plan additions and transfers, set forth in **Attachment D**.

The Commission should consider taking testimony from DHS Human Resources representatives if it feels that it needs to gain a comfort level about the department's seriousness, rigor, and conformity to the explicit and the historic legislative special retirement plan coverage standards in its process.

3. Appropriateness of Inclusions of Employment Positions without Incumbents. The policy issue is the appropriateness of including in MSRS-Correctional plan coverage employment position within the Department of Human Services where there are no incumbents for which the determination of sufficient inmate, patient, or client contact and other inclusion factors would be made. The DHS is recommending the addition of four employment positions in a series, namely clinical program therapist 1, 2, 3, and 4. For the clinical program therapist 3 and clinical program therapist 4 employment positions, there are incumbents, but for the clinical program therapist 1 and 2 employment positions, there are no current incumbents employed by the DHS. Given the magnitude of the value of the special retirement coverage (a normal cost of 17.89% of pay for MSRS-Correctional compared to a normal cost of 7.14% of pay for MSRS-General) and the magnitude of the employee and employer contributions (8.8% of pay employee and 12.1% of pay employer for MSRS-Correctional compared to 5% of pay employee and 5% of pay employer for MSRS-General), great care should be exercised in adding employment positions to the listings in Minnesota Statutes, Section 352.91, and without incumbents, and in the case of the DHS, without even position descriptions for the clinical program therapist 1 and 2 employment positions, no dispositive analysis is possible.

Amendment H2199-1A would resolve the issue by removing the clinical program therapist 1 and 2 employment positions from the "additional Department of Human Services personnel" listing, while leaving it in the "other correctional personnel" listing of Minnesota Statutes, Section 352.91, Subdivision 3d, where a certification from the Minnesota Management and Budget Department that the change replaces the corrections program therapist 1 and 2 employment positions has been filed with the Legislative Commission on Pensions and Retirement.

4. Compliance with Coverage Requirements for MSRS-Correctional Inclusion for Department of Human Services Employment Positions with Incumbents. The policy issue is the extent to which the various employment positions with re-designated incumbents that were recommended by the Department of Human Services for inclusion in coverage by MSRS-Correctional have sufficiently likely inmate/patient/client contact and meet the other historic coverage requirements. Minnesota Statutes, Section 352.91, for every employment position other than correctional officers or security counselors, requires that the position is engaged for a minimum of 75% of the person's working time in rehabilitation, treatment, custody, or supervision of the inmates, patients, or clients served by the employment position. Historically, when evaluating the inclusion in the coverage of the MSRS-Correctional retirement plan, the Commission also has considered the extent to which the employment position is subject to employment hazards somewhat analogous to public safety personnel position. The historic measures that could indicate sufficient employment hazards are the questions of:
 - i. Intervention Responsibility. Whether or not the considered occupational position was responsible to intervene in the event of a facility incident;
 - ii. Employment Hazards – Workers Compensation Claim History. Whether or not the extent that workers' compensation claims support the notion that the hazards of the positions approximate that of a public safety position.
 - iii. Employment Hazards – Incumbent Related Time Lost History. Whether or not the extent that the position's duty days lost to incidents or employment hazards are consistent with a public-safety-like position.

The 76 affected Department of Human Services employees, all current MSRS-Correctional members based on their prior employment position, are currently employed in five employment positions and are being changed to a renamed employment position, the psychiatric advance practice registered nurse employment position, or to one of two new employment positions, the clinical program therapist 3 or 4, as follows:

Number of people	Prior Position	New Position
16	Advance Practice Registered Nurse	Psychiatric Advance Practice Registered Nurse
8	Behavior Analyst 2	Clinical Program Therapist 3
28	Behavior Analyst 3	Clinical Program Therapist 3
3	Behavior Analyst 3	Clinical Program Therapist 4
8	Psychologist 2	Clinical Program Therapist 4
10	Social Work Specialist	Clinical Program Therapist 3
1	Social Work Specialist	Clinical Program Therapist 4

The Commission staff reviewed seven position descriptions, four related to the prior employment position supplied by the Department of Human Services (all but the advance practice registered nurse employment position) and three related to the new employment positions to attempt to gauge the extent of inmate/patient/client contact and the extent of the Commission's historic coverage requirements.

For the former advance practice registered nurses renamed as psychiatric advance practice registered nurses, of the positions four responsibility items, only one clearly indicated inmate/patient/client contact and, assuming that the percentage of work time was totally devoted to contact, totaled 70%, short of the required 75% contact threshold, and the position description lacked any safety procedure or incident intervention requirements.

For the positions transferred to the clinical program therapist 3 employment position, with four of the eight responsibility items indicating inmate/patient/client contact, and assuming that the percentage of work time for responsibilities 2, 3, and 4 was totally devoted to contact, the 75% contact threshold would be met, and the position description included public safety procedure and incident intervention requirements.

For the positions transferred to the clinical program therapist 4 employment position, with five of the nine responsibility items indicating inmate/patient/client contact, and assuming that the percentage of work time for responsibilities 2, 3, 4, and 5 was totally devoted to contact, the 75% contact threshold would be met, and the position description included public safety procedure and incident intervention requirements.

5. Appropriateness of the Omission of Updating the Minnesota Extended Treatment Option Program MSRS-Correctional Inclusion Provision. The policy issue is the appropriateness of the Department of Human Services omitting from its recommendation and the proposed legislation any cleanup revision of Minnesota Statutes, Section 352.91, Subdivision 3e, relating to the Minnesota Extended Treatment Options (METO) program employees. In 2011, as a settlement of litigation over patient abuse that occurred concerning METO clients, the program either was terminated or was revised and renamed. If the program was terminated, some change in the 15 occupational positions included in MSRS-Correctional coverage under Minnesota Statutes, Section 352.91, Subdivision 3e, is needed to reflect that action and to reflect whatever successor assumed some or all of the prior METO functions. If the METO program was revised and renamed, at least that renaming change in Minnesota Statutes, Section 352.91, subdivision 3e, should occur. In response to a request for information from the Commission staff about the status of or the changes in the METO program, the Department of Human Services indicated that there are 68 of its employees from the former METO program who are members of MSRS-Correctional and indicated that it is not proposing any changes to the subdivision.

There are 15 different employment positions in the Minnesota Extended Treatment Options program that have MSRS-Correctional plan coverage under statute. The eligibility for MSRS-Correctional membership depends on the statutory indication of both the employing program or facility name and the employment position name. The response of the department to the Commission staff inquiry was to confirm that the name of the METO program is currently incorrect or obsolete, but declines to recommend any correction of the name or the substitution of a generic description of the program if the former program is still being revised.

The Commission, if it is concerned about the unresponsiveness of the department to address the program nomenclature problem, should request testimony from the department about the status of the former METO program and its future replacement or reconfiguration. If the department remains unconcerned about the program nomenclature problem, **Amendment H2199-2A** would prompt department action by repealing the METO MSRS-Correctional subdivision as of the last day of the last payroll period in May 2013.

6. Need to Address MSRS-Correctional Funding Problems. The issue is the actuarial condition of the Correctional State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) and the need to address the funding deficiency in the retirement plan. The following sets forth the July 1, 2011, funded condition, actuarial requirements, and statutory contribution rates for MSRS-Correctional on both an actuarial value of assets basis and a market value of assets basis:

	MSRS-Correctional 2011			
	Actuarial Value of Assets Basis		Market Value of Assets Basis	
<u>Funded Status</u>				
Accrued Liability		\$907,012,000		\$907,012,000
Current Assets		<u>\$637,027,000</u>		<u>\$646,582,000</u>
Unfunded Accrued Liability		\$269,985,000		\$260,430,000
Funding Ratio	70.23%		71.29%	
<u>Financing Requirements</u>				
Covered Payroll		\$205,608,000		\$205,608,000
Benefits Payable		\$39,116,000		\$39,116,000
Normal Cost	17.89%	\$36,793,000	17.89%	\$36,793,000
Administrative Expenses	<u>0.17%</u>	<u>\$350,000</u>	<u>0.17%</u>	<u>\$350,000</u>
Normal Cost & Expense	18.06%	\$37,143,000	18.06%	\$37,143,000
Normal Cost & Expense	18.06%	\$37,143,000	18.06%	\$37,143,000
Amortization	<u>7.94%</u>	<u>\$16,325,000</u>	7.66%	\$15,747,244
Total Requirements	26.00%	\$53,468,000	26.00%	\$53,468,000
Employee Contributions	8.60%	\$17,682,000	8.60%	\$17,682,000
Employer Contributions	<u>12.10%</u>	<u>\$24,879,000</u>	<u>12.10%</u>	<u>\$24,879,000</u>
Total Contributions	20.70%	\$42,561,000	20.70%	\$42,561,000
Total Requirements	26.00%	\$53,468,000	25.72%	\$52,890,244
Total Contributions	<u>20.70%</u>	<u>\$42,561,000</u>	<u>20.70%</u>	<u>\$42,561,000</u>
Deficiency (Surplus)	5.30%	\$10,907,000	5.02%	\$10,329,244

Currently, the total contributions to the retirement plan barely cover the normal cost and administrative expenses of the plan, leaving little to cover the debt service on the plan's unfunded actuarial accrued liability, even on a level percentage of covered payroll amortization basis and with 26 years left on the amortization period.

If the Commission wishes to address this contribution deficiency, which is not reduced or increased by the proposed legislation, **Amendment H2199-3A** would provide for an immediate full elimination of the deficiency, leaving the member and employer contributions with a 40%/60% split.

Alternative **Amendment H2199-4A** would phase in the contribution rate increases to offset the current deficiency over four years on a 40%/60% contribution rate split basis.

7. Need for Future Reorganization/Recodification of the MSRS-Correctional Membership Specification Provisions. The issue is the need for a reordering, reorganization, and recodification of the provisions specifying the membership of the Correctional State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional). While time during this legislative session probably does not permit the effort, which would require the technical assistance of the Department of Corrections, the Department of Human Services, and the Minnesota State Retirement System, the need for some revision of Minnesota Statutes, Section 352.91, is clear. The MSRS-Correctional membership provision, which ran 19 statute lines in 1973, including the specification of retroactive retirement coverage, has grown in an incremental fashion, has apparently redundant inclusions in multiple subdivisions, and lacks clarity by mixing inclusions both on an employing unit basis and one an employee type basis. A general election interim is an opportune time to undertake technical, non-substantive, statutory reorganizations and the Commission staff intends to pursue such a statutory revision during the 2012-2013 Legislative Interim.

**Background Information on
the State Employees Covered by the
MSRS-Correctional State Employees Retirement Plan**

- a. Pre-1973 Correctional State Employee Retirement Coverage. Before 1973, all employees of the Department of Corrections were covered by the State Employees Retirement Association (SERA) until 1967, and then by SERA's successor, the General State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-General). MSRS-General's predecessor was established in 1929 (Laws 1929, Ch. 191).

MSRS-General has been a defined benefit plan since its creation 1929 and has been entirely coordinated with the federal Social Security program since 1957. At that time, coordination was available on an "all or none" basis. The then SERA members, by a majority vote on a Social Security referendum, chose coordination. At the same time, and on the same basis of all or none coverage, the other two statewide funds, the General Employee Retirement Plan of the Public Employees Retirement Association (PERA-General) and the Teachers Retirement Association (TRA), held similar referenda, which were rejected by the existing membership of those plans. TRA coordinated with Social Security in 1959 on a "split fund" basis, with the members who did not elect Social Security coverage placed in a phasing-out Basic program. In 1965-1967, PERA coordinated on a "split fund" basis.

The SERA/MSRS-General benefit plan has changed considerably since 1929. Significant plan changes have occurred in 1967, when retirement coverage and contributions were extended to a person's full salary (up to a limit of \$4,800 before 1965 and a limit of \$7,200 before 1967), in 1969, when the predecessor to the Minnesota Post Retirement Investment Fund was created, in 1973, when the calculation of retirement benefits shifted from a career average salary to the highest five successive years average salary and the benefit accrual rates were simplified and increased, in 1989, when the Rule of 90 benefit tier was created, in 1992, when the Minnesota Post Retirement Investment Fund adjustment mechanism was revised, in 1997, when the benefit accrual rates were increased to achieve "uniformity" among the various general employee retirement plans, and in 2010, various benefit and related downsizings were made to address the significant actuarial cost impact resulting from the 2008-2009 Great Recession.

- b. 1973 Creation of the MSRS-Correctional Retirement Plan. MSRS-Correctional was established in 1973 as a result of collective bargaining by the State of Minnesota with the American Federation of State, County and Municipal Employees, Council 6, and the resulting implementing legislation (Laws 1973, Ch. 653, Sec. 39-44). The membership of the 1973 plan was limited to a small number of employees of the Department of Corrections or of the Department of Public Welfare (now Human Services), as follows:

Attendant Guard	Director of Attendant Guards
Attendant Guard Supervisor	Guard Farmer Garden
Correctional Captain	License Plant Manager
Correctional Counselor I	Prison Industry Foreman
Correctional Counselor II	Prison Industry Supervisor
Correctional Counselor III	Food Service Manager
Correctional Counselor IV	Prison Farmer Supervisor
Correctional Lieutenant	Prison Farmer Assistant Supervisor
Correctional Officer	Rehabilitation Therapist
Correctional Sergeant	

Pre-July 1, 1973, service in a covered position was generally transferred from MSRS-General, as was prior state employment as a houseparent, guard instructor, and guard farmer dairy. The identification of the state personnel for inclusion in the plan was made by the collective bargaining process and the administrations of the two affected departments. Although a separate retirement plan, MSRS-Correctional shared the State Employees Retirement Fund as its funding and investment mechanism until 1987, when a separate retirement fund was created for MSRS-Correctional. The creation of MSRS-Correctional, with an age 55 normal retirement age, coincided with the imposition of a statutory early mandatory retirement age for correctional personnel covered by MSRS-Correctional. Under Laws 1973, Chapter 653, Section 12, the previously applicable age 70 mandatory retirement age was reduced for correctional employees to age 65 as of July 1, 1974, to age 62 as of January 1, 1975, and phased down to age 55 as of July 1, 1976. The creation of MSRS-Correctional was part of an initiative to accelerate the retirement of the prior cadre of Minnesota prison guards, to upgrade the function and reliability of the security personnel at the state's correctional facilities, reflected in the renaming of the prison guards as correctional officers, to increase the pre-employment educational attainment of

correctional personnel to match their upgraded job responsibilities, and to reduce the amount of contraband that was then entering correctional facilities from correctional employees. The initial active membership of the plan on July 1, 1973, was 677.

c. MSRS-Correctional Membership and Coverage Changes.

- 1974 Membership Expansion of MSRS-Correctional. The initial expansion for MSRS-Correctional occurred in 1974 (Laws 1974, Ch. 520). Following Interim hearings by the Legislative Retirement Study Commission (renamed in 1975 the Legislative Commission on Pensions and Retirement) at the St. Cloud Reformatory and otherwise, the Legislature authorized an expansion in the plan membership to include special teachers, trades personnel, and maintenance personnel at the Minnesota Correctional Facility (MCF)-Stillwater, MCF-St. Cloud, and MCF -Shakopee. The special teachers, trades personnel, and maintenance personnel transferred to coverage by MSRS-Correctional were those certified by the then newly created Commissioner of Personnel (now Commissioner of Employee Relations) as being regularly engaged in the rehabilitation, treatment, custody, or supervision of inmates. Credit for past applicable correctional employment, including employment as a special schools counselor or a shop instructor, was transferred to MSRS-Correctional. For correctional teachers covered by TRA, a transfer of past member, employer regular, and employer additional contributions from TRA accompanied the service credit transfer. The Commission hearings leading to the 1974 expansion focused primarily on the safety hazards reportedly suffered by these state employees from inmates and the public safety-related rationale of the need to maintain a particularly vigorous workforce through emphasizing an early age normal retirement. The 1974 expansion of the plan increased its active membership by 60, to 737.
- 1975-1978 MSRS-Correctional Coverage Changes. In 1975 (Laws 1975, Ch. 230, Sec. 1), following complaints from correctional personnel facing imminent early retirement, the mandatory retirement age for MSRS-Correctional active members was modified by making it a conditional mandatory retirement age through age 65, with annual extensions beyond the mandatory age if a medical examination supports the extension. The amendment reflected considerable disgruntlement by MSRS-Correctional active members approaching the mandatory retirement age because the 1974 recession considerably reduced the second career employment prospects of the early retirees, especially when those members believed that they retained a physical capacity to continue to perform the employment position responsibilities.

Also in 1975 (Laws 1975, Ch. 368, Sec. 35), allowable service credit for prior state employment at a correctional facility as a farmer or a farmer manager by an MSRS-Correctional active member on July 1, 1973, was transferred to the plan. Special teachers previously covered by the TRA Basic program had a TRA Basic program retirement annuity amount set as a floor benefit amount.

In 1978 (Laws 1978, Ch. 781, Sec. 2), institution educational administrators and institution educational supervisors at correctional facilities were included in MSRS-Correctional membership.

- 1980 Addition of MSRS-Correctional Covered Position Administrative Certification Process. In 1980 (Laws 1980, Ch. 600, Sec. 2-5), coverage by MSRS-Correctional was classified as applicable only to employees in adult correctional facilities, and post-June 1, 1980, employment as a special teacher, a tradesperson, or a maintenance person at MCF-Lino Lakes was included in MSRS-Correctional coverage. Additionally, special authority was enacted for the Commissioner of Personnel (also renamed Employee Relations in 1980), upon the recommendation of the Commissioner of Corrections or the recommendation of the Commissioner of Public Welfare (subsequently renamed Human Services), whichever applies, the notification of and receipt of comments from the Legislative Commission on Pensions and Retirement, and the approval of the Legislative Advisory Committee, to certify additional civil service classifications in adult correctional facilities or in the Minnesota Security Hospital as covered by MSRS-Correctional. The provision was codified as Minnesota Statutes, Section 352.91, Subdivision 4. The provision was intended to allow for plan expansions between legislative sessions when there was an urgency to do so.
- 1981-1987 MSRS-Correctional Coverage Changes. In 1981 (Laws 1981, Ch. 297, Sec. 3-4), service credit for pre-1981 state employment as a security guard by an MSRS-Correctional member was transferred to MSRS-Correctional, with the payment of an additional contribution amount.

In 1986 (Laws 1986, Ch. 458, Sec. 31-32), service credit for correctional employment rendered between 1973 and 1980, that was excluded from MSRS-Correctional coverage because the person

was age 45 or older upon hiring were given the option to elect MSRS-Correctional coverage with the payment of an additional contribution amount.

In 1987 (Laws 1987, Ch. 372, Art. 1, Sec. 4), the 1980 administrative certification process for additional MSRS-Correctional active members was amended to require both the Commissioner of Corrections and the Commissioner of Human Services to establish written criteria for basing a recommendation on certifying additional positions for MSRS-Correctional membership to the Commissioner of Employee Relations.

- 1980s MSRS-Correctional Administrative Transfers. Before 1998, several transfers of retirement coverage to MSRS-Correctional were approved by the Commissioner of Employee Relations and implemented by MSRS without the receipt of Legislative Commission on Pensions and Retirement comments as required by Minnesota Statutes 1998, Section 352.91, Subdivision 4. Some or all of these past coverage changes may have been implemented without Legislative Advisory Commission approval also. Although the requested information was not gathered in a timely fashion, the Commission staff was provided with information for at least 48 recent retirement coverage transfers under Minnesota Statutes 1998, Section 352.91, Subdivision 4, which occurred without explicit Commission comment. The 48 transfers involved 19 employment classifications in six correctional facilities and two Department of Human Services' facilities.
- 1996 MSRS-Correctional Coverage Expansion. In 1996 (Laws 1996, Ch. 408, Art. 8, Sec. 10-17), various positions providing service at a correctional facility or the state security hospital were made newly eligible for MSRS-Correctional coverage, providing the employee has at least 75% inmate or patient contact. The groups added to MSRS-Correctional coverage were in 31 job classifications, as follows:

Special Teacher in Juvenile Facilities	Dentist
Registered Nurse Senior	Electrician Supervisor
Registered Nurse	General Repair Worker
Registered Nurse-Principal	Library/Information Research Services Specialist
Licensed Practical Nurse 2	Plumber Supervisor
Baker	Psychologist 3
Chemical Dependency Counselor Supervisor	Recreation Therapist
Chief Cook	Recreation Therapist Coordinator
Cook	Recreation Program Assistant
Cook Coordinator	Recreation Therapist Senior
Corrections Behavior Therapist	Stores Clerk Senior
Corrections Behavior Therapist Specialist	Water Treatment Plant Operator
Corrections Parent Education Coordinator	Work Therapy Technician
Corrections Security Caseworker	Work Therapy Assistant
Corrections Security Caseworker Career	Work Therapy Program Coordinator
Corrections Teaching Assistant	

Incumbents in the state employment positions that were newly included in plan coverage were permitted to waive the coverage change and retain their prior coverage and incumbents were permitted to transfer any prior applicable state employment with the payment of an additional contribution amount. The MSRS-Correctional member and employer contribution rates were increased to cover the cost of the coverage expansion. The transfer involved 54 special teachers, 70 nurses, and 277 other classifications of state employees. By July 1, 1996, the plan active membership had increased to 2,264.

- 1997 MSRS-Correctional Coverage Changes. In 1997 (Laws 1997, Ch. 239, Art. 9, Sec. 40-41, and Laws 1997, Ch. 241, Art. 11), certain individuals at the Minnesota sexual psychopathic personality treatment center and individuals in certain employment classifications at MCF-Red Wing (auto mechanic lead, electrician, electrician master of record, groundskeeper intermediate, or plumber master) were added to an uncoded 1996 coverage election law authorizing prospective coverage by MSRS-Correctional rather than continued MSRS-General coverage, with the deadline for making an election set at December 31, 1997. The individuals who transferred prospective coverage to MSRS-Correctional were authorized to elect to transfer prior state service if that service would have been eligible for current MSRS-Correctional coverage, with a deadline of December 31, 1997.
- Post-1996 Administrative Transfers to MSRS-Correctional. Under the 1980 administrative transfer provision, Minnesota Statutes 1998, Section 352.91, Subdivision 4, the Commission considered requests for the transfer of state employees to MSRS-Correctional on three instances – June 1998, June 1999, and December 1999. The June 1998 transfer request involved seven employees in five

employment positions in four correctional facilities. The June 1999 transfer request involved a ratification of prior transfers of 51 employees in 20 employment positions in six correctional facilities and two Department of Human Services facilities and a transfer request that involved 39 employees in 10 employment positions and that involved 13 employment positions without incumbents in eight Department of Corrections facilities and two Department of Human Services facilities. The December 1999 transfer request involved 40 employees in 11 employment positions and one employment position without incumbents in eight Department of Corrections' facilities and two Department of Human Services' facilities. Except for the prospective transfers contained in the June 1999 transfer request, the Legislative Advisory Committee approved the transfers.

- 1999 MSRS-Correctional Coverage Changes. In 1999 (Laws 1999, Ch. 222, Art. 13), nine positions in the Minnesota Extended Treatment Options (METO) Program, located at the Cambridge Regional Treatment Center and operated by the Department of Human Services, were included in MSRS-Correctional coverage if the positions are certified by the Commissioner of Human Services as having at least 75% direct patient contact. The METO Program is a statewide program for adults who have developmental disabilities and who exhibit severe behaviors that present a risk to public safety. The nine job classifications added to MSRS-Correctional coverage were as follows:

Behavior Analyst
Human Services Support Specialist
Mental Retardation Residential Program Lead
Psychologist 2
Recreation Therapist Senior
Registered Nurse
Skills Development Specialist
Social Worker Senior

Individuals who gained prospective MSRS-Correctional coverage were allowed to elect to transfer past METO service to MSRS-Correctional, back to July 1, 1997, providing that the service was in one of the specified positions and the 75% inmate contact requirement was met. To transfer past service coverage, the employee was required to pay the difference between the employee contribution paid to MSRS-General and the employee contribution that would have been paid to MSRS-Correctional, if coverage by that plan had been provided during that time period, plus 6% interest. If payment was made by the member, MSRS was required to transfer from MSRS-General to MSRS-Correctional the funded portion of the benefit that accrued during that period. The transfer involved 115 state employees, including 90 Human Services Support Specialists. The 1999 METO transfer also involved the transfer of several part-time employees to MSRS-Correctional coverage, which was perhaps the first large-scale introduction of part-time employees into Minnesota public safety retirement plan coverage.

- 2000 MSRS-Correctional Coverage Changes. In 2000 (Laws 2000, Ch. 461, Art. 6, Sec. 1-4, 6), several positions in the Department of Corrections and the Department of Human Services were included in MSRS-Correctional if the applicable Commissioner certified that at least 75% of the employee's working time was spent in direct inmate or patient contact. The applicable positions were as follows:
 1. registered nurse practitioner at a correctional facility or at the Minnesota Security Hospital;
 2. behavior analyst 2, licensed practical nurse 1, office and administrative specialist senior, psychologist 2, social worker specialist, behavior analyst 3, and social worker senior at the Minnesota Security Hospital or the Minnesota Sexual Psychopathic Personality Treatment Center;
 3. corrections discipline unit supervisor at Minnesota correctional facilities at Lino Lakes, Oak Park Heights, and St. Cloud;
 4. dental assistant registered, at Minnesota correctional facilities at Faribault, Lino Lakes, Moose Lake, Oak Park Heights, and Red Wing;
 5. dental hygienist, at MCF-Shakopee;
 6. psychologist 2, at the correctional facilities at Faribault, Lino Lakes, Moose Lake, Oak Park Heights, Red Wing, St. Cloud, Shakopee, and Stillwater;
 7. the sentencing-to-service crew chief leader involved with the inmate community work crew program at MCF-Faribault and MCF-Lino Lakes; and
 8. director and assistant group supervisor of the former Phoenix/Pomiga treatment/behavioral change program at MCF-St. Cloud.

Individuals who newly gained MSRS-Correctional coverage were permitted to have comparable past service, if continuous and if performed after June 20, 1975, transferred to MSRS-Correctional. To transfer the past service credit, the individuals were required to have paid in a lump sum by June 30, 2002, the difference for the applicable period between the MSRS-Correctional employee contribution and the employee contributions paid to MSRS-General, plus 6% interest. Upon payment, assets equal to the individual's present value of benefits in MSRS-General were required to be transferred to MSRS-Correctional. The Department of Corrections and the Department of Human Services must cover the expense of computing the proper transfer amounts. The transferred positions were the various Department of Corrections and Department of Human Services employees who were recommended for administrative transfer during 1999, who were formally reviewed by the Legislative Commission on Pensions and Retirement in December 1999, but who were not subsequently approved by the Legislative Advisory Commission.

Additionally, Minnesota Statutes 1998, Section 352.94, Subdivision 4, which previously provided an administrative process for adding additional positions to MSRS-Correctional based on recommendations from the Commissioner of Human Services or Corrections, a review by the Legislative Commission on Pensions and Retirement, and approval by the Legislative Advisory Committee, was repealed.

- 2003-2004 Interim Review of MSRS-Correctional Coverage Provisions. During the 2003-2004 Legislative Interim, Commission staff made a detailed specific comparison of every employment position reported by MSRS as a member of MSRS-Correctional with the governing statutory provisions, indicated that there is a disparity between the MSRS-Correctional membership eligibility provisions and the various Department of Corrections and Department of Human Services occupational positions then reported by MSRS as covered by the plan. The Commission staff analysis identified approximately 5% of the reported MSRS-Correctional membership who lacked a clear statutory basis for inclusion in the plan. The problematic MSRS-Correctional inclusions occurred where information on the employment position or employing facility was lacking, where there was no specific statutory inclusion authority, where there was ambiguous or unclear statutory authority for inclusion, where coverage authority for some employment positions was lacking for the Minnesota Sex Offender Program, where covered personnel were employed at a non-correctional/non-security facility, where reported job titles were incorrect, or where occupational titles have changed without statutory correction. The 2003-2004 interim project resulted in the preparation of corrective legislation in 2004, which was not heard by the Commission due to opposition by affected employee organizations.
- 2004 MSRS-Correctional Coverage Changes. In 2004 (Laws 2004, Ch, 267, Art. 1, Sec. 1), three additional positions in the Department of Corrections were included in MSRS-Correctional if the Commissioner of Corrections certified that at least 75% of the employee's working time was spent in direct inmate or patient contact. The positions were:
 1. corrections discipline unit supervisor at MCF-Rush City;
 2. dental hygienist at MCF-Rush City; and
 3. psychologist 2 at MCF-Rush City.

No transfer to MSRS-Correctional of any past service credit related to past employment in the affected position and covered by MSRS-General was permitted in the 2004 legislation, which resulted from a House Governmental Operations and Veterans Affairs Policy Committee amendment to the 2004 Omnibus Retirement Bill.

- 2005 MSRS-Correctional Coverage Transfer Request Process. In 2005 (1st Spec. Sess. Laws 2005, Ch. 8, Art. 4, Sec. 3), the Department of Corrections and the Department of Human Services were required to establish a procedure for recommending positions for Correctional Plan coverage, and for determining positions no longer qualified for inclusion under that plan. The evaluation must consider the extent of working time spent in direct contact with patients or inmates, the extent of the physical hazard, and the extent of intervention routinely expected by the employee in a facility incident. Positions may be recommended for inclusion if the individual routinely spends 75% of the employee's time in direct inmate contact and is regularly engaged in rehabilitation, treatment, custody, or supervision of inmates or patients. Any recommendations must be in the form of proposed legislation and be forwarded to the Chair of the Legislative Commission on Pensions and Retirement, the executive director of the Legislative Commission on Pensions and Retirement, the Chair of the House Government Operations and Veterans Affairs Policy Committee, and the Chair of the Senate Government Operations Committee. The recommendations must be received by

January 15 to be considered during the upcoming legislative session. In the initial set of recommendations under the 2005 transfer request procedure, the Department of Corrections recommended the transfer of 11 positions, involving 36 employees, and the Department of Human Services recommended the transfer of 13 positions, involving 75 employees.

- 2006 MSRS-Correctional Coverage Changes. In 2006 (Laws 2006, Ch. 271, Art. 2, Sec. 2-12), 22 additional employment positions within the Department of Corrections or the Department of Human Services were added to MSRS-Correctional coverage.
 - The corrections officer inclusion provision was updated to correct a reference to the Minnesota Sex Offender Program, to revise the correctional lieutenant title, and to add corrections canine officers.
 - The maintenance and trades coverage provision was revised to add specific correctional industry personnel with a plan qualification requirement that 75% of the employee's working time be spent in inmate/patient contact.
 - The nursing personnel inclusion provision was updated to correct the registered nurse advance practice title.
 - The "other" correctional personnel inclusion provision was updated to correct title references for central services administrative specialist, intermediate, central services administrative specialists, principal, corrections program therapists 1, 2, and 3, and work therapy technician, and to add the positions of chaplain, corrections inmate program coordinator, corrections transition program coordinator, delivery van driver, general maintenance worker, laundry coordinator, library technician, psychologist 1, and sports medicine specialist.
 - The Minnesota Extended Treatment Options Program covered personnel provision was expanded by adding the positions of behavior analysts 2 and 3, group supervisor, group supervisor assistant, social worker specialists, and speech pathology specialist.
 - The Department Human Services covered personnel provision was expanded by adding the positions of behavior analyst 3, client advocate, dental assistant registered, group supervisor, group supervisor assistant, licensed practical nurse 1, occupational therapist, occupational therapist senior, skills development specialist, social worker specialist, social worker specialist senior, and speech pathology clinician, chemical dependency counselor senior, psychologist 1, psychologist 3, recreation program assistant, recreation therapist senior, rehabilitation counselor senior, work therapy assistant, and work therapy program coordinator.
 - The Department of Corrections coverage provision was amended to make the positions of correctional discipline unit supervisor, dental assistant registered, dental hygienist, psychologist 2, and sentencing-to-service crew leader involved with the inmate community work crew program eligible for plan coverage, with 75% inmate contact, at all facilities.
 - A procedure for retaining coverage following an occupational position name change and a procedure for retaining coverage following the transfer of personnel to a newly established correctional facility were established.
 - The Department of Corrections procedure for recommending coverage changes was codified.
 - Past service credit was transferred for the laundry coordinators and delivery van drivers at MCF-Faribault and for the corrections discipline unit supervisor, dental hygienist, and psychologist 2 positions at MCF-Rush City.
- 2007 MSRS-Correctional Coverage Changes. In 2007 (Laws 2007, Ch. 134, Art. 3), four ineligible Department of Corrections and one ineligible Department of Human Services occupational titles were removed from coverage and two Department of Corrections occupational titles (corrections program therapist 4 and plant maintenance engineer lead) and nine Department of Human Services Security Hospital or Sex Offender Program occupational positions (certified occupational therapy assistant 1, certified occupational therapy assistant 2, customer services specialist principal, human services support specialist, licensed alcohol and drug counselor, management analyst 3, recreation therapist lead, security supervisor, and special education program assistant) were added to plan coverage. An ongoing procedure was also established for transferring past service credit from MSRS-General to MSRS-Correctional and funding the additional actuarial liability resulting from the service credit transfer. An individual with service as a stores clerk from 1990 to 1994 at MCF-St. Cloud was authorized to transfer that past service from MSRS-General to MSRS-Correctional using the newly enacted transfer and payment process.

- 2008 MSRS-Correctional Coverage Changes. In 2008 (Laws 2008, Ch. 349, Art. 6, Sec. 1-2), the positions “general maintenance worker lead” and “painter lead” were added to the positions eligible for Correctional Plan coverage if the employee has at least 75% inmate or patient contact, with the painter lead position placed in the plan for prospective service only and with an eligible individual or individuals in the general maintenance worker lead position authorized to have MSRS-Correctional coverage back to December 1, 2007, if the individual elects that retroactive coverage and makes the contributions necessary to have that service transferred from MSRS-General to MSRS-Correctional.
 - 2009 MSRS-Correctional Coverage Changes. In 2009 (Laws 2009, Ch. 169, Art. 3, Sec. 1-2), the position of “automotive mechanic” was added as an employment position for MSRS-Correctional coverage if the employee has at least 75% inmate or patient contact, and clarified that the position of “automotive mechanic lead” is not included in MSRS-Correctional coverage.
 - 2010 MSRS-Correctional Coverage Changes. In 2010 (Laws 2010, Ch. 359, Art. 2, Sec. 5), a transfer of member and employer contributions that were determined to be erroneous because a plan coverage error was provided for under the general law erroneous correction provision.
- d. Attraction of MSRS-Correctional Membership and Transfer Demands. The attraction of MSRS-Correctional for groups seeking this coverage is that the plan pays higher benefits than a general employee plan and has an earlier normal retirement age. Because of the better benefits and earlier retirement age, the plan is more costly than a regular employee plan. The plan offers a hybrid of general employee plan and public safety plan features. MSRS-Correctional members are coordinated members, unlike Public Employees Retirement Association Police and Fire Plan (PERA-P&F) members. Like a public safety plan, members can retire without a reduction for early retirement at age 55 or with a reduction at age 50. This annuity is computed using a 2.4% yearly service benefit accrual factor. Duty-related disability benefits are generous, typical of a public safety plan. The duty-related disability receives 50% of high-five average salary, plus 2.4% of high-five average salary for each year in excess of 20 years of allowable service. Also like a public safety plan, the MSRS-Correctional plan uses an occupational definition of disability rather than the total impairment disability definition used by MSRS-General.

The premise for coverage by MSRS-Correctional is that certain employment positions in correctional or analogous security hospital or psychopathic personality treatment center service are sufficiently hazardous and there is sufficient need for a particularly vigorous workforce in these specific positions to warrant a separate plan with larger retirement benefits payable at an earlier normal retirement age.

Historically, about 85% of MSRS-Correctional members are employees of the Department of Corrections and about 15% of MSRS-Correctional members are employees of the Department of Human Services. The correctional facilities with the largest numbers of MSRS-Correctional members are MCF-Stillwater, MCF-Lino Lakes, MCF-St. Cloud, and MCF-Faribault. The plan currently has 3,249 members in approximately 100 employment classifications. Correctional officers comprise the largest single occupational group covered by the plan.

Background Information on Department of Human Services Facilities/Programs with Employees Covered by the MSRS-Correctional Plan

The Department of Human Services operates three programs or facilities at which there are employees covered by the Correctional State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional). The programs or facilities are the Minnesota Security Hospital at St. Peter, Minnesota, the Minnesota Specialty Health System in Cambridge, and the Minnesota Sex Offender Program.

- a. Minnesota Security Hospital and the St. Peter Regional Treatment Center Campus. The Minnesota Security Hospital, a maximum-security psychiatric hospital located in St. Peter, Minnesota, serves people who have been involved with the state's legal system due to a crime and who have been committed by the court under Minnesota Statutes, Chapter 253B, to the Commissioner of Human Services as Mentally Ill and Dangerous (MI&D) or as a person with developmental disabilities diagnosed with mental retardation or related condition who presents a public safety risk or who have been ordered for evaluation and treatment, under Minnesota Rules of Criminal Procedure, 20.01 and 20.02, before the start of a criminal trial.

The St. Peter State Hospital was built in 1866 and was the first state hospital in the state of Minnesota. The hospital has undergone a major renovation and replacement program and has been transformed from the oldest to one of the newest state hospitals.

The new Minnesota Security Hospital at St. Peter was completed in 1982. The building is 121,000 square feet and is a masonry and steel structure. It contains its own emergency generator and excellent plumbing, heating, and electrical systems. The general maintenance and physical condition of the Security Hospital have been rated excellent.

The St. Peter facility of the Department of Human Services includes the Special Needs Service program and the Transition Services Program. Both programs are part of the State Operated Forensic Services system of the Department of Human Services.

The Special Needs Service operates as part of the Minnesota Security Hospital. The Special Needs Service includes two high security units that serve low IQ patients who have committed sex offenses, and are committed as Sexually Dangerous Persons or as Mentally Ill and Dangerous. The patients served by the Special Needs Service would be either in the Minnesota Security Hospital or in the Minnesota Sex Offender Program if the Special Needs Service did not exist. Because the Special Needs Service is considered part of the Minnesota Security Hospital, the employees working the Special Needs Service units and the Minnesota Security Hospital units are interchangeable. Employees working the Special Needs Service units can be and are reassigned to work Minnesota Security Hospital units on a daily basis, and vice versa. Therefore there are no differences in staff responsibilities.

The Transition Services Program is a 58-bed unlocked program where Minnesota Security Hospital patients who are progressing in treatment transfer when eligible. The Transition Services Program serves only Mentally Ill and Dangerous committed patients. The Transition Service Program currently makes up 12% of the total forensic patient population on the St. Peter Regional Treatment Center Campus. Therefore an employee whose job description indicates that they work with patients in the Transition Services Program would spend no more than 12% of their time working with patients in a program that is not covered in the MSRS-Correctional Retirement Plan.

- b. METO/Minnesota Specialty Health System in Cambridge. The 1995 Legislature authorized the Commissioner of Human Services to develop a specialized service model at the Cambridge Regional Human Services Center campus to serve Minnesotans who have a developmental disability and exhibit severe behaviors that present a risk to public safety. The program developed was known as the Minnesota Extended Treatment Options (METO) Program. METO combined extensive outreach and support services with the availability of specialized residential beds so that individuals can be served in the least restrictive setting necessary. With extensive outreach and support services available, admission to the program was limited to those few individuals who exhibited such extreme behaviors that they could not be served safely in their communities.

METO program participants were required to be mentally retarded, be of adult age, and exhibit behaviors that present a risk to public safety. Most individuals were placed in METO under the Minnesota Civil Commitment and Treatment Act, with the majority being committed as a person with mental retardation. METO had the capacity to provide specialized residential services for up to 48 clients.

Minnesota Specialty Health System-Cambridge provides services to individuals diagnosed with developmental disabilities or related conditions who may be highly complex with a history of legal problems, public safety and/or personal safety concerns due to significant behavioral disturbances and/or poorly managed medical conditions. The program replaced the Minnesota Extended Treatment Options Program. METO closed on June 30, 2011, as a result of the settlement of the 2009 federal district court *Jensen v. Minnesota Department of Human Services* litigation and has been replaced by the Minnesota Specialty Health System-Cambridge.

- c. The Minnesota Sex Offender Program. The Minnesota Sex Offender Program (MSOP) provides services for persons who are civilly committed for sex offenses or for individuals that are found to be either a “sexual psychopathic personality” or a “sexually dangerous person” by a court. Most MSOP clients have completed prison sentences and are civilly committed by the courts and placed in treatment for an indeterminate period of time.

A sexual psychopathic personality is a person who, as a result of a mental or emotional condition:

- 1) engaged in a “habitual course of misconduct in sexual matters;”
- 2) has an “utter lack of power to control the person’s sexual impulses;” and
- 3) as a result of this inability to control his/her behavior is “dangerous to other persons.”

A sexually dangerous person is a person who:

- 1) has “engaged in a course of harmful sexual conduct” that creates a “substantial likelihood of serious physical or emotional harm to another;”
- 2) the person has a sexual, personality, or mental disorder; and
- 3) the person is likely to engage in harmful sexual conduct in the future.

MSOP is one program with two locations – Moose Lake and St. Peter. As of January 1, 2012, MSOP was providing treatment for 635 clients across both sites, with 474 clients at Moose Lake and with 161 clients at St. Peter. Most clients begin treatment at the MSOP Moose Lake facility and after successfully completing the first two phases of treatment, are transferred to the St. Peter facility to complete treatment and begin working toward provisional discharge. Clients acquire skills through active participation in group therapy and are provided opportunities to demonstrate meaningful change through participation in rehabilitative services including education classes, therapeutic recreational activities and vocational work program assignments. MSOP staff observes and monitors clients not only in treatment groups, but also in all aspects of daily living.

MSOP clients average 46 years of age and the vast majority are European/European-American. Over 57% of MSOP clients were committed from a non-Metro county, with over 22% committed from Hennepin County. Over 81% of MSOP clients have completed 12 years of education or have a General Education Diploma (GED).

Moose Lake Treatment Facility

- With the exception of clients receiving alternative treatment, clients begin the commitment at MSOP’s Moose Lake facility.
- Moose Lake clients include individuals involved in the civil commitment process, non-participants and those participating in initial and primary stages of treatment
- MSOP’S Moose Lake facility clients are housed in two buildings. Main, originally built in 1995, houses 102 clients. Complex One, built in 2009, houses 337 clients.

St. Peter Treatment Facility

- Individuals who have demonstrated meaningful change and have progressed through treatment move to St. Peter to begin the reintegration process.
- St. Peter also provides alternative treatment for clients for whom conventional programming is not appropriate. These clients require unique treatment approaches due to development disabilities, traumatic brain injuries and/or severe learning disabilities.
- MSOP’s St. Peter facility occupies four buildings on the Minnesota Security Hospital campus, housing 148 patients.

Minnesota Sex Offender Program – Department of Corrections Program

In addition to MSOP’s two primary facilities, MSOP operates a 50-bed sex offender treatment program at the Moose Lake Minnesota Correctional Facility for offenders who have been identified as likely to be referred for civil commitment, but are still serving their correctional sentences. This program offers treatment similar in scope and design to treatment provided at the MSOP Moose Lake facility.

CORRECTIONAL EMPLOYEE RETIREMENT PLAN POLICY
Minnesota Department of Human Services
2005

- AUTHORITY:** Minn. Stat. §§352.90 – 352.91.
- PURPOSE:** To establish guidelines and procedures for evaluating and recommending positions for inclusion in, and removal from, the Correctional Employee Retirement Plan (CERP).
- APPLICABILITY:** Employees working directly with patients at the Minnesota Security Hospital (MSH), the Minnesota Sex Offender Program (MSOP), or the Minnesota Extended Treatment Options (METO) on-campus program whose positions regularly require them to provide patients with treatment, rehabilitation, custody or supervision.
- POLICY:** The Department of Human Services will review, annually or at the request of employees or their exclusive representatives, MSH, MSOP and METO positions to determine whether they should be covered by the CERP. This review will be governed by the procedures and criteria contained in this document. If the commissioner determines that positions or classes should be added to, or removed from, the CERP, the commissioner may recommend those changes, with supporting documentation, by January 15th to the chair of the Legislative Commission on Pensions and Retirement, the chair of the Senate State and Local Governmental Operations Committee, the chair of the House Governmental Operations and Veterans Affairs Policy Committee, and the executive director of the Legislative Commission on Pensions and Retirement in the form of the proposed legislation.
- DEFINITIONS:** Patient contact is the provision of treatment, rehabilitation, custody or supervision to patients at the Minnesota Security Hospital (MSH), the Minnesota Sex Offender Program (MSOP), or the Minnesota Extended Treatment Options (METO) on-campus program.
- Supervision of patients is the coordination, direction, monitoring and evaluation of patient activities.
- Treatment of patients is the provision of health care services (physical or psychological) without the presence of security staff.
- Rehabilitation of patients is the provision of therapeutic services without the presence of security staff.
- Custody of patients is the control of patient behavior in order to provide a secure setting.

- CRITERIA:** To be included in the CERP, the duties of a position must require the incumbent to:
- work in close physical proximity with patients;
 - have direct responsibility for patients;
 - actively/physically intervene in patient incidents;
 - work with groups of patients in situations where security staff are not present;
 - be responsible for controlling the behavior and/or activities of patients; and
 - be engaged in treatment, rehabilitation, custody, or supervision of patients at least 75% of their work time.

The incumbents of positions meeting these criteria must be employed in the classes and facilities listed in Minn. Stat. §352.91 as eligible for inclusion in the CERP. If they are not, the positions/classes will also be considered for an amendment to the statute.

PROCEDURES:

A. Agency Annual Review of Eligibility for CERP Inclusion

1. The Forensics Human Resources Director will annually review all classes/positions in MSH, MSOP and METO and prepare a summary report listing positions/classes which should be added to, or removed from, the CERP.
 - For positions which no longer meet the above criteria, the Human Resources Director may recommend that the position duties be restructured so that the criteria are met.
2. The report will be reviewed, edited as appropriate, and signed by the MSH, MSOP and METO site directors.
3. Final review of the report will be by the SOS Human Resources Operations Manager.
4. The Forensics Human Resources Director will notify the incumbents whose positions no longer qualify for inclusion in the CERP that the positions will be removed. The notice will be in writing and will include their right to appeal the decision.

B. Employee- or Supervisor-Initiated Requests

1. An employee (or an exclusive representative on behalf of an employee) completes the CERP Certification Review Form, attaches a position description (s), and submits the request to the employee's supervisor.
2. A supervisor receiving an employee-initiated request, or acting on his or her own initiative, reviews or completes the form and submits it with the attached position documentation to the MSH, MSOP or METO site director, as appropriate.
3. The site director must review the requests and, if satisfied that they are accurate representations of the affected positions, forward them to the Forensics Human Resources Director for processing.

4. The Forensics Human Resources Director will secure final review and approval/denial of the requests by the SOS Human Resources Operations Manager.
5. Once final approval or denial is obtained, the Forensics Human Resources Director will notify the requestor(s) in writing of the decision and their right to appeal the decision.

C. Appeal Process

1. Affected parties will have 30 days from the date of the written notice of a decision to file a written appeal with the Chief Executive Officer (CEO) of State Operated Services.
2. All appeals will be determined by the CEO.
3. The CEO will provide the appellant with a written report of his/her decision.
4. The CEO's decisions are final.

D. Implementation of Final Decisions

1. Final recommendations for changes will be initiated by the agency in accord with Minn. Stat. §352.91, Subd. 4a or §352.91, Subd. 5, as appropriate.
2. Documentation of the processes and final decisions will be retained by the Forensics Human Resources Director.

Minnesota Department of Human Services

Correctional Employees Retirement Plan (CERP) Policy and Procedure

Overview

Description:

The Minnesota Department of Human Services (DHS) shall seek statutory authority for all classes of employee meeting the statutory requirement for coverage by the Correctional Employees Retirement Plan (CERP) as determined by the Commissioner of Human Services.

Reason for Policy:

DHS aims to establish guidelines and procedures for administering Correctional Employees Retirement Plan coverage and to create a process for employees to request such coverage.

Applicability:

This policy applies to employees working directly with patients/clients at the Minnesota Security Hospital (MSH), Minnesota Sex Offender Program (MSOP), or the Minnesota Extended Treatment Option program (METO) and whose position requires the employee to (1) work in close physical proximity with patients/clients, (2) have direct responsibility for patients/clients, (3) actively/physically intervene in patient/client incidents, (4) work with groups of patients/clients in situations where security staff are not present, (5) be responsible for controlling the behavior and/or activities of patients/clients, and (6) be engaged in the treatment, rehabilitation, custody, or supervision of patients/clients for at least 75% of their work time.

Failure to Comply:

Failure to comply with this policy and its procedures may result in disciplinary action or termination.

Policy:

The Department of Human Services will, at a minimum, annually review employee and/or classification eligibility for coverage in the CERP and will establish a procedure for moving individual employees and job classifications into and out of the plan. In addition, the agency will seek statutory authority for all classes meeting the statutory requirement for coverage by the correctional employee's retirement plan as determined by the Commissioner of Human Services.

Procedures that apply:

- I. Employee or Supervisory Initiated Requests for Classifications Already Authorized by Minn. Stat. 352.91
 - The employee (or an exclusive representative on behalf of an employee) must complete the CERP Certification Review Form attach a position description and submit the request to his/her supervisor.
 - The supervisor receiving an employee-initiated request will review the request with all documentation and certify that it contains accurate information by signing.
 - The supervisor will send the signed form to the local HR director along with a letter outlining how and when the position changed to warrant coverage.
 - The local HR Director will evaluate if the request for inclusion meets the criteria outlined in the Minn. Statutes and if the initial service date corresponds to the documentation provided by the supervisor.
 - The local HR Director will send the request and his/her evaluation to their HR Manager.
 - The HR Manager will evaluate the request and document whether the request for inclusion should be granted.
 - If the position is recommended for coverage in the CERP, then the HR Manager will direct transactions to change the employee's retirement plan to CERP using the "initial service date."

- The HR Manager will notice the employee, the local HR Director, and Minnesota State Retirement System (MSRS) of the initial service date. If the employee does not agree with the initial service date determination, the employee may file an appeal with the agency human resource director for consideration by the CERP Review Committee.
- If the position is not recommended for coverage in the CERP, the HR Manager will notify the local HR Director, supervisor, and employee that the request is being forwarded to the agency human resource director for consideration by the CERP Review Committee.

II. Requesting an employee's retirement code be changed to the General Employee Retirement Plan

- The supervisor will update the position description and obtain the employee's signature.
- The supervisor will send the signed position description to the local HR Director along with a letter outlining how the position has changed over time that warrants changing the employee's retirement code to the General Plan.
- The local HR Director will send the request and his/her evaluation to their HR Manager.
- The HR Manager will evaluate the request and, if warranted, direct the transactions unit to change the employee's retirement code to the General Employee Retirement Plan.

III. Process for evaluating and recommending potential classifications and business lines be added to Minn. Stat. 352.91

- The requesting employee and/or supervisor must complete the CERP Initial Service Date form and submit the form along with a current signed position description to the local HR Director.
- The local HR Director will evaluate if the request for inclusion meets the criteria outlined in Minn. Statutes and if the initial service date corresponds to the documentation provided by the supervisor.
- The local HR Director will send the request and his/her evaluation to their HR Manager.
- The HR Manager will evaluate the request and forward to the agency HR Director with a recommendation. The agency HR Director will bring the request forward to the CERP Review Committee.
- The supervisor will update the position description and obtain the employee's signature.

IV. Agency Annual Review of Eligibility for CERP Inclusion

- The HR Manager in consultation with the local HR Director will annually review all classes/positions in their respective administration (SOS and MSOP) to determine the following:
 - (a) If the current employees covered by CERP continue to meet the statutory requirement for inclusion (if not, follow II above); (b) If any additional employees should be added to CERP who are currently in a class authorized by Minn. Stat. 325.91 (follow I above); (c) If any classifications not authorized by statute should be recommended for inclusion (follow III above).
- The HR Manager will prepare an annual report listing as follows:
 - (a) Classifications proposed to be added to Minn. Stat. 325.91 with the agency's initial coverage date; (b) Classifications proposed to be removed from Minn. Stat. 352.91; (c) Initial service date appeals.
- The report will be reviewed, edited as appropriate, and signed by the head of MSOP or SOS.
- Final review of the report will be performed by the DHS HR Director.
- The final report will be sent to the CERP Review Committee and the Commissioner.

V. Responsibilities/Actions of the CERP Review and Appeals Committee

- The Agency HR Director will convene meetings of the CERP Review Committee.
- The CERP Review Committee will review all requests referred to the committee in accordance with policy and supporting documentation for coverage by the CERP.
- The CERP Review Committee will make a recommendation to the Commissioner as to which classifications and/or businesses meet the statutory requirement for recommended inclusion in statute and the correct initial service date for all individuals impacted by the addition of the class or business.
- The CERP Review Committee will make a recommendation to the Commissioner as to which classifications and/or businesses no longer meet the statutory requirement for inclusion in statute and recommend the removal from statute.
- The Agency HR Director will provide all affected employees and supervisors of vacancies with a notice of determination from the CERP Review Committee, including their right to appeal.
- Appeals must be filed with the Agency HR Director within 30 days of the date of the notice of determination. All appeals will be determined by the Commissioner whose decision is final.
- The Commissioner of Human Services will submit a written recommendation to the Legislature pursuant to Minnesota Statute documenting the classifications and/or businesses that should be added and those that should be removed based on the reviews and appeals conducted.
- The Agency HR Director will retain the documentation of each request process and the final determination.
- Appropriate information must be documented in the affected employee's personnel file.

VI. CERP Covered Employee Appointed to Temporary Assignments / Positions Not Covered by CERP.

- Employees on a leave of absence from their permanent CERP-eligible appointment and appointed to project positions in the unclassified service not covered by CERP will be moved to the General Retirement Plan after completing one year's service outside CERP-eligible duties and/or location per MSRS rules.
- Employees in work-out-of-class assignments not covered by CERP will continue their coverage for the period of individual assignment not to exceed 24 months. In addition, the employee will not be assigned for more than 24 months during any 36-month period excluding an assignment that coincides with an unclassified appointment.
- CERP covered employees who are on mobility assignments in other agencies that are not covered by CERP may continue their coverage for the period of individual assignment not to exceed 24 months. In addition, the employee will not be assigned for more than 24 months during any 36-month period excluding an assignment that coincides with an unclassified appointment.
- CERP covered employees who are on mobility assignments within the agency will follow the procedure for unclassified service appointments or work-out-of-class assignments as outlined in procedures of this policy.

VII. Requests to reclassify positions using reallocation

- HR will classify jobs without consideration of the pension plan covering the position. Therefore, a CERP covered employee's position may move to a job class not eligible for CERP coverage and be placed in the General Employees Retirement Plan.
- Should an employee believe that CERP coverage is warranted for the position, the employee must follow the procedures of this policy to request CERP coverage.

Legal Authority:

Minnesota Statute Chapter 352, State Retirement section 352.90, Policy, and section 352.91, Covered Correctional Service

Definitions:

Correctional Employees Retirement Plan (CERP): The retirement plan available to employees who work directly with patients in MSH, MSOP, or METO and whose position requires the employee to (1) work in close physical proximity with patients, (2) have direct responsibility for patients, (3) actively/physically intervene in patient incidents, (4) work with groups of patients in situations where security staff are not present, (5) be responsible for controlling the behavior and/or activities of patients, and (6) be engaged in treatment, rehabilitation, custody or supervision for at least 75% of their work time.

Correctional Employees Retirement Plan (CERP) Review Committee: The body that reviews and recommends classes and businesses to be included or removed from Minn. Stat. 325.91 for annual legislative proposals. The review committee also determines if incumbents of classes or positions determined for inclusion have prior agency employment which also qualified as correctional service and should be transferred from the general state employee's retirement plan to the CERP and the initial date for each potential service credit transfer. Members of this committee are: one representative of each affected exclusive representative (AFSCME, MAPE, MMA, SRSEA, and MNA), a representative from the Minnesota State Retirement System, representatives from the Department of Human Services (DHS) and Minnesota Management and Budget (MMB).

Patient Contact: The provision of treatment, rehabilitation, custody or supervision to patients in MSH, MSOP, or METO.

Rehabilitation of Patients: The provision of therapeutic services without the presence of security staff.

Supervision of Patients: The coordination, direction, monitoring and evaluation of patient activities.

Treatment of Patients: The provision of health care services (physical or psychological) without the presence of security staff.

Custody of Patients: The control of patient behavior in order to provide a secure setting.

Initial Service Date: The first date the employee performs covered duties for at least 75% time. This is sometimes referred to as initial coverage date.

Policy Contact(s):

Name: Connie Jones, Phone: 651-431-2999; Email: Connie.L.Jones@state.mn.us

Policy History:

Established September 7, 2011

This policy and its procedures remain in effect until rescinded or updated.

- 1.1 moves to amend H.F. No. 2199; S.F. No. 1808, as follows:
- 1.2 Page 3, line 24, delete the new language
- 1.3 Page 3, delete line 25
- 1.4 Renumber the clauses in sequence

1.1 moves to amend H.F. No. 2199; S.F. No. 1808, as follows:

1.2 Page 4, after line 18, insert:

1.3 "Sec. 4. **REPEALER.**

1.4 Minnesota Statutes 2010, section 352.91, subdivision 3e, is repealed."

1.5 Page 4, line 20, before "Sections" insert "(a) "

1.6 Page 4, after line 20, insert:

1.7 "(b) Section 4 is effective as of the day after the last day of the last full pay period
1.8 in May 2013."

1.9 Renumber the sections in sequence and correct the internal references

1.10 Amend the title accordingly

1.1 moves to amend H.F. No. 2199; S.F. No. 1808, as follows:

1.2 Page 4, after line 18, insert:

1.3 "Sec. 4. Minnesota Statutes 2010, section 352.92, subdivision 1, is amended to read:

1.4 Subdivision 1. **Employee contributions.** (a) Employee contributions of covered
1.5 correctional employees must be in an amount equal to the following percent of salary:

1.6	before July 1, 2007 <u>2012</u>	5.69 <u>8.60</u>
1.7	from July 1, 2007, to June 30, 2008	6.40
1.8	from July 1, 2008, to June 30, 2009	7.00
1.9	from July 1, 2009, to June 30, 2010	7.70
1.10	from July 1, 2010 <u>2012</u> , and thereafter	8.60 <u>10.40</u> .

1.11 (b) These contributions must be made by deduction from salary as provided in
1.12 section 352.04, subdivision 4.

1.13 Sec. 5. Minnesota Statutes 2010, section 352.92, subdivision 2, is amended to read:

1.14 Subd. 2. **Employer contributions.** The employer shall contribute for covered
1.15 correctional employees an amount equal to the following percent of salary:

1.16	before July 1, 2007 <u>2012</u>	7.98 <u>12.10</u>
1.17	from July 1, 2007, to June 30, 2008	9.10
1.18	from July 1, 2008, to June 30, 2009	10.10
1.19	from July 1, 2009, to June 30, 2010	11.10
1.20	from July 1, 2010 <u>2012</u> , and thereafter	12.10 <u>15.60</u> ."

1.21 Page 4, line 20, delete "3" and insert "5"

1.22 Renumber the sections in sequence and correct the internal references

1.23 Amend the title accordingly

1.1 moves to amend H.F. No. 2199; S.F. No. 1808, as follows:

1.2 Page 4, after line 18, insert:

1.3 "Sec. 4. Minnesota Statutes 2010, section 352.92, subdivision 1, is amended to read:

1.4 Subdivision 1. **Employee contributions.** (a) Employee contributions of covered
1.5 correctional employees must be in an amount equal to the following percent of salary:

1.6	before July 1, 2007 <u>2013</u>	5.69 <u>8.60</u>
1.7	from July 1, 2007 <u>2013</u> , to June 30, 2008 <u>2014</u>	6.40 <u>9.05</u>
1.8	from July 1, 2008 <u>2014</u> , to June 30, 2009 <u>2015</u>	7.00 <u>9.50</u>
1.9	from July 1, 2009 <u>2015</u> , to June 30, 2010 <u>2016</u>	7.70 <u>9.95</u>
1.10	from July 1, 2010 <u>2016</u> , and thereafter	8.60 <u>10.40</u> .

1.11 (b) These contributions must be made by deduction from salary as provided in
1.12 section 352.04, subdivision 4.

1.13 Sec. 5. Minnesota Statutes 2010, section 352.92, subdivision 2, is amended to read:

1.14 Subd. 2. **Employer contributions.** The employer shall contribute for covered
1.15 correctional employees an amount equal to the following percent of salary:

1.16	before July 1, 2007 <u>2013</u>	7.98 <u>12.10</u>
1.17	from July 1, 2007 <u>2013</u> , to June 30, 2008 <u>2014</u>	9.10 <u>12.98</u>
1.18	from July 1, 2008 <u>2014</u> , to June 30, 2009 <u>2015</u>	10.10 <u>13.86</u>
1.19	from July 1, 2009 <u>2015</u> , to June 30, 2010 <u>2016</u>	11.10 <u>14.74</u>
1.20	from July 1, 2010 <u>2016</u> , and thereafter	12.10 <u>15.60</u> ."

1.21 Page 4, line 20, delete "3" and insert "5"

1.22 Renumber the sections in sequence and correct the internal references

1.23 Amend the title accordingly

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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2199

02/13/2012 Authored by Lanning

The bill was read for the first time and referred to the Committee on Government Operations and Elections

1.1 A bill for an act
1.2 relating to retirement; correctional state employees retirement plan of the
1.3 Minnesota State Retirement System; implementation of coverage changes
1.4 recommended by the commissioner of human services; amending Minnesota
1.5 Statutes 2010, section 352.91, subdivisions 3c, 3d, 3f.

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

1.7 Section 1. Minnesota Statutes 2010, section 352.91, subdivision 3c, is amended to read:

1.8 Subd. 3c. **Nursing personnel.** (a) "Covered correctional service" means service by
1.9 a state employee in one of the employment positions at a correctional facility or at the
1.10 Minnesota Security Hospital, or in the Minnesota sex offender program that are specified
1.11 in paragraph (b) if at least 75 percent of the employee's working time is spent in direct
1.12 contact with inmates or patients and the fact of this direct contact is certified to the
1.13 executive director by the appropriate commissioner.

1.14 (b) The employment positions are as follows:

- 1.15 (1) registered nurse - senior;
1.16 (2) registered nurse;
1.17 (3) registered nurse - principal;
1.18 (4) licensed practical nurse 2; ~~and~~
1.19 (5) registered nurse advance practice; ~~and~~
1.20 (6) psychiatric advance practice registered nurse.

1.21 Sec. 2. Minnesota Statutes 2010, section 352.91, subdivision 3d, is amended to read:

1.22 Subd. 3d. **Other correctional personnel.** (a) "Covered correctional service" means
1.23 service by a state employee in one of the employment positions at a correctional facility or
1.24 at the Minnesota Security Hospital specified in paragraph (b) if at least 75 percent of the

- 2.1 employee's working time is spent in direct contact with inmates or patients and the fact of
2.2 this direct contact is certified to the executive director by the appropriate commissioner.
- 2.3 (b) The employment positions are:
- 2.4 (1) automotive mechanic;
- 2.5 (2) baker;
- 2.6 (3) central services administrative specialist, intermediate;
- 2.7 (4) central services administrative specialist, principal;
- 2.8 (5) chaplain;
- 2.9 (6) chief cook;
- 2.10 (7) clinical program therapist 1;
- 2.11 (8) clinical program therapist 2;
- 2.12 (9) clinical program therapist 3;
- 2.13 (10) clinical program therapist 4;
- 2.14 (11) cook;
- 2.15 ~~(8)~~ (12) cook coordinator;
- 2.16 ~~(9)~~ ~~corrections program therapist 1~~;
- 2.17 ~~(10)~~ ~~corrections program therapist 2~~;
- 2.18 ~~(11)~~ ~~corrections program therapist 3~~;
- 2.19 ~~(12)~~ ~~corrections program therapist 4~~;
- 2.20 (13) corrections inmate program coordinator;
- 2.21 (14) corrections transitions program coordinator;
- 2.22 (15) corrections security caseworker;
- 2.23 (16) corrections security caseworker career;
- 2.24 (17) corrections teaching assistant;
- 2.25 (18) delivery van driver;
- 2.26 (19) dentist;
- 2.27 (20) electrician supervisor;
- 2.28 (21) general maintenance worker lead;
- 2.29 (22) general repair worker;
- 2.30 (23) library/information research services specialist;
- 2.31 (24) library/information research services specialist senior;
- 2.32 (25) library technician;
- 2.33 (26) painter lead;
- 2.34 (27) plant maintenance engineer lead;
- 2.35 (28) plumber supervisor;
- 2.36 (29) psychologist 1;

- 3.1 (30) psychologist 3;
- 3.2 (31) recreation therapist;
- 3.3 (32) recreation therapist coordinator;
- 3.4 (33) recreation program assistant;
- 3.5 (34) recreation therapist senior;
- 3.6 (35) sports medicine specialist;
- 3.7 (36) work therapy assistant;
- 3.8 (37) work therapy program coordinator; and
- 3.9 (38) work therapy technician.

3.10 Sec. 3. Minnesota Statutes 2010, section 352.91, subdivision 3f, is amended to read:

3.11 Subd. 3f. **Additional Department of Human Services personnel.** (a) "Covered
 3.12 correctional service" means service by a state employee in one of the employment
 3.13 positions specified in paragraph (b) at the Minnesota Security Hospital or in the Minnesota
 3.14 sex offender program if at least 75 percent of the employee's working time is spent in
 3.15 direct contact with patients and the determination of this direct contact is certified to the
 3.16 executive director by the commissioner of human services.

3.17 (b) The employment positions are:

- 3.18 (1) behavior analyst 2;
- 3.19 (2) behavior analyst 3;
- 3.20 (3) certified occupational therapy assistant 1;
- 3.21 (4) certified occupational therapy assistant 2;
- 3.22 (5) chemical dependency counselor senior;
- 3.23 (6) client advocate;
- 3.24 (7) clinical program therapist 1;
- 3.25 (8) clinical program therapist 2;
- 3.26 (9) clinical program therapist 3;
- 3.27 (10) clinical program therapist 4;
- 3.28 (11) customer services specialist principal;
- 3.29 ~~(8)~~ (12) dental assistant registered;
- 3.30 ~~(9)~~ (13) group supervisor;
- 3.31 ~~(10)~~ (14) group supervisor assistant;
- 3.32 ~~(11)~~ (15) human services support specialist;
- 3.33 ~~(12)~~ (16) licensed alcohol and drug counselor;
- 3.34 ~~(13)~~ (17) licensed practical nurse 1;
- 3.35 ~~(14)~~ (18) management analyst 3;

- 4.1 ~~(15)~~ (19) occupational therapist;
- 4.2 ~~(16)~~ (20) occupational therapist, senior;
- 4.3 ~~(17)~~ (21) psychologist 1;
- 4.4 ~~(18)~~ (22) psychologist 2;
- 4.5 ~~(19)~~ (23) psychologist 3;
- 4.6 ~~(20)~~ (24) recreation program assistant;
- 4.7 ~~(21)~~ (25) recreation therapist lead;
- 4.8 ~~(22)~~ (26) recreation therapist senior;
- 4.9 ~~(23)~~ (27) rehabilitation counselor senior;
- 4.10 ~~(24)~~ (28) security supervisor;
- 4.11 ~~(25)~~ (29) skills development specialist;
- 4.12 ~~(26)~~ (30) social worker senior;
- 4.13 ~~(27)~~ (31) social worker specialist;
- 4.14 ~~(28)~~ (32) social worker specialist, senior;
- 4.15 ~~(29)~~ (33) special education program assistant;
- 4.16 ~~(30)~~ (34) speech pathology clinician;
- 4.17 ~~(31)~~ (35) work therapy assistant; and
- 4.18 ~~(32)~~ (36) work therapy program coordinator.

4.19 Sec. 4. **EFFECTIVE DATE.**

4.20 Sections 1 to 3 are effective the day following final enactment.