



H.F. 3277

(Howes)

S.F. 2894

(Olson, M.)

Executive Summary of Commission Staff Materials

Affected Pension Plan: MSRS-Correctional
Relevant Provisions of Law: Special Law
General Nature of Proposal: Past service credit transfer request
Date of Summary: March 2, 2008

Specific Proposed Changes

- Current 21-year Department of Corrections employee with period of Security Caseworker employment from period before that occupational position was included in MSRS-Correctional Plan coverage in 1996 seeks transfer of 5.25 years of service credit from MSRS-General to MSRS-Correctional.

Policy Issues Raised by the Proposed Legislation

1. Unclear qualification of prior service as eligible correctional service.
2. Appropriateness of requested service credit transfer after decade-plus delay.
3. Unclear Department of Corrections support for the request.
4. Past precedents and future precedent value.



TO: Members of the Legislative Commission on Pensions and Retirement
FROM: Lawrence A. Martin, Executive Director *LAM*
RE: H.F. 3277 (Howes); S.F. 2894 (Olson, M.): MSRS-Correctional; Transfer of Service Credit for Past Security Caseworker Employment
DATE: March 2, 2008

Summary of H.F. 3277 (Howes); S.F. 2894 (Olson, M.)

H.F. 3277 (Howes); S.F. 2894 (Olson, M.) permits Suzanne Opsahl to transfer 5.25 years of prior allowable service credit from the General State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-General) to the MSRS Correctional State Employees Retirement Plan (MSRS-Correctional), with the transfer of existing plan assets for the period between the plans, the payment of the difference between the MSRS-Correctional and MSRS-General member contribution rates by Ms. Opsahl, and of the difference between the MSRS-Correctional and MSRS-General employer contribution rates by the Department of Corrections, and the allocation of the balance of the full actuarial value of the additional retirement benefit obtained by the transfer allocated between Ms. Opsahl and the Department of Corrections.

Public Pension Problem of Suzanne Opsahl

Suzanne Opsahl, of Hackensack, Minnesota, is a former Casemanager and current Corrections Security Caseworker-Career at the Minnesota Correctional Facility-St. Cloud who has 21 years of employment by the Department of Corrections.

Ms. Opsahl was a Corrections Security Counselor within the Department of Corrections from September 9, 1990, to December 12, 1995, and was a Corrections Security Caseworker Career with the Department of Corrections from December 13, 1995, until January 9, 1996, prior to the inclusion of those employment positions in the Correctional State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional). In 2007, Ms. Opsahl requested permission from the Department of Corrections to obtain MSRS-Correctional plan coverage for those 5.25 years of service rather than coverage by the MSRS General State Employees Retirement Plan (MSRS-General), but was denied on December 14, 2007, on the basis that no statutory authority for the requested retroactive coverage change exists.

Background Information

- A. Background information on the Correctional State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) is set forth in Attachment A.
- B. Background information on the 2007 MSRS-Correctional coverage change asset transfer and additional payment obligation legislation is set forth in Attachment B.

Discussion and Analysis

H.F. 3277 (Howes); S.F. 2894 (Olson, M.) allows Suzanne Opsahl, a Department of Corrections employee at the Minnesota Correctional Facility-St. Cloud, to transfer 5.25 years of allowable service as a Corrections Security Caseworker and Caseworker Career relating to the period 1990-1995 from the General State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-General) to the MSRS Correctional State Employees Retirement Plan (MSRS-Correctional), with the full actuarial cost not covered by the transferred accumulated assets and equivalent additional member and employer contribution amounts, plus interest, split between the employee and the Department of Corrections.

The proposed legislation raises a number of pension and related public policy issues for Commission consideration and discussion, as follows:

1. Unclear Qualification of Prior Service as Eligible Correctional Service. The policy issue is whether the service rendered by Suzanne Opsahl from 1990 to 1995 as a Corrections Security Caseworker and Corrections Security Caseworker Career had sufficient inmate contact and was sufficiently hazardous to qualify for the quasi-public-safety personnel pension coverage provided by the Correctional State

Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) and merits consideration for transfer. While the Corrections Security Caseworker and Corrections Security Caseworker Career employment titles were first made eligible for MSRS-Correctional coverage in 1996, just after Ms. Opsahl left the positions, and it could be assumed that Ms. Opsahl's particular job duties and responsibilities tracked with the positions giving rise to the 1996 change, not all incumbents in any given Department of Corrections position meet the minimum eligibility requirements because of the way that the physical configurations of correctional facilities are designed and the facilities operate. Without more information from Ms. Opsahl or from the Department of Corrections about the nature of Ms. Opsahl's employment during the period 1990-1995, it will be difficult for the Commission to resolve whether or not the re-designation of this service is appropriate.

2. Appropriateness of Requested Service Credit Transfer After Decade-Plus Delay. The policy issue is the appropriateness of the Commission resolving the request of a service credit transfer more than a decade after the date when the issue would have been most timely resolved. The service credit transfer request is the functional equivalent of a service credit purchase and the Commission's post-1999 practice has been to observe two policy principles in connection with service credit purchase requests, which are that the purchase must be accompanied by a full actuarial value payment and that the purchase must not violate equitable considerations. One of the aspects of equity applicable here is the timeliness of the request for relief. The Corrections Security Caseworker and Corrections Security Caseworker Career classifications were added to coverage by the Correctional State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) in 1996 as part of the single largest expansion of the membership of that retirement plan since it was created in 1973. Incumbents in positions added to MSRS-Correctional membership were allowed to transfer past service credit to the plan with an additional member contribution in 1996 for all prior eligible service. Ms. Opsahl became a Correctional Agent Career about five months before the 1996 MSRS-Correctional plan membership expansion was enacted. It would have been most timely to have raised the issue of a service credit transfer for non-incumbents with prior eligible service either in 1996 or shortly thereafter, when the applicable information about eligibility would have been most available and the issues freshest. With a ten-year-plus delay, the request is considerably more difficult to resolve.
3. Unclear Department of Corrections Support for the Request. The policy issue is the question of the extent of support by the Department of Corrections for the service credit transfer request. Because the draft proposed legislation requires a full actuarial value payment of the additional pension liability arising from the service credit transfer and requires a considerable portion of that payment obligation be paid by the employing unit under the current generally applicable service credit transfer procedure, without any allegation of prior error or fault by the employer that generally triggers mandated employer payments in analogous situations, the employer should be provided an opportunity to contest the proposed legislation or to express support for it. The Department of Corrections' Correctional Employees Retirement Plan Review Committee, established under Minnesota Statutes, Section 352.91, Subdivisions 4a and 4b, considered this request on December 14, 2007, but decided that there was no statutory authority for the transfer and apparently never considered the substance of the issue of the eligibility for coverage by the Correctional State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) of Ms. Opsahl's 1990-1995 service (issue number one) or to gauge employing unit support for the request. The Department of Corrections should be provided with an opportunity to clarify its position on the proposed legislation.
4. Precedent. The policy issue is the extent to which there is a direct on-point precedent for the proposed legislation that could be considered binding and the extent to which the proposed legislation, if enacted, could constitute an adverse precedent for the same or similar future proposed legislation. Most service credit transfers occur in combination with plan membership expansions and relate to incumbents in classifications affected by the expansion.

The Commission staff can identify three instances of service credit transfers outside membership expansions that potentially could be argued to be precedents for this proposed legislation. In 1981 (Laws 1981, Chapter 297, Section 3), security guard service in the Department of Corrections rendered before 1981 was credited as allowable service in the Correctional State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional), apparently to resolve a dispute about the classification of and retirement coverage for some female Department of Corrections employees. In 2000 (Laws 2000, Chapter 461, Article 6, Section 2), past service credit was transferred for two Minnesota Correctional Facility-St. Cloud employees in the former Phoenix/Pomiga program, which was previously ineligible for MSRS-Correctional coverage as the result of a House floor amendment to the Commission omnibus retirement bill that was heard by, but not recommended by, the

Commission. In 2007 (Laws 2007, Chapter 134, Article 3, Section 6), an individual with service as a stores clerk from 1990 to 1994 at the Minnesota Correctional Facility-St. Cloud was authorized to transfer that past service from MSRS-General to MSRS-Correctional using the 2007 transfer process after the Department of Corrections Correctional Employees Retirement Plan Review Committee reviewed the position descriptions during the period and determined the service to have sufficient inmate contact. All three prior potential precedents appear to be able to be distinguished from this proposed legislation.

If the proposed legislation were to be enacted as drafted, there are likely to exist other Department of Corrections employees and Department of Human Services employees with prior service in positions that subsequently were included in MSRS-Correctional coverage who may wish to have service credit transferred with some employer subsidy and who could cite this proposal as a precedent for that request.

Attachment A

Background and Historical Information on the Correctional State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional)

1. 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, Chapter 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, and in 1997, when the benefit accrual rates were increased to achieve "uniformity" among the various general employee retirement plans.

2. 1973 Creation of the MSRS-Correctional Retirement Plan. The Correctional State Employees Retirement Plan of the Minnesota State Retirement System (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, Chapter 653, Sections 39 to 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 the General State Employees Retirement Plan of the Minnesota State Retirement System (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 the MSRS-Correctional Retirement Plan. The creation of the MSRS-Correctional Retirement Plan, 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 the MSRS-Correctional Plan 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.

3. 1974 Membership Expansion of the MSRS-Correctional Retirement Plan. The initial expansion for the MSRS-Correctional Retirement Plan occurred in 1974 (Laws 1974, Chapter 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-Stillwater, the Minnesota Correctional Facility-St. Cloud, and the Minnesota Correctional Facility-Shakopee. The special teachers, trades personnel, and maintenance personnel transferred to coverage by the MSRS-Correctional Retirement Plan 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 the MSRS-Correctional Retirement Plan. 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.
4. 1975-1978 MSRS-Correctional Retirement Plan Coverage Changes. In 1975 (Laws 1975, Chapter 230, Section 1), following complaints from correctional personnel facing imminent early retirement, the mandatory retirement age for MSRS-Correctional Plan 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 Plan 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, Chapter 368, Section 35), allowable service credit for prior state employment at a correctional facility as a farmer or a farmer manager by an MSRS-Correctional Plan 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, Chapter 781, Section 2), institution educational administrators and institution educational supervisors at correctional facilities were included in MSRS-Correctional membership.

5. 1980 Addition of MSRS-Correctional Plan Covered Position Administrative Certification Process. In 1980 (Laws 1980, Chapter 600, Sections 2 through 5), coverage by the MSRS-Correctional Plan 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 the Minnesota Correctional Facility-Lino Lakes was included in MSRS-Correctional Plan 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 the MSRS-Correctional Retirement Plan. 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.
6. 1981-1987 MSRS-Correctional Retirement Plan Coverage Changes. In 1981 (Laws 1981, Chapter 297, Sections 3 and 4), service credit for pre-1981 state employment as a security guard by an MSRS-Correctional Plan member was transferred to the MSRS-Correctional Plan, with the payment of an additional contribution amount.

In 1986 (Laws 1986, Chapter 458, Sections 31 and 32), service credit for correctional employment rendered between 1973 and 1980, that was excluded from MSRS-Correctional Plan coverage because the person was age 45 or older upon hiring were given the option to elect MSRS-Correctional Plan coverage with the payment of an additional contribution amount.

In 1987 (Laws 1987, Chapter 372, Article 1, Section 4), the 1980 administrative certification process for additional MSRS-Correctional Retirement Plan 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 Retirement Plan membership to the Commissioner of Employee Relations.

7. 1980s MSRS-Correctional Plan Administrative Transfers. Before 1998, several transfers of retirement coverage to the Correctional State Employees Retirement Plan of the Minnesota State Retirement System (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, that occurred without explicit Commission comment. The 48 transfers involved 19 employment classifications in six correctional facilities and two Department of Human Services' facilities.
8. 1996 MSRS-Correctional Retirement Plan Coverage Expansion. In 1996 (Laws 1996, Chapter 408, Article 8, Sections 10-17), various positions providing service at a correctional facility or the state security hospital were made newly eligible for Correctional Plan coverage, providing the employee has at least 75 percent inmate or patient contact. The groups added to the MSRS-Correctional Retirement Plan 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 Plan 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.

9. 1997 MSRS-Correctional Retirement Plan Coverage Changes. In 1997 (Laws 1997, Chapter 239, Article 9, Sections 40 and 41; Laws 1997, Chapter 241, Article 11), certain individuals at the Minnesota sexual psychopathic personality treatment center and individuals in certain employment classifications at the Minnesota correctional facility at 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 a prospective coverage by the MSRS-Correctional Plan 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.
10. Post-1996 Administrative Transfers to the MSRS-Correctional Plan. 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 the MSRS-Correctional Retirement Plan 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.

11. 1999 MSRS-Correctional Retirement Plan Coverage Changes. In 1999 (Laws 1999, Chapter 222, Article 13), nine positions in the Minnesota Extended Treatment Options Program (METO), located at the Cambridge Regional Treatment Center and operated by the Department of Human Services, were included in MSRS-Correctional Retirement Plan coverage if the positions are certified by the Commissioner of Human Services as having at least 75 percent direct patient contact. The Minnesota Extended Treatment Options 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 Retirement Plan 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 Plan 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 percent 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 six percent 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 Retirement Plan coverage, which was perhaps the first large-scale introduction of part-time employees into Minnesota public safety retirement plan coverage.

12. 2000 MSRS-Correctional Retirement Plan Coverage Changes. In 2000 (Laws 2000, Chapter 461, Article 6, Sections 1 to 4 and 6), several positions in the Department of Corrections and the Department of Human Services were included in the MSRS-Correctional Retirement Plan if the applicable Commissioner certified that at least 75 percent of the employee's working time was spent in direct inmate or patient contact. The applicable positions were as follows:

- (a) registered nurse practitioner at a correctional facility or at the Minnesota Security Hospital;
- (b) 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;
- (c) corrections discipline unit supervisor at Minnesota correctional facilities at Lino Lakes, Oak Park Heights, and St. Cloud;
- (d) dental assistant registered, at Minnesota correctional facilities at Faribault, Lino Lakes, Moose Lake, Oak Park Heights, and Red Wing;
- (e) dental hygienist, at the Minnesota correctional facility at Shakopee;
- (f) psychologist 2, at the correctional facility at Faribault, Lino Lakes, Moose Lake, Oak Park Heights, Red Wing, St. Cloud, Shakopee, and Stillwater;
- (g) the sentencing-to-service crew chief leader involved with the inmate community work crew program at Faribault and Lino Lakes; and
- (h) director and assistant group supervisor of the former Phoenix/Pomiga treatment/behavioral change program at the Minnesota Correctional facility at St. Cloud.

Individuals who newly gained MSRS-Correctional Retirement Plan 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 six percent 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 the MSRS-Correctional Retirement Plan 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.

13. 2003-2004 Interim Review of MSRS-Correctional Coverage Provisions. During the 2003-2004 Interim, the 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 Plan 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 five percent of the reported MSRS-Correctional Retirement Plan membership who lacked a clear statutory basis for inclusion in the plan. The problematic MSRS-Correctional Plan 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.
14. 2004 MSRS-Correctional Retirement Plan Coverage Changes. In 2004 (Laws 2004, Chapter 267, Article 1, Section 1), three additional positions in the Department of Corrections were included in the MSRS-Correctional Retirement Plan if the Commissioner of Corrections certified that at least 75 percent of the employee's working time was spent in direct inmate or patient contact. The positions were:
 - (a) corrections discipline unit supervisor at the Minnesota Correctional Facility-Rush City;
 - (b) dental hygienist at the Minnesota Correctional Facility-Rush City; and
 - (c) psychologist 2 at the Minnesota Correctional Facility-Rush City.No transfer to the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) of any past service credit related to past employment in the affected position and covered by the General State Employees Retirement Plan of the Minnesota State Retirement System (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.
15. 2005 MSRS-Correctional Retirement Plan Coverage Transfer Request Process. In 2005 (First Special Session Laws 2005, Chapter 8, Article 4, Section 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 percent 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.
16. 2006 MSRS-Correctional Retirement Plan Coverage Changes. In 2006 (Laws 2006, Chapter 271, Article 2, Sections 2 through 12) 22 additional employment positions within the Department of Corrections or the Department of Human Services were added to Correctional Plan 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 percent 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 percent 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 also codified. Past service credit was transferred for the laundry coordinators and delivery van drivers at the Minnesota Correctional Facility-Faribault and for the corrections discipline unit supervisor, dental hygienist, and psychologist 2 positions at the Minnesota Correctional Facility-Rush City.

17. 2007 MSRS-Correctional Retirement Plan Coverage Changes. In 2007 (Laws 2007, Chapter 134, Article 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 the General State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-General) to the MSRS Correctional State Employees Retirement Plan (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 the Minnesota Correctional Facility-St. Cloud was authorized to transfer that past service from MSRS-General to MSRS-Correctional using the newly enacted transfer and payment process.
18. Attraction of MSRS-Correctional Retirement Plan Membership and Transfer Demands. The attraction of the MSRS-Correctional Plan 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 Plan 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 percent yearly service benefit accrual factor. Duty-related disability benefits are generous, typical of a public safety plan. The duty-related disability receives 50 percent of high five average salary, plus 2.4 percent 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 the MSRS-General Plan.

The premise for coverage by the MSRS-Correctional Plan 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 percent of MSRS-Correctional Plan members are employees of the Department of Corrections and about 15 percent of MSRS-Correctional Plan members are employees of the Department of Human Services. The correctional facilities with the largest numbers of MSRS-Correctional Plan 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.

Attachment B

Background and Historical Information on the 2007 Asset Transfer and Additional Payment Procedure for Correctional State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) Coverage Transfers

For State of Minnesota Department of Corrections and Department of Human Services employees who were newly included in coverage by the Correctional State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) and had prior state employment covered by the General State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-General) that was eligible for transfer to the MSRS-Correctional Retirement Plan in 2006 or 2007 and thereafter, an ongoing procedure was specified for the transfer of previously accumulated assets and for the funding of the additional actuarial liability created in the MSRS-Correctional Retirement Plan by virtue of the prior service credit transfer.

Before 2007, prior service credit was sometimes transferred and MSRS-Correctional Retirement Plan coverage was sometimes prospective only. In recent years before 2007, the accumulated MSRS-General Retirement Plan assets attributable to the prior service credit were transferred to the MSRS-Correctional Retirement Plan and the transferred members were required to pay the differential between the MSRS-General member contribution rate and the MSRS-Correctional member contribution rate applied to the actual salaries earned during the period, plus 8.5 percent compounded interest, with the balance of any MSRS-Correctional unfunded actuarial accrued liability attributable to the transfer left to be funded by the ongoing funding of the plan. Until very recently, MSRS-Correctional was more than fully funded (i.e., assets in excess of actuarial accrued liability) and had a contribution sufficiency.

Since MSRS-Correctional is no longer a fully funded (82.4 percent funded, with a \$125.0 million unfunded actuarial accrued liability as of July 1, 2007) and has a contribution deficiency (total actuarial requirement of 23.41 percent of covered salary with total contributions of 15.50 percent of covered salary, leaving a 7.91 percent of covered salary (\$14.8 million) deficiency as of July 1, 2007), additional unfunded actuarial accrued liabilities attributable to retirement plan coverage changes and past service credit transfers clearly needed to be addressed and the 2007 legislation (Laws 2007, Chapter 134, Article 3, Section 5) was enacted to do so. The 2007 procedures differentiated between transfers that had just occurred (2006) or were occurring (2007) and all future transfers, as follows:

- If the employee was transferred to MSRS-Correctional before July 1, 2007, for the applicable past service, the applicable member was required to pay the member contribution rate differential (the difference between the MSRS-General employee contribution that was paid and the employee contribution that would have been made to MSRS-Correctional if that plan had covered that past service), plus 8.5 percent compound interest. If that payment is made, the employer must pay the equivalent employer contribution rate differential, plus 8.5 percent compound interest. In addition to these employee and employer payments, assets were transferred from MSRS-General in an amount equal to the funded portion of the present value of benefits earned for that service in MSRS-General.
- For transfers that occur on or after July 1, 2007, the payment of the full actuarial value of the additional benefit obtained by the transfer is required. To transfer the past service credit, MSRS will compute the full actuarial value of the service credit transfer in MSRS-Correctional. From this amount, MSRS will subtract the employee and employer contribution differential payment, with interest, and the asset transfer from MSRS-General as required for the pre-July 1, 2007, transfer procedure. The remainder of the full actuarial value, if positive, must be paid to MSRS-Correctional through additional payments by the member and the employer, to be shared on a 40 percent employee/60 percent employer basis.

To provide a sense of the potential member and employer payments that can be involved in service credit transfers under the 2007 procedure, the following are calculations under the procedure prepared by the consulting actuary retained by the Minnesota State Retirement System (MSRS) during the 2007 Legislative Session for transfers of service credit to MSRS-Correctional for various ages and service lengths:

ID	Age	Service	Transferred Assets	Employee Contribution Difference + Interest	Employer Contribution Difference + Interest	Total Assets and Additional Contribution Amounts	Remaining Full Actuarial Value	Member Full Actuarial Value Share	Employer Full Actuarial Value Share
A	23.67	0.61	684	209	493	1,386	1,539	616	923
B	25.33	1.75	3,508	942	2,218	6,668	7,352	2,941	4,411
C	26.75	3.50	6,883	1,565	3,685	12,133	14,372	5,749	8,623
D	28.58	4.00	10,797	2,434	5,732	18,963	23,122	9,249	13,873

ID	Age	Service	Transferred Assets	Employee Contribution Difference + Interest	Employer Contribution Difference + Interest	Total Assets and Additional Contribution Amounts	Remaining Full Actuarial Value	Member Full Actuarial Value Share	Employer Full Actuarial Value Share
E	30.42	0.83	4,492	1,029	2,423	7,944	10,160	4,064	6,096
F	30.83	6.00	17,983	3,856	9,081	30,920	41,883	16,753	25,130
G	34.75	0.17	24	0	0	24	14	6	8
H	34.75	2.17	7,744	1,433	3,376	12,553	17,552	7,021	10,531
I	35.17	1.00	2,980	577	1,359	4,916	7,015	2,806	4,209
J	35.33	1.83	7,921	1,568	3,693	13,182	18,506	7,402	11,104
K	35.50	4.27	9,257	1,641	3,864	14,762	21,963	8,785	13,178
L	38.92	12.00	69,827	13,206	31,102	114,135	159,505	63,802	95,703
M	39.92	5.00	23,261	4,062	9,565	36,888	52,056	20,822	31,234
N	40.17	0.92	3,732	645	1,518	5,895	8,969	3,588	5,381
O	40.25	0.33	4,528	1,313	3,093	8,934	10,832	4,333	6,499
P	41.08	1.92	7,081	1,162	2,735	10,978	15,236	6,094	9,142
Q	45.00	1.83	11,636	1,795	4,227	17,658	24,493	9,797	14,696
R	45.08	1.00	5,015	813	1,916	7,744	11,298	4,519	6,779
S	45.08	19.34	139,965	22,188	52,254	214,407	265,507	106,203	159,304
T	45.33	2.00	9,770	1,423	3,351	14,544	21,517	8,607	12,910
U	45.58	21.00	174,605	25,654	60,416	260,675	328,110	131,244	196,866
V	50.50	2.93	20,301	2,585	6,089	28,975	41,092	16,437	24,655
W	50.50	21.83	129,278	18,961	44,653	192,892	247,998	99,199	148,799
X	50.17	27.36	174,320	25,827	60,823	260,970	288,597	115,439	173,158
Y	55.08	2.08	12,253	1,472	3,466	17,191	22,867	9,147	13,720
Z	55.08	18.67	65,721	9,171	21,597	96,489	142,270	56,908	85,362
AA	55.50	27.67	266,000	38,469	90,595	395,064	428,691	171,476	257,215
BB	55.58	18.33	75,082	5,101	12,013	92,196	87,932	35,173	52,759
CC	60.17	25.42	166,812	25,403	59,826	252,041	253,255	101,302	151,953
DD	60.83	6.78	32,829	3,861	9,092	45,782	50,539	20,216	30,323
EE	60.92	19.00	117,948	15,911	37,471	171,330	188,113	75,245	112,868

January 22, 2008

Senator Mary A. Olson
75 Rev. Dr. Martin Luther King
Capitol Bldg
Room 124
St. Paul, MN. 55155-1606

Dear Senator Olson;

My name is Suzanne Opsahl and I am a Casemanager at the Minnesota Correctional Facility St. Cloud. I reside in Hackensack, Minnesota and am requesting your assistance. During the time frame of, (5/9/1990 to 12/13/1995) I also worked as a Casemanager. However, during that time frame the job classification was in the General Plan. Since then this position has been placed on the Corrections Early Retirement plan.

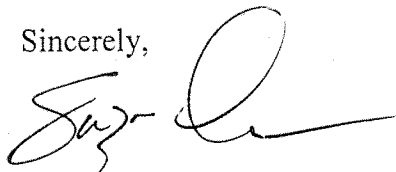
I attempted to "buy back", this time by contacting the Department of Corrections. Unfortunately, this request was denied on 12/14/2007, based on there being no provision to purchase past credit.

Enclosed you will find the letter from the Department of Corrections as well as a seniority roster identifying the timeframe.

Would you be willing to carry a bill forward, in support of my request?

I appreciate your time,

Sincerely,



Suzanne Opsahl
3723 Horseshoe Lane NW
Hackensack, MN 56452

218-252-2390

78MN BUSINESS UNIT/AGCY: CORRECTIONS DEPT
14 BARGAINING UNIT : MN ASSOC OF PROFESSIONAL EMPL
50 SENIORITY UNIT : CORR-CTL OFF-COMM SVC-WAPE

NAME	JOB CODE	TIE	STATE SENIORITY BREAKER	AGENCY SEN DATE	PREVIOUS JOB ENTRY DATE	PREVIOUS JOB TITLE	PREVIOUS BARG UNIT	PREVIOUS APPT STATUS	PREVIOUS CLASS	COMMENTS	WORK CITY	CURRENT JOB OPTION
JOB TITLE: CORR AGENT CAREER												
LEWANDOWSKI, SARAH	1995-12-13	0	1986-06-09	1986-06-09				UNLIMITED	CLASSIFIED		BEMIDJI	
1989-06-22	CORR AGENT SENIOR						214	Unlimited	CLASSIFIED			
1986-06-09	CORR AGENT						214	Unlimited	CLASSIFIED			
LEA, RENEE M	1995-12-13	0	1991-10-09	1991-10-09				UNLIMITED	CLASSIFIED		GLENCOE	
1992-05-20	CORR AGENT SENIOR						214	Unlimited	CLASSIFIED			
1991-10-09	CORR AGENT						214	Unlimited	CLASSIFIED			
1989-10-02	COUNTY PROBATION OFFICER									SCOTT COUNTY SERVICE DATE		
OSAH, SUZANNE M	1996-03-20	0	1987-03-09					UNLIMITED	CLASSIFIED		WALKER	
1996-01-10	CORR AGENT CAREER						214	Unlimited	CLASSIFIED			
1995-12-13	CORR SECURITY CASEWORKER CAREE						214	Unlimited	CLASSIFIED			
1990-06-09	CORR SECURITY CASEWORKER						214	Unlimited	CLASSIFIED			
1987-11-11	CORRECTIONS OFFICER 2						214	Unlimited	CLASSIFIED			
1987-05-06	CORRECTIONS OFFICER 1						214	Unlimited	CLASSIFIED			
1987-03-09	TRAINEE-CORRECTIONS OFFICER						214	Trainee	CLASSIFIED			
AMENT, SHEILA	1996-11-27	0	1986-03-17	1986-03-17				UNLIMITED	CLASSIFIED		SHAKOPEE	
1989-06-21	CORR AGENT SENIOR						214	Unlimited	CLASSIFIED			JOB ENTRY DATE CHANGED BY USER
1986-03-17	CORR AGENT						214	Unlimited	CLASSIFIED			
BUSH, CONNIE S	1996-11-27	0	1986-07-09	1990-09-26				UNLIMITED	CLASSIFIED		WABASHA	
1989-08-30	CORR SECURITY CASEWORKER						214	Unlimited	CLASSIFIED			
1989-08-30	CORR AGENT SENIOR						214	Unlimited	CLASSIFIED			JOB ENTRY DATE CHANGED BY USER
1987-03-04	CORRECTIONS OFFICER 2						208	Unlimited	CLASSIFIED			
1986-08-20	CORRECTIONS OFFICER 1						208	Unlimited	CLASSIFIED			
1986-07-09	TRAINEE-CORRECTIONS OFFICER						208	Trainee	CLASSIFIED			



CENTRAL OFFICE

Contributing to a Safer Minnesota

December 14, 2007

Ms. Opsahl
MCF – St. Cloud

Dear Ms. Opsahl:

On December 14, 2007 the Correctional Employees Retirement Plan (CERP) Review Committee met and evaluated your request for coverage under this retirement plan. This committee was authorized by Agency Operating Policy 103.245 and Minnesota Statute 352.91. The committee determined the statute does not include provisions to purchase past service credit. Therefore, your request is denied.

If you wish to appeal this decision please contact, Jackie Sovick, Human Resource Management office at (651) 361-7316 or via email JSovick@co.doc.state.mn.us no later than January 13, 2008.

Sincerely,

Connie Jones,
Agency Human Resource Manager

cc: Personnel File



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MINNESOTA DEPARTMENT OF CORRECTIONS

CENTRAL OFFICE

Contributing to a Safer Minnesota

February 14, 2008

Mr. Lawrence A. Martin, Executive Director
Legislative Commission on Pensions and Retirement
55 State Office Building
St. Paul, MN 55155

Dear Mr. Martin:

I am in receipt of your request for information dated February 6, 2008 regarding the Department of Correction's request to add the General Maintenance Worker Lead classification to M.S. 352.91 and information regarding the committee's review of Suzanne Opsahl's request to buy-back service credit.

During this same meeting the committee reviewed a request submitted by Suzanne Opsahl, who is currently covered under CERP as a Corrections Security Caseworker Career, to buy past service credit for her previous service in the caseworker classification from 1990 – 1996. Since Ms. Opsahl transferred to a Corrections Agent position in January 1996 she was not eligible to purchase past service credit when the caseworker series was added to statute. After reviewing Ms. Opsahl's request the committee determined that there is no statutory authority to grant Ms. Opsahl's request. The committee did not make a determination of whether her past service would have qualified for CERP if rendered after the statutory change. In addition, Ms. Opsahl's personnel file does not contain a signed position description for that time period.

If I can be of further assistance please don't hesitate to contact me at (651) 361-7312.

Sincerely,

Connie L. Jones,
DOC Human Resource Manager

cc: Dennis Benson, Deputy Commissioner
Patt Adair, Warden, MCF-St. Cloud
File

David Crist, Assistant Commissioner
Barbara Cox, Legislative Liaison



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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 3277

February 20, 2008

Authored by Howes

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections

1.1 A bill for an act
1.2 relating to retirement; correctional state employees retirement plan;
1.3 recategorizing past corrections security caseworker employment as covered
1.4 correctional service; authorizing past service credit transfer from the general
1.5 state employees retirement plan.

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

1.7 Section 1. MSRS-CORRECTIONAL; TRANSFER OF CREDIT FOR PRIOR
1.8 CORRECTIONS SECURITY CASEWORKER EMPLOYMENT.

1.9 (a) An eligible state employee described in paragraph (b) may elect to have allowable
1.10 service credit for the period of employment indicated in paragraph (c) transferred from the
1.11 general state employees retirement plan of the Minnesota State Retirement System to the
1.12 correctional state employees retirement plan of the Minnesota State Retirement System
1.13 under Minnesota Statutes, section 352.955, subdivisions 1, 3, 4, 5, and 6.

1.14 (b) An eligible state employee is a person who began employment as:

1.15 (1) a trainee-corrections officer on March 9, 1987;

1.16 (2) a corrections officer 1 on May 6, 1987;

1.17 (3) a corrections officer 2 on November 11, 1987;

1.18 (4) a corrections security caseworker on September 9, 1990;

1.19 (5) a corrections security caseworker career on December 13, 1995; and

1.20 (6) a corrections agent career on January 10, 1996.

1.21 (c) The period of employment by the Department of Corrections eligible for transfer
1.22 is from September 9, 1990, to January 9, 1996.

1.23 (d) The transfer election must be made in writing and must be accompanied by
1.24 whatever relevant documentation is required by the executive director of the Minnesota
1.25 State Retirement System.

H.F. 3277

2.1 (e) Authority to make an election under this section expires on July 1, 2009, or the
2.2 day that the eligible state employee terminates state employment, whichever is earlier.

2.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.