



H.F. 1912
(Murphy, M.)

S.F. 423
(Betzold)

Executive Summary of Commission Staff Materials

Affected Pension Plan(s): MSRS-Correctional
Relevant Provisions of Law: Minnesota Statutes, Section 352.91, Subdivisions 3a and 3f
General Nature of Proposal: Inclusion of additional Department of Human Services employees in plan coverage
Date of Summary: April 23, 2007

Specific Proposed Changes

- Adds nine occupational titles, involving 30 current employees of the State Department of Human Services, to the MSRS-Correctional Plan.

Policy Issues Raised by the Proposed Legislation

1. Adequacy of the assessment/determination process.
2. Extent of actual inmate/patient/client contact in the recommended inclusions.
3. Extent of compliance with other historic MSRS-Correctional coverage requirements.
4. Appropriateness in light of lack of transfer recommendations in 1996, 1998, 1999, and 2006.
5. Actuarial condition of MSRS-Correctional.
6. Budget impact on department from coverage transfers.
7. Appropriateness of adding positions without incumbents to Minnesota Statutes, Section 352.91, Subdivision 3e.
8. Undressed issue of retroactive coverage for past position service.

Potential Amendments

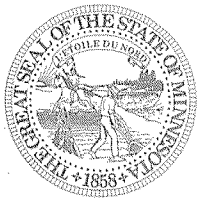
H1912-1A (substantive) addresses MSRS-Correctional contribution deficiency with contribution increases over current phase-in period.

H1912-2A (substantive) addresses MSRS-Correctional contribution deficiency with additional two-year extension to the current phase-in period.


H1912-3A (substantive) eliminates from coverage a position proposed for inclusion but lacks any incumbents.

H1912-4A (substantive) allows transfer of prior correctional service credit to MSRS-Correctional from MSRS-General with additional member contribution payment.

H1912-5A (substantive) adds additional employer contributions to prior service credit transfer payment obligation.



TO: Members of the Legislative Commission on Pensions and Retirement

FROM: Lawrence A. Martin, Executive Director 

RE: H.F. 1912 (Murphy, M.); S.F. 423 (Betzold): MSRS-Correctional; Including Additional Department of Human Services Employees in Plan Coverage

DATE: April 23, 2007

Summary of H.F. 1912 (Murphy, M.); S.F. 423 (Betzold)

H.F. 1912 (Murphy, M.); S.F. 423 (Betzold) amends Minnesota Statutes, Section 352.91, Subdivisions 3a and 3f, portions of the statutes governing the Correctional State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) that define the employment positions within the Department of Human Services that are covered by the plan, by correcting the title of one currently included employment position in the Minnesota Extended Treatment Options Program (METO) and by including in plan coverage nine additional employment positions (30 state employees) at the Minnesota Security Hospital or in the Minnesota Sex Offender Program, and by removing from plan coverage one occupational title within the Department of Human Services without any incumbents.

Background Information

- a. MSRS-Correctional Retirement Plan. Background information on the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) is contained in Attachment A.
- b. Department of Human Services Facilities with MSRS-Correctional Plan-Covered Employees. Background information on the three facilities/programs operated by the Department of Human Services with employees covered by the MSRS-Correctional Plan is set forth in Attachment B.
- c. Department of Human Services 2005 Correctional Employee Retirement Plan Policy. The Department of Human Services 2005 correctional employee retirement plan policy is set forth in Attachment C.

Analysis and Discussion

H.F. 1912 (Murphy, M.); S.F. 423 (Betzold) amends the membership inclusion provisions of the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) to add to plan coverage nine occupational titles within the Department of Human Services, involving 30 current state employees, to remove one occupational title within the Department of Human Services without an incumbent, from plan coverage, and corrects the name of one occupational title with the Department of Human Services, with four incumbents, to reflect recent nomenclature changes.

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

1. Adequacy of the Assessment/Determination Process. The policy issue is the adequacy of the process implemented by the Department of Human Services for identifying departmental employment positions for potential inclusion in the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) and its determination of positions for recommendation to the Legislature. Since the MSRS-Correctional Plan was expanded from prison guards and security hospital guards in 1974, both explicit statutory requirements for coverage and historic requirements for coverage have been utilized to decide which occupational positions to include in the plan coverage. If the department has internalized the statutory and historic criteria and has seriously and rigorously implemented those criteria in making its recommendations, the Commission and the Legislature can rely on that process without any extensive or intensive scrutiny of the recommendations. This is the second year that the department has undertaken these formal reviews with a recommendation of statutory additions and deletions, with the internal process still likely to be in its formative stages or subject to refinement. The process utilized by the Department of Human Services is governed by its policy set forth in Attachment D. If the Commission is going to defer to or rely on this determination process, the Commission should take sufficient testimony from the department to gain a comfort level about the department's seriousness, rigor, and conformity to explicit and historic special retirement plan coverage standards in its process.

2. Extent of Actual Inmate/Patient/Client Contact in the Recommended Inclusions. The policy issue is whether or not the nine occupational positions and the 30 incumbents in those positions recommended by the department actually engage in the required 75 percent of working time direct inmate or patient contact requirement contained in Minnesota Statutes, Section 352.91. **Attachment D** summarizes the information on inmate or patient contact contained in the job descriptions provided by the Department of Human Services, including an assessment certification form completed by supervisory staff. The Commission staff reviewed each supplied job description and assessed the job description percentage attribution elements for inmate or patient contact, either “unclear” if contact was not predominantly or exclusively indicated, “clear” if contact was predominantly or exclusively indicated, “employment with mix” where the inmate or patient contact occurred in the context of employment duties for another program not covered by the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional), and “none indicated” where inmate or patient contact is not indicated at all. While the Commission staff appraisal of the job descriptions is not a substitute for the presumably rigorous process that the department utilized in making its recommendations, the analysis does allow the Commission to focus on those recommendations that might be borderline qualified or actually unqualified. Based on the job description appraisal of the extent of inmate or patient contact, the Commission staff would recommend that the Commission take additional testimony or additional appropriate steps to verify the extent of actual contact for the following employment positions for the following identified reasons:

- a. “No contact” elements totaled at least 25 percent of working time. Some Department of Human Services job descriptions have work elements that included no indicated contact with inmates or patients and the total of those elements is more than nominal. The position that may merit additional scrutiny by the Commission in this regard is the Customer Service Specialist Principal position.
- b. “Unclear contact” percentage very large. Some Department of Human Services job descriptions have elements of inmate contact and elements without the inmate contact items appearing to predominate. The positions that may merit additional scrutiny in this regard are:
 - Customer Service Specialist Principal
 - Management Analyst 3
 - Recreation Therapist, Lead
 - Security Supervisor
- c. “Clear” contact elements less than 75 percent of working time. The Department of Human Services job descriptions have work time elements that clearly indicate inmate or patient contact, but those “clear contact” element totals are less than 75 percent. The positions that may merit additional scrutiny by the Commission in this regard are:
 - Customer Service Specialist Principal
 - Human Services Support Specialist
 - Management Analyst 3
 - Recreation Therapist, Lead
 - Security Supervisor

The written process of the Department of Human Services relating to the evaluation of potential inclusion in the MSRS-Correctional Plan does not reference the use of actual job audits by a human resources professional (facility-based or non-facility), although job audits may actually have been a part of the process. If the positions identified above were the subject of job audits by a disinterested human resources professional and if records of the applicable audits were available for Commission or Commission staff review, the Commission reasonably could rely on the results of review job audits.

3. Extent of Compliance with Other Historic MSRS-Correctional Plan Coverage Requirements. The policy issue is the extent of compliance by the Department of Human Services with other coverage transfer requirements that the Commission has historically utilized. Since the Commission first reviewed demands from trades personnel and special teachers to be included in MSRS-Correctional Plan coverage in 1974, the Commission has considered as part of its consideration of potential MSRS-Correctional membership inclusion the questions of:

- a. whether or not the considered occupational position was responsible to intervene in the event of a facility incident;
- b. 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; and
- c. 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 Commission staff requested from the department information on the compliance of the various occupational positions recommended for MSRS-Correctional Plan inclusion with these historic requirements. For the Department of Human Services employees, department information indicated that all of the employees proposed for MSRS-Correctional inclusion have, as an employment requirement, the obligation to intervene in the event of a facility incident. With respect to workers' compensation claims, the department provided claims information for seven employees, but only one of those employees is proposed for inclusion in MSRS-Correctional and that employee had two claims, one an injury from a patient altercation and one an allergic reaction to spraying a chemical disinfectant. With respect to lost work time from facility incidents or employment hazards, the department reported two employees with lost work time, but only one employee is proposed for MSRS-Correctional inclusion and was connected to the workers' compensation claim.

From the provided information, the hazards of the employment position are not independently substantiated and must be assessed from other indicators.

4. Appropriateness in Light of Lack of Transfer Recommendations in 1996, 1998, 1999, and 2006. The policy issue is the appropriateness of the proposed transfers when the occupational positions were not recommended for transfer to the MSRS-Correctional Plan in 1996, the last comprehensive review of the Department of Corrections and transfer recommendation process for the plan, in the department-sponsored administrative transfers that occurred in June 1998, June 1999, and December 1999, or in the inclusion recommendations reviewed by the Commission in 2006. If the extent of inmate contact is as great as suggested in the current recommendations, the positions should have been likely candidates for transfer previously, and some explanation should be provided why these occupational positions were not included in those past transfer requests. Over the last decade, there should have been a heightened awareness about retirement plan coverage issues and consequently the department should have identified these positions as eligible for transfer previously or something dramatically changed about the employment positions recently.

Specifically, in this regard, three employment positions are certified by the Department of Human Services as having 100 percent of the employee's working time spent in inmate or patient contact (Human Services Support Specialist, Licensed Alcohol and Drug Counselor, and Security Supervisor), one employment position is certified by the Department of Human Services as having 95 percent of the employee's working time spent in inmate or patient contact (Special Education Program Assistant) and two employment positions are certified by the Department of Human Services as having 90 percent of the employee's working time spent in inmate or patient contact (Certified Occupational Therapy Assistant 1 and Certified Occupational Therapy Assistant 2). Unless those positions have been newly created since 2006 or have had a substantial change in their duties that greatly increased inmate or patient contact, it is logical to conclude that the extent of the position's inmate or patient contact should have been evident to a well-designed or well-implemented evaluation process previously. The Commission staff has raised this issue with the department.

5. Actuarial Condition of MSRS-Correctional. The policy issue is the actuarial condition of the MSRS-Correctional Retirement Plan. The following sets forth the July 1, 2004, July 1, 2005, and July 1, 2006, actuarial valuation results for the MSRS-Correctional Plan:

	2004	2005	2006
<u>Membership</u>			
Active Members	3,326	3,607	3,910
Service Retirees	943	1,025	1,101
Disabilitants	154	150	168
Survivors	91	104	106
Deferred Retirees	678	738	817
Nonvested Former Members	<u>339</u>	<u>351</u>	<u>388</u>
Total Membership	5,531	5,975	6,490
<u>Funded Status</u>			
Accrued Liability	\$524,215,028	\$546,117,680	\$647,480,269
Current Assets	<u>\$486,617,032</u>	<u>\$503,573,272</u>	<u>\$535,356,819</u>
Unfunded Accrued Liability	\$37,597,996	\$42,544,408	\$112,123,450
Funding Ratio	92.83%	92.21%	82.68%
<u>Financing Requirements</u>			
Covered Payroll	\$134,117,624	\$147,385,402	\$162,744,640
Benefits Payable	\$17,265,693	\$19,025,766	\$26,506,726

	2004		2005		2006	
Normal Cost	14.96%	\$20,066,740	15.01%	\$22,111,459	17.69%	\$28,786,714
Administrative Expenses	0.20%	\$268,235	0.20%	\$294,771	0.21%	\$341,764
Normal Cost & Expense	15.16%	\$20,334,975	15.21%	\$22,406,230	17.90%	\$29,128,478
Normal Cost & Expense	15.16%	\$20,334,975	15.21%	\$22,406,230	17.90%	\$29,128,478
Amortization	2.31%	\$3,098,117	2.50%	\$3,684,635	5.44%	\$8,853,309
Total Requirements	17.48%	\$23,433,092	17.71%	\$26,090,865	23.34%	\$37,981,787
Employee Contributions	5.69%	\$7,631,293	5.69%	\$8,386,229	5.69%	\$9,260,170
Employer Contributions	7.98%	\$10,702,586	7.98%	\$11,761,355	7.98%	\$12,987,022
Employer Add'l Cont.	0.00%	\$0	0.00%	\$0	0.00%	\$0
Direct State Funding	0.00%	\$0	0.00%	\$0	0.00%	\$0
Other Govt. Funding	0.00%	\$0	0.00%	\$0	0.00%	\$0
Administrative Assessment	0.00%	\$0	0.00%	\$0	0.00%	\$0
Total Contributions	13.67%	\$18,333,879	13.67%	\$20,147,584	13.67%	\$22,247,192
Total Requirements	17.48%	\$23,433,092	17.71%	\$26,090,865	23.34%	\$37,981,787
Total Contributions	13.67%	\$18,333,879	13.67%	\$20,147,584	13.67%	\$22,247,192
Deficiency (Surplus)	3.81%	\$5,099,213	4.04%	\$5,943,281	9.67%	\$15,734,595

Revised actuarial assumptions were approved by the Commission in December 2005, and were first included in the July 1, 2006, actuarial valuation. The assumption changes as well as experience factors have further eroded the adequacy of the funding of the plan. The 2006 Session began a phase-in of increased member and employer contributions over the period 2007-2010, but even with the contribution increases fully phased in, the plan has a contribution deficiency of some magnitude, as follows:

	MSRS-Correctional	
Normal Cost	17.69%	\$28,786,714
Admin. Expenses	0.21%	\$341,764
Amortization	5.44%	\$8,853,309
Total Req.	23.34%	\$37,981,787
Employee Contrib.	8.60%	\$13,996,039
Employer Contrib.	12.10%	\$19,692,101
Total Contrib.	20.70%	\$33,688,140
Total Requirements	23.34%	\$37,981,787
Total Contributions	20.70%	\$33,688,140
Deficiency/(Surplus)	2.64%	\$4,293,647

An expansion of the MSRS-Correctional Plan membership is likely to add some additional pressure to the contribution deficiency situation unless the newly included members have significantly younger entry ages than the current plan membership.

To gain sufficient contribution for the retirement plan, additional increases will be needed in the member and employer contribution rates to the retirement plan. **Amendment H1912-1A** would retain the current contribution increase phase-in period, until 2010, but increased each incremental increase to eliminate the contribution deficiency. **Amendment H1912-2A** would extend the contribution increase phase-in period from 2010 to 2012, resulting in a sufficient total contribution in 2012.

6. Budget Impact on Department from Coverage Transfers. The policy issue is the impact on the budget of the Department of Human Services if the recommended transfers are approved. The upcoming (July 1, 2007) employer contribution for MSRS-General is 4.25 percent and the ultimate MSRS-General employer contribution in 2010 will be 5.00 percent. The upcoming (July 1, 2007) MSRS-Correctional employer contribution rate is 9.10 percent and the ultimate MSRS-Correctional employer contribution in 2010 will be 12.10 percent. If the 30 affected employees earn, on average, the current (July 1, 2006) MSRS-Correctional Plan average salary of \$41,623, the initial increase in the employer contribution rate of 4.85 percent would total \$60,561 and the fully phased-in increase in the employer contribution rate of 7.10 percent would total \$88,657.
7. Appropriateness of Adding Positions Without Incumbents to Minnesota Statutes, Section 352.91, Subdivision 3e. The policy issue is the appropriateness of adding positions to the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) without any incumbents in the positions on which to base a determination of the extent of inmate or patient contact and other relevant factors for inclusion. Specifically, the Department of Human Services proposes to add the classification of Certified Occupational Therapy Assistant 2 to plan coverage in anticipation that Certified Occupational Therapy Assistant 1's will be reallocated to the occupational class in the future. Without an incumbent in the position to rigorously evaluate the assessment of the nature of the job and its appropriateness for inclusion, the proposal is more conjecture than factual

determination, which is both inappropriate and premature, especially since future requests for inclusions into MSRS-Correctional can be expected annually. **Amendment H1912-3A** removes the Certified Occupational Therapy Assistant 2 position for retirement plan inclusion. The Certified Occupational Therapy Assistant 2 position was removed from inclusion from last year's proposed inclusions.

8. Unaddressed Issue of Retroactive Coverage for Past Position Service. The policy issue is whether or not credit for past service in the employment position proposed to be newly included in coverage by the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) should be transferred from the General State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-General) to MSRS-Correctional. The Department of Human Services did not address the issue of past service credit for its employees newly included in MSRS-Correctional in 2006 and has not addressed the issue again this year. The Commission staff did request information on past service by this set of employees proposed for MSRS-Correctional Plan inclusion and 28 have some prior service credit for potential transfer (the other two are current MSRS-Correctional Plan members with occupational position title changes), with the bulk of the prior service dating to late 2006 or early 2007. There were two employees with past Department of Human Services service dating to late 2005. If the past service credit issue is not addressed when a plan coverage change occurs or soon thereafter, the issue will likely arise again at the brink of eventual retirement, when handling the issue as a prior service credit purchase will be much more expensive for the affected employees and the appropriateness of transferring past service credit will be difficult or impossible to accurately determine because job records and memories will be lost or less reliable.

If the Commission wishes to provide for past service credit transfers from MSRS-General to MSRS-Correctional for employees with prior service credit in their current position or a prior position that is determined to qualify as correctional service, **Amendment H1912-4A** is an updated service credit transfer, additional member contribution payment, and prior asset transfer provision derived from the 1996 MSRS-Correctional Plan expansion (Laws 1996, Chapter 408, Article 8, Section 22). The approach underlying Amendment H1912-4A is premised on the status of the MSRS-Correctional Plan being virtually a single employer retirement plan (covering portions of two state departments) and on historically having a contribution sufficiency, meaning that any unfunded actuarial accrued liability attributable to past service credit transfers would be retired systematically. Since the plan no longer has a contribution sufficiency, and since there could be inappropriate cost shifting between the two departments as these membership expansions become routine, it would be appropriate to have each department pay past additional equivalent employer contributions at the time of service credit transfers and to retire any additional unfunded actuarial accrued liability retired over a short period of years. **Amendment H1912-5A** adds these additional employer contribution/payment requirements to Amendment H1912-4A.

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

In General

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 Extended Treatment Options Program, and the Minnesota Sex Offender Program.

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 committed by the court as mentally ill and dangerous.

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 percent 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 likely would spend no more than 12 percent of their time working with patients in a program that is not covered in the MSRS-Correctional Retirement Plan.

Minnesota Extended Treatment Options (METO)

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 is known as the Minnesota Extended Treatment Options (METO). METO combines 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 is limited to those few individuals who exhibit such extreme behaviors that they cannot, at present, be served safely in their communities. The program works closely with the responsible county to return the individual to the community as soon as necessary supports are available.

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

Vocational and day program services are provided. Work opportunities are provided through traditional contract production (piece) work, facility maintenance and support work, and contracts with community day training and habilitation sites for alternative work. METO has both indoor and outdoor recreational facilities for activities on the Cambridge campus.

METO provides general medical and psychiatric services and onsite nursing services are available 24 hours a day, seven days a week. Ancillary health care services, specialized diagnostic services and medical specialties are arranged through outside agencies.

METO provides the following:

- Individual psychotherapy and counseling, psychiatric assessment and follow-up and psychotropic medication evaluation and adjustment.
- Treatment for individuals who have committed criminal offenses or who have demonstrated sexually inappropriate behavior, which may have resulted in criminal charges.
- Counseling and support for victims of sexual abuse.
- Treatment for aggressive/assaultive and other challenging behaviors.
- Substance abuse treatment through a modified curriculum.

The Minnesota Sex Offender Program

The Minnesota Sex Offender Program operates secure treatment facilities operated by the Department of Human Services at Moose Lake, Minnesota, and at St. Peter, Minnesota, 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 Minnesota court. 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.

The program's main philosophy is based on cognitive-behavioral techniques, with strategies to assist a sex offender to reduce the chance of relapsing. Individuals who successfully complete the program may receive a recommendation from the program for release to a less restrictive setting.

The goal of the program is to help a person safely return to society. Group therapy is the main form of treatment. The program consists of evaluation, inpatient treatment, and transition.

Inpatient treatment stage helps the sex offender to learn basic skills and requires the sex offender to admit to and accept responsibility for past criminal behavior, the helps the person develop insight into the sex offending cycle and encourages the person to practice new attitudes for past behavior, then requires the person to demonstrate to the treatment staff that the insight learned in Phase II is being consistently integrated into daily behavior, and then gives the person a chance to practice attitude changes that will be necessary for transition to a less restrictive setting, outside of the secured treatment facility.

A special review board hears and considers all petitions for transfer, provisional discharge, revocation of provisional discharge, or full discharge from commitment. A petition may be filed by the patient, the patient's attorney, or the facility medical director for a hearing before the special review board. Following the hearing, the special review board makes a recommendation to the commissioner. Based in part upon the special review board's recommendation, the commissioner issues an order either denying or granting the petition. The order of the commissioner may be appealed to the Supreme Court Appeal Panel. Decisions by the Supreme Court Appeal Panel may be appealed to the Court of Appeals and the Minnesota Supreme Court.

Attachment C

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.

**Summary of CERP Changes Recommended by DHS
January 11, 2007**

Attachment D

Classes	Comments	Number of Affected Positions		
		MSH	MSOP	TOTAL
Certified Occupational Therapy Assistant (COTA) 1	Adding this class to Minn. Stat. §352.91, Subd. 3f. These positions assist the Occupational Therapist which is already a covered class.	2	0	2
Certified Occupational Therapy Assistant (COTA) 2	Adding this class to Minn. Stat. §352.91, Subd. 3f. While there are currently no incumbents, there will be in the future when COTA 1's are reallocated to this class as they learn the organization and grow in the job.	0	0	0
Customer Services Specialist, Principal	Adding this class to Minn. Stat. §352.91, Subd. 3f. These positions operate our client canteens.	3	0	3
Human Services Support Specialist	Adding this class to Minn. Stat. §352.91, Subd. 3f. This class is already in the plan for METO. It is being added for MSH and MSOP for jobs which perform more direct, hands-on nursing care for the clients.	14	0	14
Licensed Alcohol & Drug Counselor	Adding this class to Minn. Stat. §352.91, Subd. 3f. This is a new class that was created to recognize new state education and licensure requirements and significant changes in the job duties of the Chemical Dependency Counselors, Senior which were already in the plan for MSH and MSOP.	2*	0	2*
Management Analyst 3	Adding this class to Minn. Stat. §352.91, Subd. 3f. This position facilitates client groups, takes clients to interview at and visit community placements, and is officed on a residential unit.	1	0	1
Office & Administrative Specialist Senior	Removing this class from Minn. Stat. §352.91, Subd. 3f because there are no positions existing or anticipated that would meet the criteria for inclusion in the CERP.	0	0	0
Recreation Therapist Lead *	Adding this class to Minn. Stat. §352.91, Subd. 3f. Other Recreation Therapist classes are already covered classes. The job duties are essentially the same, with incumbents of this class also providing lead work direction to other workers.	0	1**	1**
Security Supervisor	Adding this class to Minn. Stat. §352.91, Subd. 3f. These jobs supervise security counselors which are already in the plan.	1	8	9
Special Education Program Assistant	Adding this class to Minn. Stat. §352.91, Subd. 3f. These positions assist the Special Teacher which is already a covered class.	1		1
TOTAL POSITIONS AFFECTED		24	9	33
Number of Employees New to CERP		22	8	30

* The incumbents of these positions are already in CERP because they were in a class covered by the plan when they were reallocated to the new class.

** The incumbent of this position is already in the CERP by virtue of a permanent appointment to a class already covered by the plan. The incumbent is temporarily working in this job.

In addition, we are asking that Minn. Stat. §352.91, Subd. 3e be amended to change the title "Developmental Disability Residential Program Lead" to "Residential Program Lead." The Department of Employee Relations will be submitting certification that this class was merged into the "Residential Program Lead" class on October 4, 2006. This title change affects four positions in the Minnesota Extended Treatment Options program which are already covered by the CERP.

LCP & R JAN 12 2007

1.1 moves to amend H.F. No. 1912; S.F. No. 423, as follows:

1.2 Page 3, after line 10, insert:

1.3 "Sec. 3. Minnesota Statutes 2006, 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	5.69
1.7	from July 1, 2007, to June 30, 2008	6.40 <u>6.60</u>
1.8	from July 1, 2008, to June 30, 2009	7.00 <u>7.51</u>
1.9	from July 1, 2009, to June 30, 2010	7.70 <u>8.42</u>
1.10	from July 1, 2010, and thereafter	8.60 <u>9.33.</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. 4. Minnesota Statutes 2006, 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	7.98
1.17	from July 1, 2007, to June 30, 2008	9.10 <u>9.49</u>
1.18	from July 1, 2008, to June 30, 2009	10.10 <u>11.00</u>
1.19	from July 1, 2009, to June 30, 2010	11.10 <u>12.51</u>
1.20	from July 1, 2010, and thereafter	12.10 <u>14.01."</u>

1.21 Page 3, line 12, delete "Section 2 is" and insert "Sections 2, 3, and 4 are"

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. 1912; S.F. No. 423, as follows:

1.2 Page 3, after line 10, insert:

1.3 "Sec. 3. Minnesota Statutes 2006, 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	5.69
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, and thereafter <u>to</u>	
1.11	<u>June 30, 2011</u>	8.60:
1.12	<u>from July 1, 2011, to June 30, 2012</u>	8.97
1.13	<u>from July 1, 2012, and thereafter</u>	9.33.

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

1.16 Sec. 4. Minnesota Statutes 2006, section 352.92, subdivision 2, is amended to read:

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

1.19	before July 1, 2007	7.98
1.20	from July 1, 2007, to June 30, 2008	9.10
1.21	from July 1, 2008, to June 30, 2009	10.10
1.22	from July 1, 2009, to June 30, 2010	11.10
1.23	from July 1, 2010, and thereafter <u>to</u>	
1.24	<u>June 30, 2011</u>	12.10:
1.25	<u>from July 1, 2011, to June 30, 2012</u>	13.06
1.26	<u>from July 1, 2012, and thereafter</u>	14.01."

1.27 Page 3, line 12, delete "Section 2 is" and insert "Sections 2, 3, and 4 are"

1.28 Renumber the sections in sequence and correct the internal references

1.29 Amend the title accordingly

1.1 moves to amend H.F. No. 1912; S.F. No. 423, as follows:

1.2 Page 2, delete line 16

1.3 Page 2, line 17, delete "(5)" and insert "(4)"

1.4 Page 2, line 18, delete "(6)" and insert "(5)"

1.5 Page 2, line 19, delete "(7)" and insert "(6)"

1.6 Page 2, line 20, delete "(8)" and insert "(7)"

1.7 Page 2, line 21, delete "(9)" and insert "(8)"

1.8 Page 2, line 22, delete "(10)" and insert "(9)"

1.9 Page 2, line 23, delete "(11)" and insert "(10)"

1.10 Page 2, line 24, delete "(12)" and insert "(11)"

1.11 Page 2, line 25, delete "(13)" and insert "(12)"

1.12 Page 2, line 26, delete "(14)" and insert "(13)"

1.13 Page 2, line 27, delete "(15)" and insert "(14)"

1.14 Page 2, line 28, delete "(16)" and insert "(15)"

1.15 Page 2, line 30, delete "(17)" and insert "(16)"

1.16 Page 2, line 31, delete "(18)" and insert "(17)"

1.17 Page 2, line 32, delete "(19)" and insert "(18)"

1.18 Page 2, line 33, delete "(20)" and insert "(19)"

1.19 Page 2, line 34, delete "(21)" and insert "(20)"

1.20 Page 2, line 35, delete "(22)" and insert "(21)"

1.21 Page 3, line 1, delete "(23)" and insert "(22)"

1.22 Page 3, line 2, delete "(24)" and insert "(23)"

1.23 Page 3, line 3, delete "(25)" and insert "(24)"

1.24 Page 3, line 4, delete "(26)" and insert "(25)"

1.25 Page 3, line 5, delete "(27)" and insert "(26)"

1.26 Page 3, line 6, delete "(28)" and insert "(27)"

1.27 Page 3, line 7, delete "(29)" and insert "(28)"

- 2.1 Page 3, line 8, delete "(30)" and insert "(29)"
- 2.2 Page 3, line 9, delete "(31)" and insert "(30)"
- 2.3 Page 3, line 10, delete "(32)" and insert "(31)"

1.1 moves to amend H.F. No. 1912; S.F. No. 423, as follows:

1.2 Page 3, after line 10, insert:

1.3 "Sec. 3. **TEMPORARY PROVISION; ELECTION TO RETAIN EXISTING**
1.4 **RETIREMENT COVERAGE.**

1.5 (a) An employer who is employed in an employment position added to retirement
1.6 coverage by the correctional state employees retirement plan of the Minnesota State
1.7 Retirement System under section 2 on the date of enactment may elect to retain retirement
1.8 coverage by the general state employees retirement plan of the Minnesota State Retirement
1.9 System. If the employee does not elect to retain retirement coverage by June 15, 2007,
1.10 retirement coverage transfers on the first day of the first full payroll period after July
1.11 1, 2007.

1.12 (b) The election to retain retirement coverage must be made in writing by the affected
1.13 employee on a form prescribed by the executive director of the Minnesota State Retirement
1.14 System and must be filed with the executive director no later than June 15, 2007.

1.15 (c) The election to retain retirement coverage is irrevocable once it is filed with the
1.16 executive director of the Minnesota State Retirement System.

1.17 Sec. 4. **TRANSFER OF PRIOR MSRS-GENERAL SERVICE CREDIT FOR**
1.18 **EMPLOYEES WITH TRANSFERRED RETIREMENT COVERAGE.**

1.19 Subdivision 1. Election to transfer prior MSRS-General service credit. (a) An
1.20 employee who is employed in an employment position added to retirement coverage
1.21 by the correctional state employees retirement plan of the Minnesota State Retirement
1.22 System under section 2 on the date of enactment may elect to transfer service credit in the
1.23 general state employees retirement plan of the Minnesota State Retirement System to the
1.24 correctional state employees retirement plan for eligible prior correctional employment.

1.25 (b) Eligible prior correctional employment is employment with the Department
1.26 of Human Services at the state security hospital, in the Minnesota Extended Treatment

2.1 Options Program, or in the Minnesota Sex Offender Program that preceded the effective
2.2 date of the retirement coverage transfer under section 2, is continuous service, and is
2.3 certified by the commissioner of human services and the commissioner of employee
2.4 relations to the executive director of the Minnesota State Retirement System as service that
2.5 would qualify for correctional state employees retirement plan coverage under Minnesota
2.6 Statutes, section 352.91, if the service was rendered after July 1, 2007.

2.7 (c) The election to transfer past service credit under this section must be made in
2.8 writing by the applicable person on a form prescribed by the executive director of the
2.9 Minnesota State Retirement System and must be filed with the executive director of the
2.10 Minnesota State Retirement System on or before January 1, 2008.

2.11 Subd. 2. **Payment of additional equivalent member contributions.** (a) An
2.12 employee who elects to transfer past service credit under this section must pay an
2.13 additional member contribution for that prior service period. The additional member
2.14 contribution is the difference between the member contribution rate or rates for the general
2.15 state employees retirement plan for the period of employment covered by the service
2.16 credit to be transferred and the member contribution rate or rates for the correctional state
2.17 employees retirement plan for the period of employment covered by the service credit to
2.18 be transferred, plus interest at the rate of 8.5 percent per annum, compounded annually.

2.19 (b) The additional equivalent member contribution must be paid in a lump sum.
2.20 Payment must accompany the election to transfer the prior service credit. No transfer
2.21 election or additional equivalent member contribution payment may be made by a person
2.22 or accepted by the executive director after June 30, 2008.

2.23 Subd. 3. **Transfer of assets.** Assets must be transferred from the general state
2.24 employees retirement fund to the correctional state employees retirement fund in an
2.25 amount equal to the present value of benefits earned under the general state employees
2.26 retirement plan for each employee transferring past service to the correctional state
2.27 employees retirement plan by virtue of the transferred service credit, as determined by
2.28 the actuary retained under section 356.214, multiplied by the accrued liability funding
2.29 ratio of the active members of the general state employees retirement plan as derived from
2.30 the most recent actuarial valuation prepared under section 356.215. The transfer of assets
2.31 must be made within 45 days after the coverage transfer election is made.

2.32 Subd. 4. **Effect of the asset transfer.** Upon the transfer of assets under subdivision
2.33 3, the service credit in the general state employees retirement plan of the Minnesota State
2.34 Retirement System is forfeited and may not be reinstated. The transferred service credit

3.1 and the transferred assets must be credited to the correctional state employees retirement
3.2 plan and fund respectively.

3.3 Subd. 5. Counseling. (a) The commissioner of human services and the executive
3.4 director of the Minnesota State Retirement System have the joint responsibility of
3.5 providing the affected employees of the Department of Human Services with appropriate
3.6 and timely counseling about retirement benefits and related employment benefits.

3.7 (b) The counseling must include the anticipated impact of the retirement coverage
3.8 change on the future retirement benefit amounts of the person, the future retirement
3.9 eligibility of the person, and the future postemployment insurance coverage of the person.

3.10 (c) The commissioner of human services must consult with the appropriate collective
3.11 bargaining representatives of the affected employees regarding the content, form, and
3.12 timing of the counseling required by this section.

3.13 Subd. 6. Cost of actuarial calculations. The Department of Corrections or the
3.14 Department of Human Services, whichever applies, shall pay the cost of the actuarial
3.15 calculations required by this section."

3.16 Renumber the sections in sequence and correct the internal references

3.17 Amend the title accordingly

1.1 moves to amend the amendment to H.F. No. 1912; S.F. No. 423,
1.2 H1912-4A, as follows:

1.3 Page .., after line .., insert:

1.4 "Subd. 3. **Payment of additional equivalent employer contributions.** (a) If an
1.5 employee elects to transfer past service credit under this section and pays the additional
1.6 equivalent member contribution amount under subdivision 2, the applicable employing
1.7 department shall pay an additional equivalent employer contribution amount. The
1.8 additional employer contribution is the difference between the employer contribution rate
1.9 or rates for the general state employees retirement plan for the period of employment
1.10 covered by the service credit to be transferred and the employer contribution rate or
1.11 rates for the correctional state employees retirement plan for the period of employment
1.12 covered by the service credit to be transferred, plus interest at the rate of 8.5 percent per
1.13 annum, compounded annually.

1.14 (b) The additional equivalent employer contribution must be paid in a lump sum and
1.15 must be paid within 30 days of the date on which the executive director of the Minnesota
1.16 State Retirement System certifies to the department that the employer paid the additional
1.17 equivalent member contribution and the amount of the additional equivalent employer
1.18 contribution."

1.19 Page .., after line .., insert:

1.20 "Subd. 6. **Additional amortization requirement.** (a) In addition to the employer
1.21 contribution required under Minnesota Statutes, section 352.92, subdivision 2; and
1.22 subdivision 3, the Department of Corrections or the Department of Human Services,
1.23 whichever applies, also must make an additional amortization payment annually with
1.24 respect to the unfunded actuarial accrued liability attributable to past service credit
1.25 transfers under this section.

1.26 (b) The additional amortization requirement is one-fifth of the initially determined
1.27 unfunded actuarial accrued liability attributable to the past service credit transfer plus 8.5

2.1 percent annual compound interest on the unfunded actuarial accrued liability remaining
2.2 after the most recent prior principal payment. The unfunded actuarial accrued liability
2.3 attributable to the past service credit transfer is the present value of the benefit obtained
2.4 by the transfer of the service credit to the correctional state employees retirement plan
2.5 reduced by the amount of the asset transfer under subdivision 4, by the amount of the
2.6 member contribution equivalent payment under subdivision 2, and by the amount of the
2.7 employer contribution equivalent payment under subdivision 3.

2.8 (c) The additional amortization requirement is payable annually in a lump sum on
2.9 or before June 30."

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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 1912

March 12, 2007

Authored by Murphy, M.

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; including
1.3 additional Department of Human Services employees in plan coverage; amending
1.4 Minnesota Statutes 2006, section 352.91, subdivisions 3e, 3f.

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

1.6 Section 1. Minnesota Statutes 2006, section 352.91, subdivision 3e, is amended to read:

1.7 Subd. 3e. **Minnesota extended treatment options program.** (a) "Covered
1.8 correctional service" means service by a state employee in one of the employment positions
1.9 with the Minnesota extended treatment options program specified in paragraph (b) if at
1.10 least 75 percent of the employee's working time is spent in direct contact with patients
1.11 who are in the Minnesota extended treatment options program and if service in such a
1.12 position is certified to the executive director by the commissioner of human services .

1.13 (b) The employment positions are:

- 1.14 (1) behavior analyst 1;
- 1.15 (2) behavior analyst 2;
- 1.16 (3) behavior analyst 3;
- 1.17 (4) group supervisor;
- 1.18 (5) group supervisor assistant;
- 1.19 (6) human services support specialist;
- 1.20 (7) ~~developmental disability~~ residential program lead;
- 1.21 (8) psychologist 2;
- 1.22 (9) recreation program assistant;
- 1.23 (10) recreation therapist senior;
- 1.24 (11) registered nurse senior;

- 2.1 (12) skills development specialist;
- 2.2 (13) social worker senior;
- 2.3 (14) social worker specialist; and
- 2.4 (15) speech pathology specialist.

2.5 Sec. 2. Minnesota Statutes 2006, section 352.91, subdivision 3f, is amended to read:

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

2.12 (b) The employment positions are:

- 2.13 (1) behavior analyst 2;
- 2.14 (2) behavior analyst 3;
- 2.15 (3) certified occupational therapy assistant 1;
- 2.16 (4) certified occupational therapy assistant 2;
- 2.17 (5) chemical dependency counselor senior;
- 2.18 ~~(4)~~ (6) client advocate;
- 2.19 ~~(5)~~ (7) customer services specialist principal;
- 2.20 (8) dental assistant registered;
- 2.21 ~~(6)~~ (9) group supervisor;
- 2.22 ~~(7)~~ (10) group supervisor assistant;
- 2.23 ~~(8)~~ (11) human services support specialist;
- 2.24 (12) licensed alcohol and drug counselor;
- 2.25 (13) licensed practical nurse 1;
- 2.26 ~~(9)~~ (14) management analyst 3;
- 2.27 (15) occupational therapist;
- 2.28 ~~(10)~~ (16) occupational therapist, senior;
- 2.29 ~~(11)~~ ~~office and administrative specialist senior;~~
- 2.30 ~~(12)~~ (17) psychologist 1;
- 2.31 ~~(13)~~ (18) psychologist 2;
- 2.32 ~~(14)~~ (19) psychologist 3;
- 2.33 ~~(15)~~ (20) recreation program assistant;
- 2.34 ~~(16)~~ (21) recreation therapist lead;
- 2.35 (22) recreation therapist senior;

- 3.1 ~~(17)~~ (23) rehabilitation counselor senior;
- 3.2 ~~(18)~~ (24) security supervisor;
- 3.3 (25) skills development specialist;
- 3.4 ~~(19)~~ (26) social worker senior;
- 3.5 ~~(20)~~ (27) social worker specialist;
- 3.6 ~~(21)~~ (28) social worker specialist, senior;
- 3.7 ~~(22)~~ (29) special education program assistant;
- 3.8 (30) speech pathology clinician;
- 3.9 ~~(23)~~ (31) work therapy assistant; and
- 3.10 ~~(24)~~ (32) work therapy program coordinator.

3.11 Sec. 3. **EFFECTIVE DATE.**

- 3.12 Section 1 is effective the day following final enactment. Section 2 is effective as of
- 3.13 the first day of the first payroll period next following June 30, 2007.