



H.F. 2279
(Doty)

S.F. 2027
(Koering)

Executive Summary of Commission Staff Materials

Affected Pension Plan(s): MSRS-General, MSRS-Correctional
Relevant Provisions of Law: Proposed Special Law
General Nature of Proposal: Transfer MCF-St. Cloud Stores Clerk service to MSRS-Correctional
Date of Summary: March 27, 2007

Specific Proposed Changes

- Allow prior MCF-St. Cloud Stores Clerk service to transfer from MSRS-General to MSRS-Correctional despite the position not identified as eligible for Correctional coverage, if the Department of Corrections determines the position should have been in MSRS-Correctional.

Policy Issues Raised by the Proposed Legislation

1. Whether this position met the criteria (at a minimum, 75 percent inmate contact) used for inclusion of position in MSRS-Correctional, and if so, why it has not previously been identified as a qualifying position despite a thorough review of positions in 1996.
2. Whether the Legislature, rather than the Department of Corrections, should make this coverage determination.
3. Whether the Department of Corrections supports the bill.
4. Lack of any stated criteria to be used to determine whether coverage should be transferred.
5. Delay in seeking remedy.
6. Proposal rejected by MSRS Board, may have been appealed to Court of Appeals.
7. Impact on similar positions, or others with same employment title.
8. Payment terms appear to be inadequate; provides windfall to individual, adds unfunded liability to MSRS-Correctional.
9. Payment terms inconsistent with other bills transferring positions to MSRS-Correctional.

Potential Amendments

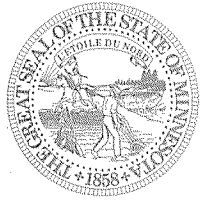
H2279-1A may be needed to clarify the ending date of the Stores Clerk service.

H2279-2A specifies that, at a minimum, the position must have met the 75 percent inmate contact requirement to be eligible for transfer.

H2279-3A revises payment terms by adding interest to employee contribution, requiring employer contribution with interest, and requiring the Department of Corrections to pay for the cost of any required actuarial calculations.

H2279-4A revises payment terms by requiring a full actuarial value payment, as follows:
1. Individual pays the MSRS-General/Correctional contribution differential plus interest.
2. Assets are transferred from MSRS-General to MSRS-Correctional equal to the funded portion of benefits accrued for the Stores Clerk service in the MSRS-General Plan
3. If the sum of the employee contribution amount and the asset transfer is less than the value of the service credit in MSRS-Correctional, the employer is to pay the difference.

H2279-5A The Legislature, rather than Department of Corrections, would decide whether the service should transfer.



TO: Members of the Legislative Commission on Pensions and Retirement

FROM: Edward Burek, Deputy Director

RE: H.F. 2279 (Doty); S.F. 2027 (Koering): MSRS-General, MSRS-Correctional: Transfer of Past Stores Clerk Service from General Plan to Correctional Plan

DATE: March 23, 2007

Summary of H.F. 2279 (Doty); S.F. 2027 (Koering)

H.F. 2279 (Doty); S.F. 2027 (Koering) would permit Renee Trepanier to transfer MCF-St. Cloud employment as a Stores Clerk from General State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-General) coverage to MSRS-Correctional coverage, if the Department of Corrections certifies that the individual met the requirements for Correctional Plan inclusion. The service credit transfer, if allowed, requires an asset transfer from MSRS-General and an additional contribution amount payment by the employee.

Public Pension Problem of Renee Trepanier

Based on information when Commission staff last reviewed this issue in 2006, Renee Trepanier is an employee of the Minnesota Department of Corrections employed at the Minnesota Correctional Facility – St. Cloud. Ms. Trepanier currently is a Central Services Administrative Specialist-Intermediate at MCF-St. Cloud, assigned to the institution canteen. That position is included in MSRS-Correctional. Apparently, the position title previously was Stores Clerk-Senior. While she held the Stores Clerk-Senior position, that position was added to MSRS-Correctional by language included in the 1996 Criminal Justice Appropriations legislation, Laws 1996, Chapter 408, Article 8, Sections 9-18 and 21-23. That legislation included prospective coverage plus authority to transfer any prior service as a Stores Clerk-Senior, and Ms. Trepanier elected to transfer that prior service from MSRS-General to MSRS-Correctional.

Before Ms. Trepanier was a Stores Clerk-Senior, she held the position of Stores Clerk. Ms. Trepanier contends that her service as a Stores Clerk, the position she held from April 25, 1990, to August 31, 1994, should also be allowed to transfer from MSRS-General to MSRS-Correctional. However, that was not permitted because, while Stores Clerk-Senior was included in the 1996 legislation, the Stores Clerk position was not. Excluding the Stores Clerk position from MSRS-Correctional coverage is justifiable if the position did not meet the criteria for inclusion. The general criteria used is that eligible positions must have at least 75 percent inmate contact, and is most justifiable if the individual is expected to respond to incidents to retain control and protect property and the safety of others. Clearly, not including this position in MSRS-Correctional coverage is justified if the position did not meet criteria for inclusion. There are other possible explanations, however. In a letter dated November 24, 2002, Ms. Trepanier contends that the position was not included simply because she had left that position. Possibly, the position was vacant or eliminated when Ms. Trepanier was promoted to the Stores Clerk-Senior position in 1994. The Commission may wish to better understand the factual situation through testimony by Ms. Trepanier and from the Department of Corrections.

Ms. Trepanier has appealed to the MSRS Board of Directors to allow her to transfer her service as a Stores Clerk from April 25, 1990 to September 7, 1994, to MSRS-Correctional. The appeal apparently was unsuccessful, or there would be no need for the current legislative request. Commission staff is not aware of whether she filed an appeal with the Court of Appeals.

Background Information on the MSRS-Correctional State Employees Retirement Plan

Background information on the Correctional Employees Retirement Plan of the Minnesota State Retirement System (MSRS-Correctional) is contained in Appendix A.

Actuarial Condition of MSRS-Correctional

Transfers of past coverage into MSRS-Correctional can negatively impact the plan by adding more liabilities to the plan than the plan gains in assets, unless specific steps are taken to avoid that outcome. Although this impact may not be significant if a few individuals have coverage transferred, the Commission may be concerned about the continuing long-term trend, which began in the early 1970s, of transferring additional positions into this plan.

The MSRS-Correctional Plan has funding problems. The actuarial condition of MSRS-Correctional according to the July 1, 2006, actuarial report is shown below. According to the report, the plan is about 83 percent funded, and the contributions, as indicated in the table, are seriously insufficient to finance this plan over the longer term. The contributions are deficient by nearly 9.7 percent of payroll. In 2006, the Commission and Legislature passed employee and employer contribution rate increases that will phase in over several years, creating an eventual total contribution increase of 7.03 percent per year, considerably less than the increase amount needed based on the most recent actuarial work summarized in the table below.

MSRS-Correctional

		2006
<u>Membership</u>		
Active Members		3,910
Service Retirees		1,101
Disabilitants		168
Survivors		106
Deferred Retirees		817
Nonvested Former Members		<u>388</u>
Total Membership		6,490
<u>Funded Status</u>		
Accrued Liability		\$647,480,269
Current Assets		<u>\$535,356,819</u>
Unfunded Accrued Liability		\$112,123,450
Funding Ratio	82.68%	
<u>Financing Requirements</u>		
Covered Payroll		\$162,744,640
Benefits Payable		\$26,506,726
Normal Cost	17.69%	\$28,786,714
Administrative Expenses	<u>0.21%</u>	<u>\$341,764</u>
Normal Cost & Expense	17.90%	\$29,128,478
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Amortization	<u>5.44%</u>	<u>\$8,853,309</u>
Total Requirements	23.34%	\$37,981,787
Employee Contributions	5.69%	\$9,260,170
Employer Contributions	7.98%	\$12,987,022
Employer Add'l Cont.	0.00%	\$0
Direct State Funding	0.00%	\$0
Other Govt. Funding	0.00%	\$0
Administrative Assessment	<u>0.00%</u>	<u>\$0</u>
Total Contributions	13.67%	\$22,247,192
Total Requirements	23.34%	\$37,981,787
Total Contributions	<u>13.67%</u>	<u>\$22,247,192</u>
Deficiency (Surplus)	9.67%	\$15,734,595

Discussion and Analysis

Renee Trepanier indicates that she has not received 4.33 years of allowable service credit in MSRS-Correctional for her service as a Stores Clerk at MCF-St. Cloud, although her Stores Clerk-Senior service was permitted to transfer (the Stores Clerk-Senior classification has been subsequently renamed as a Central Services Administrative Specialist-Intermediate). H.F. 2279 (Doty); S.F. 2027 (Koering) would allow Ms. Trepanier with a transfer of 4.33 years of allowable service credit from MSRS-General to MSRS-Correctional for her 1990-1994 service as a Stores Clerk at MCF-St. Cloud if the Department of Corrections certifies that the position should have qualified for MSRS-Correctional coverage.

Bills were introduced for Ms. Trepanier in 2003, as H.F. 1377 (Blaine); S.F. 1752 (Koering); and in 2005 as H.F. 2544 (Blaine); S.F. 2404 (Koering) and H.F. 2941 (Otremba); S.F. 2404 (Koering). None of those bills were heard by the Commission. Those bills required the Commission to decide whether Ms. Trepanier's Store Clerk service should transfer to the Correctional Plan. The present bill, in contrast, would have the Department of Corrections decide whether the service met "requirements for coverage," and if it did, the service would transfer. One problem with the proposed legislation is that it fails to specify what the necessary requirements are. The present bill also differs from past bills regarding payment terms. The present bill provides a windfall to the individual by not charging interest on additional contribution amounts, and requires no current payment from the Department of Corrections to MSRS-Correctional. Perhaps that is intended to lessen opposition by the Department of Corrections to the bill, but it is likely to harm the pension fund.

The proposed legislation raises several pension and related public policy issues, as follows:

1. Appropriateness of Transfer; Nature of Ms. Trepanier's Duties 1990-1994. The policy issue is the appropriateness of the requested transfer of past service credit, given the available information on Ms. Trepanier's employment duties from April 25, 1990, to September 7, 1994. Direct inmate contact of 75 percent or more is the basic standard for MSRS-Correctional coverage. It is questionable whether Ms. Trepanier's Stores Clerk service met that standard. Ms. Trepanier provided position descriptions and performance evaluations for June 21, 1990, October 28, 1994, and August 27, 2001. The position descriptions do not, on their face, indicate a substantial amount of inmate contact by Ms. Trepanier and provide no information on whether that inmate contact occurs solely or primarily with non-threatening or model inmates or with the general population, whether that inmate contact occurs with correctional officers or other security personnel present or not, and whether Ms. Trepanier is actually expected to intervene in incidents or only to report problematic behavior or activity to other correctional personnel. While the June 21, 1990, position description indicates supervision by Ms. Trepanier of six inmates under the reportability section, inmate contact was indicated only for duties #4 and #7, which total only 20 percent of her time. While the June 21, 1990, document includes a handwritten note by Ms. Trepanier about more extended inmate contact, the note appears without any supervisor notation, comment, or approval, and the note indicates only generalized inmate contact, not the direct contact that Minnesota Statutes, Section 352.91, Subdivision 3d, Paragraph (a), requires. While the October 28, 1994, position description indicates supervision by Ms. Trepanier of seven inmates under the reportability section, inmate contact was indicated only for duties #4 and #6, which total only 25 percent of her time. Similarly, the August 27, 2001, position description indicates that Ms. Trepanier supervises an inmate crew under the reportability section; inmate contact was indicated only for duties #1 and #3, which total 60 percent of her time. Additional information in testimony or through submissions for the record will be needed to substantiate the amount and nature of Ms. Trepanier's actual inmate contact as a Stores Clerk during the 1990-1994 period.
2. Position of the Department of Corrections. The issue is whether the Department of Corrections supports the bill, which requires the Department of Corrections to decide whether the service should qualify for MSRS-Correctional coverage, rather than requiring the Legislature to make that decision.
3. Lack of Criteria for Determining Whether MSRS-Correctional Plan Coverage is Appropriate. The issue is the lack of any stated criteria for the Department of Corrections to use in deciding whether the position should have been included in the Correctional plan. The bill states (page 1, lines 21 and 22) that the service credit can transfer "if the department (Corrections) certifies that the employee met the eligibility requirements for coverage," but there is no statement of what criteria should be used in making that determination. The Commission may wish to specify criteria through an amendment.
4. Disparity Between August 31, 1994, Stores Clerk-Senior Promotion Date and September 7, 1994, Requested Transfer Period End Date. The policy issue is a disparity in the dates between Ms. Trepanier's promotion to Stores Clerk-Senior, indicated on the record as August 31, 1994, and Ms. Trepanier's request to transfer a period of correctional service ending at September 7, 1994. Some explanation will be needed why Ms. Trepanier previously transferred past service credit only back to September 8, 1994, under the 1996 legislation, if she was actually promoted to Stores Clerk-Senior on August 31, 1994, as indicated in a September 14, 1994, letter from Ann O'Brien, MCF-St. Cloud Human Resource Management Director, and in the November 24, 2002, letter from Ms. Trepanier to Senator Koering.
5. Appropriateness of the Proposed Transfer for Service That Was Excluded From the 1996 Department of Corrections Request. The policy issue is the appropriateness of the requested past service credit transfer when the service period was not included in the 1996 transfer. The 1996 transfer legislation (Laws 1996, Chapter 408, Article 8, Sections 9-18 and 21-24) was the result, according to testimony presented to the Commission in 1996, of a comprehensive and in-depth appraisal/reappraisal of the retirement coverage eligibility status of all correctional facility positions by the Department of Corrections and of all St. Peter Security Hospital positions by the Department of Human Services. The issue of MSRS-Correctional retirement coverage eligibility had been discussed or pursued on some level for almost a decade before 1996, and the 1995 Interim review by the Department of Corrections/Department of Human Services of its employees was intended to resolve all outstanding coverage issues. If the 1996 Department of Corrections/Department of Human Services review was as complete as it was portrayed to the Commission in 1996 and if Ms. Trepanier's 1990-1994 position should have qualified for MSRS-Correctional Plan coverage on its merits, the 1996 review should have identified that period of service for transfer. If the 1995-1996 Department of Corrections review was comprehensive, then presumably this period of service should not be considered eligible for MSRS-Correctional coverage.

6. Appropriateness of the Transfer Request Several Years after the Alleged Omission of Ms. Trepanier's 1990-1994 Service. The policy issue is the appropriateness of the considerable delay in Ms. Trepanier bringing forward this request to correct an alleged omission of her 1990-1994 service in the 1996 MSRS-Correctional legislation. The timeliness of requested corrective action is always a policy consideration. Although there is an equitable maxim that equity will not suffer a wrong to occur without a remedy, there also is an equitable maxim that equity aids the vigilant and not those who slumber on their rights. If Ms. Trepanier was done a wrong in 1996 by a failure to include her 1990-1994 service credit in a transfer to MSRS-Correctional, that grievance should have become apparent to her and to the Department of Corrections in 1997. Ms. Trepanier first raised the issue with her local legislators in 2002. The Commission may choose to have Ms. Trepanier testify about the reason for this delay and the Commission may choose to consider whether that delay should rule out consideration of the issue at this time.
7. Ms. Trepanier's Appeal to the MSRS-Board of Directors. In 2004, Ms. Trepanier appealed to the MSRS Board of Directors after the MSRS Executive Director rejected a request by her to transfer the Stores Clerk service. Presumably, that appeal was denied, or the Commission would not now be reviewing a legislative request. In the opinion of Commission staff, the MSRS board lacks authority to grant Ms. Trepanier's request. However, Ms. Trepanier could appeal the MSRS decision to the State Court of Appeals. The Commission may wish to determine whether this issue is currently under court consideration, since it would seem inappropriate for the Commission to deal with the transfer request at this time if the matter is before the courts.
8. Impact of the Request on Other Stores Clerks within the Department of Corrections; Precedent. The policy issue is the impact that a potential favorable action on Ms. Trepanier's request will have on the retirement coverage of other former Stores Clerks at MCF-St. Cloud and at other correctional facilities and its potential precedent value if there are other former Stores Clerks in state employment with MSRS-General coverage. Historically, the Commission has preferred to have whole employment classifications included in or excluded from MSRS-Correctional coverage, at least within a correctional institution. In reviewing Ms. Trepanier's request, the Commission will likely need information about the number of Department of Corrections employees with past service as a Stores Clerk at MCF-St. Cloud or at other correctional facilities, the nature of the employment of these individuals during that service in the past and currently, and the likelihood that other correctional employees will be making the same request as Ms. Trepanier.
9. Appropriateness of the Payment Terms. The issue is the appropriateness of the payment terms. The payment terms as drafted provide a windfall to the individual (by not requiring interest on the additional employee contribution payment) at the expense of the pension fund, and MSRS-Correctional is likely to take on more liability than it gains in assets. Given this plan's funding and contribution level difficulties, the Commission may wish to consider whether these payment terms are appropriate for this fund, given its condition. The Commission may wish to consider that there are several actual or potential participants in this process: the employee, the employer, the MSRS-General Plan fund from which some assets will be taken, and the MSRS-Correctional Plan fund which will receive some assets. Regarding the employee, at a minimum the Commission would usually require interest at 8.5 percent (the assumed investment earnings rate for the pension fund) to compensate the fund for not receiving the contributions at the time that the service was rendered. The current bill does not require an interest payment. The employer plays a large role in financing the pension fund. The employer can pay now, or pay more later. The more that the employer injects into the MSRS -Correctional Plan currently, the less unfunded liability would be created. Any additional unfunded liability must be amortized, and as noted above, the MSRS-Correctional Plan fund is not on target to amortize its liabilities by the full funding date. Regarding the two pension plans involved, the Commission may wish to consider that a transfer of assets between the two funds creates a trade-off. The Commission could transfer an amount from MSRS-General equal to the liability released from the fund by the transfer of service credit. This keeps MSRS-General whole, but this transfer alone would not be sufficient to cover the liabilities added to MSRS-Correctional, because it is a more expensive plan providing higher benefits and an earlier normal retirement age. Unless additional assets are also added at the time of the transfer by the employee and or employer, unfunded liability will be created in MSRS-Correctional. Commission staff amendments include one or more revisions in the payment terms for the Commission to consider.
10. Consistency with Other Bills Adding Employees to MSRS-Correctional. The Commission also wish to consider that there are other bills introduced this session which would add various Department of Corrections (H.F. 1912 (Murphy, M.); S.F. 423 (Betzold)) and Department of Human Services (H.F. 1911 (Murphy, M.); S.F. 937 (Betzold)) employees to MSRS-Correctional. The Department of Corrections bill includes a provision to transfer service, although the Department of Human Services

bill does not. The Commission might recommend revision of the Department of Corrections bill transfer requirement, and might add a transfer provision to the Department of Human Services bill. The Commission may wish to delay any final action on H.F. 2279 (Doty); S.F. 2027 (Koering) to ensure that the Commission recommends consistent payment terms on all of these bills.

11. Procedural Issues. The Commission may wish to determine through testimony whether this matter was appealed to the Court of Appeals. If a court action is in progress, the Commission may choose to not consider a legislative solution at this time. If Ms. Trepanier's request has been rejected by the court, the Commission might also decide not to take action.

Potential Amendments for Commission Consideration

Amendment H2279-1A would revise the date, if necessary, specifying when the Stores Clerk service ended. As noted in previous discussion, the bill as drafted indicates that the Stores Clerk service ended on September 7, 1994, but various attached documents indicate that Ms. Trepanier was promoted on August 31, 1994.

Amendment H2279-2A would specify minimum criteria for the Department of Corrections to use in deciding whether the individual should be included. That minimum criteria is 75 percent inmate contact. The Department could choose to use additional criteria beyond this minimum requirement.

Amendments H2279-3A and H2279-4A are alternative ways of revising the payment terms. As noted previously, there are other bills ((H.F. 1912 (Murphy, M.); S.F. 423 (Betzold) for certain Department of Human Services employees, and H.F. 1911 (Murphy, M.); S.F. 937 (Betzold) for certain Department of Corrections employees) which will add new positions to the MSRS-Correctional Plan. The Commission may wish to delay any final consideration of this bill for Ms. Trepanier until the Commission decides on consistent payment terms to be used in all these bills.

Amendment H2279-3A would revise the payment terms in H.F. 2279 (Doty); S.F. 2027 (Koering) to be consistent with that appearing in H.F. 1911 (Murphy, M.); S.F. 937 (Betzold), as currently drafted. However, when the Commission hears those other bills it may choose to revise those terms. In addition to the asset transfer from MSRS-General, this amendment to H.F. 2279 (Doty); S.F. 2027 (Koering) would add interest to the employee contributions, and add an employer contribution requirement with interest. While this provides MSRS-Correctional with some additional assets, the net result on the funding ratio of the MSRS-Correctional is ambiguous, but seems unlikely to provide MSRS-Correctional with sufficient assets to not negatively impact its funding ratio. The impact, however, would be minute since the bill only deals with a single individual. The amendment also includes a subdivision as found in H.F. 1911 (Murphy, M.); S.F. 937 (Betzold), requiring the Department of Corrections to pay for the cost of any required actuarial calculations.

Amendment H2279-4A would apply payment terms as contained in recent Commission staff drafts to address Ms. Trepanier's pension concern, most recently a 2006 draft. The payment procedure is designed to transfer the service credit while leaving both the MSRS-General and MSRS-Correctional funding ratios unharmed and unchanged. The MSRS-Correctional Plan would receive an amount representing the full actuarial value of the transferred service credit multiplied by the funding ratio applicable to its active members, leaving the plan's funding ratio unchanged by the transfer. The total payment to the fund is composed of several components. First, the individual would pay in a lump sum an amount representing additional contributions (the contribution differential between the MSRS-General plan and MSRS-Correctional plan during the applicable period) plus 8.5 percent interest from the approximate midpoint of the period until paid. Second, assets transfer from MSRS-General to MSRS-Correctional equal to the funded portion of benefits accrued for the Stores Clerk service in the MSRS-General Plan. The employee contribution amount and the asset transfer from MSRS-General are added, and if the total is less than the value of the service credit in the MSRS-Correctional plan, the employer makes a contribution to make up the difference.

Amendment H2279-5A would remove the requirement that the Department of Corrections decide whether Ms. Trepanier's Store Clerk service should be in MSRS-Correctional and would instead have the Legislature make that decision.

Appendix 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 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 MSRS-Correctional membership.

5. 1980 Addition of MSRS-Correctional Plan Covered Position Administrative Certification Process. In 1980 (Laws 1980, Chapter 600, Sections 2, 3, 4, and 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, 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 coverage if the positions are certified by the Commissioner of Human Services as having at least 75 percent direct patient contact. The METO Program is a statewide program for adults who have developmental disabilities and who exhibit severe behaviors that present a risk to public safety. The nine job classifications added to MSRS-Correctional coverage were as follows:

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

Individuals who gained prospective MSRS-Correctional coverage were allowed to elect to transfer past METO service to MSRS-Correctional, back to July 1, 1997, providing that the service was in one of the specified positions and the 75 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 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 1-4 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 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 MSRS-Correctional based on recommendations from the Commissioner of Human Services or Corrections, a review by the Legislative Commission on Pensions and Retirement, and approval by the Legislative Advisory Committee, was repealed.

13. 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 MSRS-Correctional 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 MSRS-Correctional of any past service credit related to past employment in the affected position and covered by MSRS-General was permitted in the 2004 legislation, which resulted from a House Governmental Operations and Veterans Affairs Policy Committee amendment to the 2004 Omnibus Retirement Bill.

14. 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, MSRS-Correctional uses an occupational definition of disability rather than the total impairment disability definition used by MSRS-General.

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

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

Appendix B

Background Information on the Inadequacies and Problems in MSRS-Correctional Plan Membership Provisions

The Commission 2003-2004 Interim project, involving a detailed specific comparison of every employment position reported by the Minnesota State Retirement System (MSRS) as a member of the Correctional Employees Retirement Plan of the Minnesota State Retirement System (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 actually 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 fell into several categories, summarized as follows:

1. Information Lacking. The Commission staff found that no specific information was provided by MSRS for eight persons, with no information available on the occupational titles or facilities involved. MSRS indicated that seven employees actually terminated before June 30, 2003, but were included in the actuarial valuation data transmitted to the actuarial firm retained by the Commission, and that one employee was included twice in the actuarial valuation demographic data sent to the Commission-retained actuary because of a duplicate Social Security number. (Initially, in early August 2003, MSRS provided information on 3,229 members of MSRS-Correctional to the Commission staff and information on 3,262 MSRS-Correctional members to the Commission-retained actuary. In response to an August 15, 2003, Commission staff request to explain the difference between the two counts, MSRS sent information on 25 additional MSRS-Correctional members in late August 2003, but did not explain the situation of the remaining eight-person differential until October 30, 2003.)
2. Nonexistent Statutory Authority. The Commission staff found that there was no specific statutory inclusion authority for 20 persons in ten occupational titles at six Department of Corrections and two Department of Human Services facilities. The joint MSRS/Department of Corrections/Department of Human Services response on October 30, 2003, indicated that:
 - (a) the central services administrative specialist intermediate positions at MCF-St. Cloud and MCF-Moose Lake, involving five employees, and the central services administrative specialist senior positions at MCF-Red Wing, involving one employee, were previously stores clerk positions who were included in the plan under the occupational title "stores clerk senior;"
 - (b) the correctional inmate program coordinator position at MCF-Lino Lakes was improperly left in the plan, but the mistake was not discovered within the statutory three-year correction period;
 - (c) the groundskeeper senior positions at MCF-Red Wing and MCF-Rush City, involving two employees, are considered authorized for inclusion by the Department of Corrections and MSRS under Minnesota Statutes, Section 352.91, Subdivision 2, as maintenance employees;
 - (d) the reported human services technician position at the St. Peter State Security Hospital, involving one employee, had no MSRS-Correctional Plan service or member deductions and was included in the information transmitted by MSRS to the Commission staff in error;
 - (e) the reported library technician position at MCF-Moose Lake, involving one employee, is actually in a library/information resource services specialist position and was improperly coded by MSRS under a different occupational title;
 - (f) the rehabilitation counselor senior positions at the St. Peter State Security Hospital, involving three employees, were approved as an administrative transfer that was retroactively approved by the Legislative Advisory Commission in 1999 (however, the 1999 approval was for a rehabilitation counselor position, not the indicated rehabilitation counselor senior position);
 - (g) the sales and service positions at MCF-Stillwater and MCF-Moose Lake, involving three employees, are considered authorized for inclusion by the Department of Corrections and MSRS under Minnesota Statutes, Section 352.91, Subdivision 3, as a member of a trade;
 - (h) the social worker senior position at the Minnesota Sexual Psychopathic Personality Treatment Center, involving two employees, was approved as an administrative transfer that was retroactively approved by the Legislative Advisory Commission in 1999 (however, the 1999 Legislative Advisory Commission approval was for a social worker specialist senior position at the Sexual Psychopathic Personality Treatment Center, not the indicated social worker senior position. A referenced

Attachment B to the joint response included three handwritten additions of social worker senior positions at the Minnesota Sexual Psychopathic Personality Treatment Center, but those additions were not processed by the Legislative Commission on Pensions and Retirement); and

- (i) the work therapy program coordinator position at the Sexual Psychopathic Personality Treatment Center, involving one employee, is not referenced in Minnesota Statutes, Section 352.91, but that omission is a statutory inconsistency when compared to identical job functions at the St. Peter State Security Hospital.

3. Unclear Statutory Authority. The Commission staff found that the statutory inclusion authority was unclear or questionable for 73 persons in 17 occupational titles at eight Department of Corrections facilities. The joint MSRS/Department of Corrections/Department of Human Services response dated October 30, 2003, indicated that the following occupational positions are all covered under Minnesota Statutes, Section 352.91, Subdivision 2, as trades, maintenance, or corrections industries/maintenance personnel. (However, Minnesota Statutes, Section 352.91, Subdivision 2, refers to "maintenance personnel and members of trades, but does not refer to "correctional industries/maintenance" personnel.)

- auto body;
- automotive technician;
- automotive mechanic lead;
- correctional industries production supervisor;
- correctional manufacturing specialist-engineering and drafting;
- correctional manufacturing specialist-tool and die;
- correctional manufacturing specialist-wood;
- correctional manufacturing specialist-upholstery;
- electronics technician;
- electronics technician senior;
- graphics;
- licensing plant;
- light assembly;
- light manufacturing;
- mechanical;
- refrigeration mechanic; and
- transportation warehouse.

4. Lack of Minnesota Sexual Psychopathic Personality Treatment Center References. The Commission staff found that for 28 persons in seven occupational titles at the Minnesota Sexual Psychopathic Personality Treatment Center, the individuals are included in MSRS-Correctional Plan coverage despite the lack of any Minnesota Sexual Psychopathic Personality Treatment Center reference in Minnesota Statutes, Section 352.91. Subdivisions 3c, 3d, and 3g. The joint MSRS/Department of Corrections/Department of Human Services response dated October 30, 2003, indicates that five positions (psychologist 3, recreation program assistant, recreation therapist senior, registered nurse, and work therapy assistant) were certified by the Department of Human Services under Laws 1996, Chapter 408, Article 8. (However, Laws 1996, Chapter 408, Article 8, Sections 14 and 15, was limited to the specified occupational titles only at the St. Peter State Security Hospital.) The joint MSRS/Department of Corrections/Department of Human Services response of October 30, 2003, also indicates that a rehabilitation counselor at the Minnesota Sexual Psychopathic Personality Treatment Center was recommended retroactively by the Legislative Commission on Pensions and Retirement in 1999. (However, the 1999 Pension Commission retroactive recommendation related to a rehabilitation counselor, not the rehabilitation counselor senior position in question.)

5. Unintended Employment Locale. The Commission staff found that for 27 persons in eight occupational titles, at the Department of Corrections Central Office and at the Anoka-Metro Regional Treatment Center, the applicable employment location is not a correctional facility (for the Department of Corrections) or a security facility (for the Department of Human Services) and hence are not eligible for MSRS-Correctional Plan coverage. The joint MSRS/Department of Corrections/Department of Human Services response of October 30, 2003, indicated that the correctional security caseworker, correctional security caseworker career, correctional officer 2, correctional officer 3, correctional officer 4, correctional program therapist 2, and sentencing to service crew leader positions work at multiple facilities and are only paid out of the Central Office payroll for budgeting purposes. The joint MSRS/Department of Corrections/Department of Human Services response also indicated that the registered nurse position was covered by MSRS-Correctional

as a Minnesota Extended Treatment Options Program employee through July 1, 2003, although the transfer of the employee to the Anoka-Metro Regional Treatment Center was entered into the computer system on June 24, 2003.

6. Incorrect Reported Titles. The Commission staff found that for 22 persons in three occupational titles, at three Department of Human Services facilities, the reported title "benefit analyst" was incorrect. The joint MSRS/Department of Corrections/Department of Human Services response of October 30, 2003, indicates that a typographical error occurred in the title name.
7. Occupational Title Changes. The Commission staff found that for 81 persons in three occupational titles at nine Department of Corrections facilities, occupational titles may have changed without any subsequent statutory reference change. The joint MSRS/Department of Corrections/Department of Human Services response of October 30, 2003, indicates that the central services administrative services intermediate, central services administrative services principal, and correctional program therapist occupational titles were simply title changes.
8. Obsolete References. The Commission staff found 13 occupational titles for which there was no incumbent in the MSRS-Correctional Plan as of July 1, 2003. The joint MSRS/Department of Corrections/Department of Human Services response of October 30, 2003, indicated that the occupational positions were obsolete, vacant, or replaced by other occupational titles, and recommended:
 - deleting from Minnesota Statutes, Section 352.91, references to the occupational titles of chemical dependency counselor supervisor, corrections officer supervisor, corrections parent education coordinator, office and administrative specialist senior, and registered nurse principal;
 - retaining references in Minnesota Statutes, Section 352.91, of the occupational titles of electrician supervisor, licensed practical nurse 1, recreation program assistant, and social worker senior;
 - changing the occupational titles corrections behavior therapist 1, 2, and 3 to corrections program therapist 1, 2, and 3; and
 - changing the occupational title stores clerk senior to central services administrative services intermediate, senior, and/or principal.

The joint MSRS/Department of Corrections/Department of Human Services response also indicated that the occupational title "water treatment plant operator" was covered by the MSRS-Correctional Plan as a trades member.

The Commission staff prepared proposed legislation, introduced in the 2004 Legislative Session as H.F. 2036 (Smith); S.F. 1982 (Betzold), which was intended to resolve the various inconsistencies in the actual membership of the MSRS-Correctional Retirement Plan and the applicable statutory provisions. The proposed legislation was not heard by the Commission in 2004 because of opposition by and complaints from some or all of the labor organizations representing the affected MSRS-Correctional Plan members.

Senator Paul Koering
121 State Capital
St. Paul, MN 55155

November 24, 2002

Dear Sir:

I am currently working as a Central Services Administrative Specialist-Intermediate for the State of Minnesota, Department of Corrections-St. Cloud. I started working for the State on April 25, 1990, as a Stores Clerk. I work in the Canteen at the St. Cloud Correctional Facility.

In the Fall of 1991, I was approached by a fellow employee about my job duties. He felt a number of the positions at the State Correctional Facilities fit the criteria for eligibility in the Corrections Retirement Plan, and my position was one.

On August 31, 1994, I was promoted to a Stores Clerk-Senior. This promotion was due to my added responsibilities as a result of my immediate Supervisor's mobility assignment.

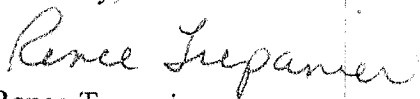
Based on 1996 legislation, my position was changed from the General Retirement Plan to the Corrections Plan, effective January 8, 1997. When I "bought back" my time, I was only allowed to buy back my Stores Clerk-Senior time. I was told by my Human Resources department that the Stores Clerk position was **not** an eligible position and therefore, I could only "buy back" my Stores Clerk-Senior time. The reason this happened is I held the only Stores Clerk position eligible and when the legislation was past I had already been promoted, so the Stores Clerk position was not put on the list.

As you can see from the attached forms, the only difference in these positions was my added duties, my inmate contact remained the same.

I am appealing to the State Pension Board to allow me to "buy back" the time from April 25, 1990, to September 7, 1994, from the State General Retirement Plan to the Corrections Retirement Plan.

If you need to speak to me concerning this matter, I may be reached at (320) 632-3779 (home) or at (320) 240-3083 (work).

Sincerely,



Renee Trepanier
301 NE 4th Street
Little Falls, MN 56345

ATTACHMENTS

- 1) MEMO OF NEED TO CREATE NEW CANTEEN POSITION
- 2) HUMAN RESOURCES "CREATION OF NEW POSITION" MEMO
- 3) STORES CLERK POSITION DESCRIPTION
- 4) LETTER DESCRIBING JOB DUTIES & INMATE CONTACT-REQUESTED BY STAFF
- 5) REQUEST FOR PROMOTION TO STORES CLERK-SENIOR BY IMMEDIATE SUPERVISOR
- 6) PROMOTION LETTER FROM HUMAN RESOURCES
- 7) STORES CLERK-SENIOR POSITION DESCRIPTION
- 8) CLERICAL RECLASSIFICATION MEMO FROM HUMAN RESOURCE
- 9) CENTRAL SERVICES ADMINISTRATIVE SPECIALIST-INTERMEDIATE POSITION DESCRIPTION

1

We propose to create a new position in our inmate canteen. Over the last two years our inmate population has been increasing. We have been including more line items for sale to our inmates in the canteen. In addition to those quantifiable factors the canteen management would like to improve service and security.

When we talk about improving service, generally speaking we intend to reduce the time delay between when an inmate decides to buy a product, such as a radio or TV, and the time it is delivered. We would also like to speed up the radio/TV repair business. Items must be repaired by vendors in the community and they need to be opened and examined by staff members both on the way out and on the way in. Inspecting radios and TVs are only a part of the security role played by this person. She must also do searches of inmate crews and monitor product flow to reduce or eliminate pilferage and theft.

Currently we are paying overtime to custody staff to help staff the inmate canteen during peak hours, that is, when inmates are going through the line making purchases. If this position is approved we would be able to significantly reduce those overtime hours. From an operational standpoint we will then have a logical person to serve as a back-up person in the canteen. Currently when the canteen manager is gone help comes from someone not in daily contact with canteen matters.

I have studied the job description and the duties will be -- quote the responsibilities -

I have compared this position to the job specs and find the specs for stores clerk are - - quote from stores clerk specs

Recommendation: I recommend this position be allocated at - SC

2

DEPARTMENT: CORRECTIONS/MCF-SCL

STATE OF MINNESOTA
Office Memorandum

TO: Ms Nina Rothchild
Commissioner of Employee Relations

DATE: 2-5-90

FROM: Mr. C. Nemec
Personnel Director

PHONE: 255-5002

SUBJECT: Creation of a New Position for the Canteen

We propose to create a new position in our inmate Canteen. Over the last two years our inmate population has been increasing. We have been including more line items for sale to our inmates in the Canteen. In addition to those quantifiable factors the Canteen management would like to improve service and security.

When we talk about improving service, generally speaking, we intend to reduce the time delay between when an inmate decides to buy a product, such as a radio or TV, and the time it is delivered. We would also like to speed up the radio and TV repair business. Those items must be repaired by vendors in the community and they need to be opened and examined by staff members both on the way out and on the way in. Inspecting radios and TVs are only a part of the security role played by this person. He/She must also do searches of inmate crews and monitor product flow to reduce or eliminate pilferage and theft.

Currently we are paying overtime to Custody staff to help staff the inmate Canteen during peak hours. This is when inmates are going through the line making purchases. If this position is approved, we would be able to significantly reduce those overtime hours. From an operational standpoint, we will then have a logical person to serve as a back-up person in the Canteen. Currently, when the Canteen Manager is gone, help comes from someone not in daily contact with Canteen matters.

I have studied the position description and the duties will be:

- Receiving, recording and dispersing all incoming freight so that accountability is kept;
- Maintaining an accurate file system on all consumable items for accurate inventory;
- Filling in as relief behind the Canteen officer for continuous operation;
- Providing security inspections of all incoming and outgoing items for the protection of the staff and inmates;
- Developing and maintaining a self-improvement plan for peak performance;
- Supervising the Canteen inmate crew to maintain proper stocking of items, cleanliness and efficiency;
- Supervising the receiving and sales of radios, televisions and related products.

I have compared this position to the job specifications for Stores Clerk and find a Stores Clerk must have:

- Ability to make arithmetic calculations with speed and accuracy and to keep accurate records;
- Ability to manage routine operations and the work of a small number of lesser experienced employees, patients, wards or student assistants;
- Working knowledge of pertinent health and safety requirements and of applicable precautionary measures and devices;
- Working knowledge of storekeeping operations in receiving, caring for and issuing supplies and in keeping records and maintaining inventories.

Recommendation: I recommend this position be at a Stores Clerk level.

CNN:kes

Enc.

3

TREPANIER, Renee

DOC MCF/SCL

Stores Clerk

973850

Greg Koshenina

This position exists for supervising and assisting in the daily operation of the Canteen, which will include receiving, storing, order filling, inventories, and housekeeping functions while maintaining security.

Canteen Supervisor

Six Inmates

N/A

Clientele are specifically the inmates of the institution.

RELATIONSHIPS

The essential relationships are between this activity and the staff and inmates; the Administrative Division's Accounting Section, the parent section of this activity, the Commissary, and the vendors who provide the commodities sold by the Canteen.

- A. The relationship between the Canteen and the inmate population is one of the most essential relationships that exist within an institution of this kind. Inmate distrust, displeasure, disagreement with product price or quality or service delivery can result in dramatically disproportionate conflicts than when what the issue would otherwise call for. It is critical that this person be consciously aware of the tenuous balance between harmony and chaos and how serious the problems can be if proper attention is not given to minute details in this area of activity.
- B. The relationships with the Accounting Division is a qualitative one, one which is governed by very strict laws. Auditing is exact and there must be good communications between these two divisions for accurate accounting and adherence to the laws governing these activities.
- C. The relationship between the other branches are essential for teamwork and coordinated effort between these integrated service functions.
- D. The relationship between the vendor is almost self-explanatory. The need for honest pricing, quality products, prompt delivery and responsive adjustments are very essential. The need to know and the value of the business contract, the word-of-mouth credibility and goodwill are basic to the success of this activity.

KNOWLEDGE, SKILLS, AND ABILITIES:

A. **SKILLS NEEDED:**

To be able to work effectively with a large variety of people. Must have the ability to communicate both verbally and using written directives with both staff and inmates. Must have a good knowledge of institution security requirements. Must be able to operate all equipment, (computers, printers, etc.). Must be able to establish priorities for work and let those priorities dictate a daily schedule of activities.

B. **HOW SKILLS ARE USED:**

Skills are used to obtain and act on information so that the position responsibilities are completed and institution security is maintained.

C. **IMPORTANCE OF MANAGERIAL vs. TECHNICAL vs. HUMAN RELATIONS WORK:**

All three are important. Priority must be given to the human relations aspect.

PROBLEM SOLVING:

Prioritizing a variety of duties within limited time constraints is the major ongoing problem in this area. Good time management is a daily challenge when confronted with unexpected deliveries and outgoing shipments. In an effort to reduce problems, this employee is expected to eliminate inefficiencies and suggest and implement procedural changes once they have been approved. When resolving problems and enforcing policies, this employee must be able to recognize when problems are beyond his scope of resolution and authority and refer them to the supervisor.

FREEDOM TO ACT:

Reporting to supervisor is done on an informal basis throughout the day with periodic formal meetings. On the spot decisions can be made using experience and policy guidelines to determine methods of acting.

TREPANIER, Renee

- 5 I will develop and maintain a self-improvement plan so that I am able to perform my responsibilities. A 10% A&D
TASKS:
A. Be a self-starter, self-motivator.
B. Be reliable, proper uniform, work on time, etc.
C. Stay updated on policies.
D. Follow safety procedures.
PERFORMANCE INDICATOR:
I will consistently try to improve.
- 6 I will supervise the Canteen inmate crew so that the Canteen is stocked, clean, and efficiently organized. A 15% B
TASKS:
A. Supervise daily stocking and cleaning.
B. Inspect work and evaluate performance.
C. Assign inmate job responsibilities.
D. Provide security and do inmate searches daily.
PERFORMANCE INDICATOR:
I will provide security coverage and work supervision.
- 7 I will supervise the receiving and sales of radios, televisions, and related products. A 15% B&C
TASKS:
A. Ordering authorized products.
B. Security inspections and property inventory.
C. Handle product complaints.
D. Operate repair referrals.
PERFORMANCE INDICATOR:
I will manage the receipt, sales, and repair of electronic products.
- 8 To abide by the Affirmative Action Program's policies and objectives as they are outlined in the Department of Corrections Affirmative Action Plan so that barriers to equal employment opportunities are systematically eliminated except where a bonafide occupational qualification exists. 5%

State of Minnesota

POSITION DESCRIPTION **A**

3

Renee Trepanier

AGENCY/DIVISION

ACTIVITY

DOC MCF/SCL

CLASSIFICATION TITLE

WORKING TITLE (if different)

POSITION CONTROL NUMBER

Stores Clerk

PREPARED BY

PREVIOUS INCUMBENT

APPRAISAL PERIOD

to

Lt. G. Bartell

EMPLOYEE'S SIGNATURE (this position description accurately reflects my current job)

DATE

SUPERVISOR'S SIGNATURE (this position description reflects the employee's current job)

DATE

Renee L. Trepanier

6/21/90

[Signature]

6/21/90

POSITION PURPOSE

This position exists for supervising and assisting in the daily operation of the Canteen, which will include receiving, storing, order filling, inventories, and housekeeping functions while maintaining security.

REPORTABILITY

Reports to:

Canteen Supervisor

Supervises:

Six Inmates

DIMENSIONS

Budget:

N/A

Clientele:

Clientele are specifically the inmates of the institution.

POSITION DESCRIPTION **B**

Renee Trepanier

Reso No	PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS	Priority	% of Time	Discretion
1	<p>I will assist in receiving, recording, and dispersing all incoming freight so that accountability, (records), is kept.</p> <p>TASKS:</p> <ul style="list-style-type: none"> A. Assist in the proper receipt, storage, and return shipment of materials. B. Check merchandise received against invoice. C. Disperse merchandise to proper location. <p>PERFORMANCE INDICATOR:</p> <p>I will assist in the incoming and outgoing of merchandise.</p>	A	20%	A & C
2	<p>I will maintain an accurate file system on all consumable items so that inventory is accurate at all times.</p> <p>TASKS:</p> <ul style="list-style-type: none"> A. Manage record keeping. B. Use the computer for ordering products. C. Check re-order points. D. Contact contract vendors on orders and complaints. E. Evaluate products and recommend action to supervisor. F. Assist with an accurate quarterly report. <p>PERFORMANCE INDICATOR:</p> <p>I will keep accurate and complete records of all transactions.</p>	A	20%	B
3	<p>I will fill in as relief behind the Canteen officer so that operation continues.</p> <p>TASKS:</p> <ul style="list-style-type: none"> A. Assist in ordering Canteen products, as needed. B. Receive and check incoming products. C. To assist with stock items. D. To assist on the computer for Canteen sales. E. Run computer programs for end runs. <p>PERFORMANCE INDICATOR:</p> <p>I will be able to cover these positions when needed.</p>	A	10%	B & C
4	<p>I will provide security inspections of all incoming and outgoing items so that safety of staff and inmates is maintained.</p> <p>TASKS:</p> <ul style="list-style-type: none"> A. Check all freight coming in for contraband. B. Evaluate and coordinate with my supervisor on questionable security items and/or problems. C. Maintain security observations on inmate crews while in the area. D. Supervise inmate crews. <p>PERFORMANCE INDICATOR:</p> <p>I will provide constant security coverage.</p>	A	5%	A & D

POSITION DESCRIPTION B

Renee Trepanier

Revised No.	PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS	Priority	% of Time	Discretion
5	<p>I will develop and maintain a self-improvement plan so that I am able to perform my responsibilities.</p> <p>TASKS:</p> <ul style="list-style-type: none"> A. Be a self-starter, self-motivator. B. Be reliable, proper uniform, work on time, etc. C. Stay updated on policies. D. Follow safety procedures. <p>PERFORMANCE INDICATOR: I will consistently try to improve.</p>	A	10%	A & D
6	<p>I will supervise the Canteen inmate crew so that the Canteen is stocked, clean, and efficiently organized.</p> <p>TASKS:</p> <ul style="list-style-type: none"> A. Supervise daily stocking and cleaning. B. Inspect work and evaluate performance. C. Assign inmate job responsibilities. D. Provide security and do inmate searches daily. <p>PERFORMANCE INDICATOR: I will provide security coverage and work supervision.</p>	A	15%	B
7	<p>I will supervise the receiving and sales of radios, televisions, and related products.</p> <p>TASKS:</p> <ul style="list-style-type: none"> A. Ordering authorized products. B. Security inspections and property inventory. C. Handle product complaints. D. Operate repair referrals. <p>PERFORMANCE INDICATOR: I will manage the receipt, sales, and repair of electronic products.</p>	A	15%	B & C
8	<p>To abide by the Affirmative Action Program's policies and objectives as they are outlined in the Department of Corrections Affirmative Action Plan so that barriers to equal employment opportunities are systematically eliminated except where a bonafide occupational qualification exists.</p>		5%	

POSITION
DESCRIPTION

Renee Trepanier

NATURE AND SCOPE (relationships; knowledge, skills and abilities; problem solving and creativity; and freedom to act.)

RELATIONSHIPS

The essential relationships are between this activity and the staff and inmates; the Administrative Division's Accounting Section, the parent section of this activity, the Commissary, and the vendors who provide the commodities sold by the Canteen.

- A. The relationship between the Canteen and the inmate population is one of the most essential relationships that exist within an institution of this kind. Inmate distrust, displeasure, disagreement with product price or quality or service delivery can result in dramatically disproportionate conflicts than when what the issue would otherwise call for. It is critical that this person be consciously aware of the tenuous balance between harmony and chaos and how serious the problems can be if proper attention is not given to minute details in this area of activity.
- B. The relationships with the Accounting Division is a qualitative one, one which is governed by very strict laws. Auditing is exact and there must be good communications between these two divisions for accurate accounting and adherence to the laws governing these activities.
- C. The relationship between the other branches are essential for teamwork and coordinated effort between these integrated service functions.
- D. The relationship between the vendor is almost self-explanatory. The need for honest pricing, quality products, prompt delivery and responsive adjustments are very essential. The need to know and the value of the business contract, the word-of-mouth credibility and goodwill are basic to the success of this activity.

KNOWLEDGE, SKILLS, AND ABILITIES:

A. SKILLS NEEDED:

To be able to work effectively with a large variety of people. Must have the ability to communicate both verbally and using written directives with both staff and inmates. Must have a good knowledge of institution security requirements. Must be able to operate all equipment, (computers, printers, etc.). Must be able to establish priorities for work and let those priorities dictate a daily schedule of activities.

B. HOW SKILLS ARE USED:

Skills are used to obtain and act on information so that the position responsibilities are completed and institution security is maintained.

C. IMPORTANCE OF MANAGERIAL vs. TECHNICAL vs. HUMAN RELATIONS WORK:

All three are important. Priority must be given to the human relations aspect.

PROBLEM SOLVING:

Prioritizing a variety of duties within limited time constraints is the major ongoing problem in this area. Good time management is a daily challenge when confronted with unexpected deliveries and outgoing shipments. In an effort to reduce problems, this employee is expected to eliminate inefficiencies and suggest and implement procedural changes once they have been approved. When resolving problems and enforcing policies, this employee must be able to recognize when problems are beyond his scope of resolution and authority and refer them to the supervisor.

FREEDOM TO ACT:

Reporting to supervisor is done on an informal basis throughout the day with periodic formal meetings. On the spot decisions can be made using experience and policy guidelines to determine methods of acting.

Renee Trepanier
Stores Clerk

Mon. - Thurs.

8:30 - 7:00

4

work station from 8:30 - 3:15 institution warehouse. 4 inmates are assigned to the warehouse.

I have daily contact with the general inmate population - -
issuing - selling - sending out
radios/T.V.
9-12 inmates daily.

work station from 3:15 - 7:00 canteen. 5 inmates are assigned to the canteen 5:30 - 7:00.

During canteen hours I have contact with the entire inmate population (along with 2 other staff). During this time I debit each inmates account according to items he has purchased.

Approximately 750 inmates use the canteen weekly.

DEPARTMENT : MCF - St. Cloud MN

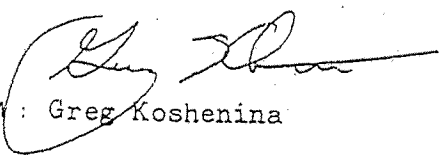
STATE OF MINNESOTA

5

Office Memorandum

DATE : 7/25/94

TO : Julie Poser

FROM :  Greg Koshenina

PHONE : 5084

SUBJECT : Work Out of Class Pay

As a result of Scott Graham's mobility assignment to Industries Renee Trepanier has been assigned to substantially all of the duties of a stores clerk senior position. This work out of class will exceed ten consecutive work days. I request this work out of class be retroactive to June 3rd, 1994 (The date Scott Graham went on mobility assignment to industries). This work out of class is indefinite contingent on resolution of the mobility assignments.



RECYCLED PAPER WITH A MINIMUM
OF 15% POSTCONSUMER WASTE

Minnesota
Department of
Corrections

Minnesota Correctional Facility
St. Cloud

6

September 14, 1994

Dear Renee Trepanier,

Congratulations on your promotion to Stores Clerk Senior! This promotion was effective August 31, 1994.

This position is covered under the provisions of the AFSCME Bargaining agreement. Your rate of pay on promotion is \$11.81 per hour. You have been placed on probation for three (3) months. Your supervisor will assess your performance two times during your probationary period. Upon successful performance, you will be certified again as a permanent employee on December 1, 1994. You will be eligible for a performance based salary increase upon satisfactory performance on September 6, 1995.

If you have any questions regarding your promotion, please feel free to contact my office. Again; I congratulate you on your promotion. We are pleased to have you on our staff.

Sincerely,

Ann O'Brien (JK)

Ann O'Brien, Director
Human Resource Management

AOB/jak

cc: Warden Siegel
Collin Gau, Associate Warden Administration
Julie Poser, Finance Director
Scott Graham, Supervisor.
Greg Koshenina, Acting Supervisor ✓
Jennifer Kolden, Human Resource Assistant
HRM Employee File
Stores Clerk Senior Reallocation File



State of Minnesota POSITION DESCRIPTION A		EMPLOYEE'S NAME TREPANIER, Renee	(7)
AGENCY/DIVISION DOC MCF/SCL		ACTIVITY	
CLASSIFICATION TITLE Stores Clerk Senior	WORKING TITLE (if different)	POSITION CONTROL NUMBER 973850	
PREPARED BY Greg Koshenina	PREVIOUS INCUMBENT	APPRAISAL PERIOD 5/94 to 10/94	
EMPLOYEE'S SIGNATURE (this position description accurately reflects my current job) <i>Renee Trepnier</i>	DATE 10/31/94	SUPERVISOR'S SIGNATURE (this position description reflects the employee's current job) <i>Greg Koshenina</i>	DATE 10/28/94

POSITION PURPOSE

This position exists for supervising and assisting in the daily operation of the Canteen, which will include receiving, storing, order filling, inventories, and housekeeping functions while maintaining security.

REPORTABILITY

Reports to: Canteen Supervisor

Supervises: Seven Inmates

DIMENSIONS

Budget: N/A

Clientele: Clientele are specifically the inmates of the institution. Budgeted population is 799 inmates. Currently, we have 900+ inmates.

POSITION DESCRIPTION **B**

EMPLOYEE NAME

TREPANIER, Renee

POSITION CONTROL NUMBER

973850

Resp. No.	PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS	Priority	% of Time	Discretion
1	<p>I will assist in receiving, recording, and dispersing all incoming freight so that accountability, (records), is kept.</p> <p>TASKS:</p> <ul style="list-style-type: none"> A. Assist in the proper receipt, storage, and return shipment of materials. B. Check merchandise received against invoice. C. Disperse merchandise to proper location. D. Assist in the processing of sales transactions to inmates. <p>PERFORMANCE INDICATOR:</p> <p>I will assist in the incoming and outgoing of merchandise.</p>	A	35%	A
*2	<p>I will maintain an accurate file system on all consumable items so that inventory is accurate at all times.</p> <p>TASKS:</p> <ul style="list-style-type: none"> A. Manage record keeping. B. Use the computer for ordering products. C. Check re-order points. D. Contact contract vendors on orders and complaints. E. Evaluate products and recommend action to supervisor. F. Assist with an accurate quarterly report. <p>PERFORMANCE INDICATOR:</p> <p>I will keep accurate and complete records of all transactions.</p>	A	20%	A
*3	<p>I will fill in as relief behind the Canteen officer so that operation continues and provide leadwork to two part-time stores clerk.</p> <p>TASKS:</p> <ul style="list-style-type: none"> A. Assist in ordering Canteen products, as needed. B. provide leadwork to two part-time stores clerk. C. Receive and check incoming products. D. To assist with stock items. E. To assist on the computer for Canteen sales. F. Run computer programs for end runs. <p>PERFORMANCE INDICATOR:</p> <p>I will provide relief and leadwork as necessary.</p>	A	10%	A
*4	<p>I will provide security inspections of all incoming and outgoing items so that safety of staff and inmates is maintained.</p> <p>TASKS:</p> <ul style="list-style-type: none"> A. Check all freight coming in for contraband. B. Evaluate and coordinate with my supervisor on questionable security items and/or problems. C. Maintain security observations on inmate crews while in the area. D. Supervise inmate crews. <p>PERFORMANCE INDICATOR:</p> <p>I will provide constant security coverage.</p>	A	10%	A

POSITION DESCRIPTION **B**

EMPLOYEE NAME
TREPANIER, Renee

POSITION CONTROL NUMBER

973850

Resp. No.	PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS	Priority	% of Time	Discretion
	<p>I will develop and maintain a self-improvement plan so that I am able to perform my responsibilities.</p> <p>TASKS:</p> <p>A. Be a self-starter, self-motivator. B. Be reliable, proper uniform, work on time, etc. C. Stay updated on policies. D. Follow safety procedures.</p> <p>PERFORMANCE INDICATOR: I will consistently try to improve.</p>	A	10%	A
*6	<p>I will supervise the Canteen inmate crew so that the Canteen is stocked, clean, and efficiently organized.</p> <p>TASKS:</p> <p>A. Supervise daily stocking and cleaning. B. Inspect work and evaluate performance. C. Assign inmate job responsibilities. D. Provide security and do inmate searches daily.</p> <p>PERFORMANCE INDICATOR: I will provide security coverage and work supervision.</p>	A	15%	A
*7	<p>INHERENT IN THE LIST OF RESPONSIBILITIES FOR ALL EMPLOYEES OF A CORRECTIONAL FACILITY, REGARDLESS OF THEIR CLASSIFICATION, IS THE RESPONSIBILITY FOR SECURITY. I.E.: ALL EMPLOYEES ARE EXPECTED TO BE ALERT AT ALL TIMES AND TO REPORT OR INTERVENE IMMEDIATELY IN ANY BEHAVIOR OR ACTIVITY WHICH COULD AFFECT OUR COLLECTIVE RESPONSIBILITY TO PROTECT THE PUBLIC, MAINTAIN SECURITY AND CONTROL OF THE FACILITY, AND PROVIDE FOR THE SAFETY OF STAFF AND INMATES.</p>			
*8	<p>Use time wisely and benefit the facility so that an efficient, effective, and secure operation is maintained.</p> <p>TASKS:</p> <p>A. Report for duty at designated time. B. Use sick leave for legitimate reasons only. C. Seek ways to improve or streamline operating methods. D. Complete assignments in a timely manner.</p>	A	100	A
*9	<p>Be sensitive in dealings with other staff so that all personnel are treated in a respectful and professional manner so that staff dissension is minimized.</p> <p>TASKS:</p> <p>A. Perform duties and responsibilities in a way that does not antagonize fellow employees. B. Be respectful of human rights of all racial, ethnic, and religious groups. C. Maintain professional level of conduct and interactions with other staff.</p>	A	100	A

POSITION DESCRIPTION B

EMPLOYEE NAME
TREPANIER, Renee

POSITION CONTROL NUMBER

973850

Resp. No.	PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS	Priority	% of Time	Discretion
*10	<p>Maintain professional conduct and set a good example on and off the job as to reflect favorably upon the facility.</p> <p>TASKS:</p> <ul style="list-style-type: none"> A. Be current on philosophies, objectives, and policies of the institution. B. Maintain self-control under difficult and trying circumstances. C. Maintain personal appearance and work habits at a level that does not present a poor image of the facility. D. Limit one's personal involvement with the client to those approved by the institution per policy. 	A	100	A
*11	<p>To discharge the various tasks of this position so that employer directives concerning Affirmative Action are met.</p>	A	100	A
*12	<p>To comply with the letter and spirit of the DOC Affirmative Action Plan.</p> <p>TASKS:</p> <ul style="list-style-type: none"> A. Cooperation with supervisors so that the job environment encourages the selection and successful adjustment of new employees, particularly those who are selected from among the protected classes. B. Preparation of Individual Development Planning Worksheet annually under the direction and counseling of my supervisor. 	A	100	A

POSITION DESCRIPTION

EMPLOYEE'S NAME

TREASURER, Renee

POSITION CONTROL NUMBER

973850

NATURE AND SCOPE (relationships; knowledge, skills and abilities; problem solving and creativity; and freedom to act.)

RELATIONSHIPS

The essential relationships are between this activity and the staff and inmates; the Administrative Division's Accounting Section, the parent section of this activity, the Commissary, and the vendors who provide the commodities sold by the Canteen.

- A. The relationship between the Canteen and the inmate population is one of the most essential relationships that exist within an institution of this kind. Inmate distrust, displeasure, disagreement with product price or quality or service delivery can result in dramatically disproportionate conflicts than when what the issue would otherwise call for. It is critical that this person be consciously aware of the tenuous balance between harmony and chaos and how serious the problems can be if proper attention is not given to minute details in this area of activity.
- B. The relationships with the Accounting Division is a qualitative one, one which is governed by very strict laws. Auditing is exact and there must be good communications between these two divisions for accurate accounting and adherence to the laws governing these activities.
- C. The relationship between the other branches are essential for teamwork and coordinated effort between these integrated service functions.
- D. The relationship between the vendor is almost self-explanatory. The need for honest pricing, quality products, prompt delivery and responsive adjustments are very essential. The need to know and the value of the business contract, the word-of-mouth credibility and goodwill are basic to the success of this activity.

KNOWLEDGE, SKILLS, AND ABILITIES:**A. SKILLS NEEDED:**

To be able to work effectively with a large variety of people. Must have the ability to communicate both verbally and using written directives with both staff and inmates. Must have a good knowledge of institution security requirements. Must be able to operate all equipment, (computers, printers, etc.). Must be able to establish priorities for work and let those priorities dictate a daily schedule of activities.

B. HOW SKILLS ARE USED:

Skills are used to obtain and act on information so that the position responsibilities are completed and institution security is maintained.

C. IMPORTANCE OF MANAGERIAL vs. TECHNICAL vs. HUMAN RELATIONS WORK:

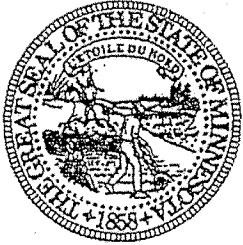
All three are important. Priority must be given to the human relations aspect.

PROBLEM SOLVING:

Prioritizing a variety of duties within limited time constraints is the major ongoing problem in this area. Good time management is a daily challenge when confronted with unexpected deliveries and outgoing shipments. In an effort to reduce problems, this employee is expected to eliminate inefficiencies and suggest and implement procedural changes once they have been approved. When resolving problems and enforcing policies, this employee must be able to recognize when problems are beyond the employee's scope of resolution and authority and refer them to the supervisor.

FREEDOM TO ACT:

Reporting to supervisor is done on an informal basis throughout the day with periodic formal meetings. On the spot decisions can be made using experience and policy guidelines to determine methods of acting.



8

STATE OF MINNESOTA
MINNESOTA CORRECTIONAL FACILITY - ST. CLOUD
OFFICE MEMORANDUM

DATE: July 2, 1998

TO: Renee Trepanier

FROM: Rob Jacobs *RJ*
Human Resource Management

PHONE: (320) 240-7076

SUBJECT: Clerical Class Consolidation Project

On July 8, 1998, your position will be converted to one of the new consolidated Clerical Classes. This will be done automatically in the SEMA4 system.

You will transfer from your current class: Stores Clerk Senior

to your new class: Central Services Administrative Specialist Intermediate

This is a lateral transfer and will not affect your current rate of pay.

Appendix Q in the AFSCME contract allows you to request your Human Resource Office to review your new class level. You may request this review during the time period September 1 through 14, 1998. You or your Human Resource Office may require use of the Minnesota Job Analysis Questionnaire (MJAQ). You may also have a Union Representative accompany you to any meetings with the Human Resource Office.

If you have any other questions please feel free to call me.

cc: Supervisor: Marabelle Morgan
HRM Employee File

POSITION B DESCRIPTION	Name Renee Trepanier	9	Position Control # 973850
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AGENCY/DIVISION Dept. of Corrections / MCF-St. Cloud	ACTIVITY Canteen		
CLASSIFICATION TITLE Central Services Administrative Specialist- Intermediate	WORKING TITLE		
PREPARED BY Kathy Ludwig, Finance Director	PREVIOUS INCUMBENT	APPRAISAL PERIOD	
EMPLOYEE'S SIGNATURE <i>Renee Trepanier</i> Renee Trepanier	DATE 6/24/01	SUPERVISOR'S SIGNATURE <i>Greg Koshenina</i> Greg Koshenina	DATE 6/25/01

POSITION PURPOSE

This position is responsible for assisting in the operation of the institution Canteen. Primary responsibilities include canteen order processing, product ordering and inventory maintenance.

REPORTABILITY

Reports to: Warehouse Supervisor

Supervises: Supervises inmate crew

DIMENSIONS

Budget: Canteen budget of approximately \$650,000 annually

Clientele: Staff - 450
Inmates - 800
Institution Vendors

POSITION B DESCRIPTION	Name Renee Trepanier	Position Control # 973850
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PRINCIPAL RESPONSIBILITIES, TASKS, AND PERFORMANCE INDICATORS

Priority %Time Discretion

- *1. Assist with canteen order processing and maintenance and cleaning of the canteen area to ensure an efficient and orderly operation.

A 50% A

TASKS:

- A. Review completed canteen order forms for accuracy prior to processing.
- B. Verify inmate account balances using inmate accounting system to ensure inmate has sufficient funds to process order.
- C. Assist with picking, bagging, and processing of canteen orders.
- D. Assist with cleaning and safety/security inspections of the area including the equipment used. Report problems to supervisor immediately.
- E. Supervise inmate crew and complete timesheets as needed.

PERFORMANCE INDICATORS:

- A. Canteen orders are processed in an accurate and timely manner.
- B. Canteen items are readily accessible for picking and accurate records are maintained.
- C. The canteen area is maintained in a safe, secure, and clean manner.

- *2. Assist with receiving, recording, and organizing canteen inventory.

A 20% A

TASKS:

- A. Assist in the proper receipt and storage of inventory items.
- B. Verify accuracy of receiving documents and resolve discrepancies as they occur.
- C. Assist with stocking and organizing canteen inventory.
- D. Monitor product freshness and remove stale-dated or spoiled items from inventory as needed.

PERFORMANCE INDICATORS:

- A. Freight is processed in an accurate and timely manner.
- B. Canteen products are arranged in an organized manner.
- C. All products for sale have been verified for freshness.

PRINCIPAL RESPONSIBILITIES, TASKS, AND PERFORMANCE INDICATORS

- *3. Assist with the security coverage of the canteen area.

Priority %Time Discretion

POSITION B DESCRIPTION	Name Renee Trepanier	Position Control # 973850
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TASKS:

- A. Search incoming freight for contraband using visual and technical capabilities.
- B. Be knowledgeable of institution policies and procedures regarding security.
- C. Assist with security checks of the canteen area.
- D. Assist with shakedowns of inmates in the canteen area.
- E. Be observant and report any unsafe working situations immediately.

A 10% A

PERFORMANCE INDICATORS:

- A. Daily security coverage is provided to ensure that safety and security are maintained and no contraband is introduced into the facility.

*4. Assist with canteen product ordering so that proper stock is maintained and order points are followed.

TASKS:

- A. Assist in ordering canteen products as needed.
- B. Update canteen price lists as needed.
- C. Other duties as assigned.

A 10% A

*5. Other duties as assigned.

A 10% A

TASKS:

- A. Provide back-up coverage for warehouse operations.
- B. Provide input into policy and procedure development and revision.
- C. Other duties as assigned.

PERFORMANCE INDICATORS:

- A. Other duties are completed in an accurate and timely manner.

A 100% A

*6. Inherent in the list of responsibilities for all employees of a correctional facility, regardless of their classification, is the responsibility for security. I.E.: All employees are expected to be alert at all times and to report or intervene immediately in any behavior or activity which could affect our collective responsibility to protect the public, maintain security and control of the facility, and provide for the safety of staff and inmates.

Use time wisely and benefit the facility so that an efficient, effective, and secure operation is maintained.

TASKS:

- A. Report for duty at designated time.
- B. Use sick leave for legitimate reasons only.
- C. Seek ways to improve or streamline operating methods.
- D. Complete assignments in a timely manner.

POSITION B DESCRIPTION	Name Renee Trepanier	Position Control # 973850
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PRINCIPAL RESPONSIBILITIES, TASKS, AND PERFORMANCE INDICATORS

Be sensitive in dealings with other staff so that all personnel are treated in a respectful and professional manner so that staff dissension is minimized.

TASKS:

- A. Perform duties and responsibilities in a way that does not antagonize fellow employees.
- B. Be respectful of human rights of all racial, ethnic, and religious groups.
- C. Maintain professional level of conduct and interactions with other staff.

Maintain professional conduct and set a good example on and off the job as to reflect favorably upon the facility.

TASKS:

- A. Be current on philosophies, objectives, and policies of the institution.
- B. Maintain self-control under difficult and trying circumstances.
- C. Maintain personal appearance and work habits at a level that does not present a poor image of the facility.
- D. Limit one's personal involvement with the client to those approved by the institution per policy.

<p>A Results are essential and must be accomplished. B Results are important and should be accomplished, but not at the expense of A priorities. C Results are desirable, but should not be accomplished at the expense of A and/or B priorities.</p> <p>A Employee investigates situations, makes decisions, takes appropriate actions, reports by exception and through normal review processes. B Employee investigates situations, makes decisions, takes appropriate actions, reports to supervisor immediately after action is taken. C Employee investigates situations, recommends action to supervisor, makes decisions with supervisor, takes appropriate action, reports to supervisor immediately after action is taken. D Employee discusses situations with supervisor before investigating, makes decision with supervisor, takes appropriate actions, reports to supervisor immediately after action is taken.</p>

**POSITION B
DESCRIPTION**

Name Renee Trepanier

Position Control # 973850

RELATIONSHIPS

Effective oral and written communications are essential as this position deals with staff at all levels. This position also deals with vendors, delivery staff and inmates on a daily basis. The relationship between the Canteen and the inmate population is one of the most essential relationships that exist within an institution of this kind. Inmate distrust, displeasure, disagreement with product price, quality or service delivery can result in dramatically disproportionate conflicts than what the situation would otherwise call for. The incumbent will practice interpersonal communication skills which will enhance the harmonious operation of the work unit.

KNOWLEDGE, SKILLS, AND ABILITIES

This position requires a thorough working knowledge of warehouse and canteen procedures. Knowledge of institution security requirements is essential in order to prevent contraband from entering the institution and for providing a safe and secure working environment. This person must have the ability to work effectively with a large variety of people and have the ability to communicate both verbally and in writing. A working knowledge of office equipment and automated systems is required. The ability to handle physical tasks such as lifting, moving materials and supplies, stacking and retrieving items is essential.

PROBLEM SOLVING

Prioritizing a variety of duties within limited time constraints is the major ongoing problem in this area. Good time management is necessary when confronted with unexpected deliveries and computer problems. In an effort to reduce problems, this employee is expected to eliminate inefficiencies and suggest and implement approved procedural changes. When resolving problems and enforcing policies, this employee must be able to recognize when problems are beyond the employee's scope of resolution and authority and refer them to the supervisor.

FREEDOM TO ACT

The employee's actions are governed by established policies and procedures. This position is under the general supervision of the warehouse/canteen supervisor. Daily communication with the supervisor is done on an informal basis throughout the day to insure policies and procedures, complaints, and suggestions are handled efficiently and effectively.

Sec. 12. Minnesota Statutes 1994, section 352.91, is amended by adding a subdivision to read:

Subd. 2a. [SPECIAL TEACHERS.] "Covered correctional service" also means service rendered by a state employee as a special teacher employed by the department of corrections or by the department of human services at a security unit, provided that at least 75 percent of the employee's working time is spent in direct contact with inmates or patients and the fact of this direct contact is certified to the executive director by the appropriate commissioner, unless the person elects to retain the current retirement coverage under section 21.

Sec. 13. Minnesota Statutes 1994, section 352.91, subdivision 3b, is amended to read:

Subd. 3b. [OLDER EMPLOYEES FORMERLY EXCLUDED.] "Covered correctional service" also means service performed by certain state employees in positions usually covered by this section who: (1) were excluded by law from coverage between July 1973 and July 1980; (2) were age 45 or over when hired; (3) ~~are~~ were state employees on March 26, 1986; and (4) ~~elect~~ who elected coverage. ~~Eligible employees who elect coverage must file written notice of their election with the director before July 1, 1986. An employee who did not elect coverage before July 1, 1986, is not covered by the correctional retirement plan, even if the employee's employment classification may be considered to be covered correctional service under another subdivision of this section.~~

Sec. 14. Minnesota Statutes 1994, section 352.91, is amended by adding a subdivision to read:

Subd. 3c. [NURSING PERSONNEL.] (a) "Covered correctional service" means service by a state employee in one of the employment positions at a correctional facility or at the Minnesota security hospital specified in paragraph (b), provided that at least 75 percent of the employee's working time is spent in direct contact with inmates or patients and the fact of this direct contact is certified to the executive director by the appropriate commissioner, unless the person elects to retain the current retirement coverage under section 21.

(b) The employment positions are as follows:

- (1) registered nurse - senior;
- (2) registered nurse;
- (3) registered nurse - principal; and
- (4) licensed practical nurse 2.

Sec. 15. Minnesota Statutes 1994, section 352.91, is amended by adding a subdivision to read:

Subd. 3d. [OTHER CORRECTIONAL PERSONNEL.] (a) "Covered correctional service" means service by a state employee in one of the employment positions at a correctional facility or at the Minnesota security hospital specified in paragraph (b), provided that at least 75 percent of the employee's working time is spent in direct contact with inmates or patients and the fact of this direct contact is certified to the executive director by the appropriate commissioner, unless the person elects to retain the current retirement coverage under section 21.

(b) The employment positions are as follows: baker, chemical dependency counselor supervisor, chief cook, cook, cook coordinator, corrections behavior therapist, corrections behavior therapist specialist, corrections parent education coordinator, corrections security caseworker, corrections security caseworker career, corrections teaching assistant, dentist, electrician supervisor, general repair worker, library/information research services specialist, library information research services specialist senior, plumber supervisor, psychologist 3, recreation therapist, recreation therapist coordinator, recreation program assistant, recreation therapist senior, stores clerk senior, water treatment plant operator, work therapy technician, work therapy assistant, work therapy program coordinator

Sec. 22. [COVERAGE FOR PRIOR STATE SERVICE FOR CERTAIN PERSONS.]

Subdivision 1. [ELECTION OF PRIOR STATE SERVICE COVERAGE.] (a) An employee who has future retirement coverage transferred to the correctional employees retirement plan under sections 12, 14, and 15, and who does not elect to retain general state employee retirement plan or teachers retirement association coverage is entitled to elect to obtain prior service credit for eligible state service performed on or after July 1, 1975, and before the first day of the first full pay period beginning after June 30, 1997, with the department of corrections or with the department of human services at the Minnesota security hospital. All prior service credit must be purchased.

(b) Eligible state service with the department of corrections or with the department of human services is any prior period of continuous service on or after July 1, 1975, performed as an employee of the department of corrections or of the department of human services that would have been eligible for the correctional employees retirement plan coverage under sections 12, 14, and 15, if that prior service had been performed after the first day of the first full pay period beginning after December 31, 1996, rather than before that date. Service is continuous if there has been no period of discontinuation of eligible state service for a period greater than 180 calendar days.

(c) The department of corrections or the department of human services, whichever applies, shall certify eligible state service to the executive director of the Minnesota state retirement system.

(d) A covered correctional plan employee employed on January 1, 1997, who has past service in a job classification covered under section 12, 14, or 15 on January 1, 1997, is entitled to purchase the past service if the applicable department certifies that the employee met the eligibility requirements for coverage. The employee must make the additional employee contributions under section 17. Payments for past service must be completed by June 30, 1999.

Subd. 2. [PAYMENT FOR PRIOR SERVICE.] (a) An employee electing to obtain prior service credit under subdivision 1 must pay an additional employee contribution for that prior service except for any period of time that the employee was a member of the basic program of the teachers retirement association. The additional member contribution is the contribution differential percentage applied to the actual salary paid to the employee during the period of the prior eligible state service, plus interest at the rate of six percent per annum, compounded annually. The contribution differential percentage is the difference between 4.9 percent of salary and the applicable employee contribution rate of the general state employees retirement plan or the teachers retirement association during the prior eligible state service.

(b) The additional member contribution must be paid only in a lump sum. Payment must accompany the election to obtain prior service credit. No election or payment may be made by the person or accepted by the executive director after June 30, 1999.

Subd. 3. [TRANSFER OF ASSETS.] Assets must be transferred from the teachers retirement association or the general state employees retirement plan, whichever applies, to the correctional employees retirement plan in an amount equal to the present value of benefits earned under the general employees retirement plan or the teachers retirement plan, whichever applies, for each employee transferring to the correctional employees retirement plan, as determined by the actuary retained by the legislative commission on pensions and retirement in accordance with Minnesota Statutes, section 356.215, multiplied by the accrued liability funding ratio of active members as derived from the most recent actuarial valuation prepared by the commission-retained actuary. The transfer of assets must be made within 45 days after the employee elects to transfer coverage to the correctional employees retirement plan.

Subd. 4. [EFFECT OF THE ASSET TRANSFER.] Upon the transfer of assets in subdivision 3, service credit in the general state employees plan of the Minnesota state retirement system or the teachers retirement association, whichever applies, is forfeited and may not be reinstated. The service credit and transferred assets must be credited to the correctional employees retirement plan.

Subd. 5. [COUNSELING.] (a) The commissioners of corrections, human services, and employee relations, and the executive directors of the Minnesota state retirement system and teachers retirement association have the joint responsibility of providing affected employees of the department of corrections or the department of human services with appropriate and timely retirement and related benefit counseling.

(b) Counseling must include the anticipated impact of the retirement coverage change on the person's future retirement benefit amounts, future retirement eligibility, future applicability of mandatory retirement laws, and future postemployment insurance coverage.

(c) The commissioners of corrections and human services must consult with the appropriate collective bargaining agents of the affected employees regarding the content, form, and timing of the counseling required by this section

1.1 moves to amend H.F. No. 2279; S.F. No. 2027, as follows:

1.2 Page 1, line 9, delete "September 7" and insert "....."

1.3 Page 1, line 15, and page 2, line 9, delete "September 8" and insert "....."

1.1 moves to amend H.F. No. 2279; S.F. No. 2027, as follows:

1.2 Page 1, line 22, after "coverage." insert "The minimum eligibility requirement is that
1.3 the employee, while in the position specified in paragraph (a), spent at least 75 percent of
1.4 the employee's working time in direct contact with inmates at the Minnesota Correctional
1.5 Facility-St. Cloud. The commissioner of the Department of Corrections may establish
1.6 additional reasonable and appropriate standards for use in this determination."

1.1 moves to amend H.F. No. 2279; S.F. No. 2027, as follows:

1.2 Page 1, line 22, delete "The employee shall pay "

1.3 Page 1, delete lines 23 and 24

1.4 Page 2, delete lines 1 to 2

1.5 Page 2, delete subdivisions 3 to 5 and insert:

1.6 "Subd. 3. Equivalent past member contributions. If the Department of
1.7 Corrections certifies that an eligible employee under subdivision 2 met the eligibility
1.8 requirements for coverage, an eligible employee who elects the transfer of prior general
1.9 state employees retirement plan service must pay to the executive director of the
1.10 Minnesota State Retirement System the difference between the employee contribution rate
1.11 for the general state employees retirement plan and the employee contribution rate for
1.12 the correctional state employees retirement plan in effect during the period eligible for
1.13 transfer, applied to the eligible person's salary at the time that each additional contribution
1.14 would have been deducted from pay if coverage had been provided by the correctional
1.15 state employees retirement plan. These amounts must be paid in a lump sum within 18
1.16 months following the date of enactment, or before the termination of service, whichever is
1.17 earlier, plus 8.5 percent annual compound interest from the applicable payroll deduction
1.18 date until the date paid.

1.19 Subd. 4. Equivalent past employer contributions. If an eligible person pays
1.20 the past member contributions under subdivision 3, the Department of Corrections, on
1.21 behalf of the eligible person, shall pay to the executive director of the Minnesota State
1.22 Retirement System the difference between the employer contribution rate for the general
1.23 state employees retirement plan and the employer contribution rate for the correctional
1.24 state employees retirement plan in effect during the period eligible for transfer applied to
1.25 the eligible person's salary at the time that each additional contribution would have been
1.26 deducted from pay if coverage had been provided by the correctional state employees
1.27 retirement plan. These amounts must be paid by the department in a lump sum within 30

2.1 days after the date on which the executive director notifies the department that the amount
2.2 under subdivision 3 has been paid, plus 8.5 percent annual compound interest from the
2.3 applicable payroll deduction date until the date paid.

2.4 Subd. 5. **Transfer of MSRS-general assets.** If the payments under subdivisions 3
2.5 and 4 are made, assets must be transferred from the general state employees retirement
2.6 fund to the correctional state employees retirement fund in an amount equal to the present
2.7 value of the benefits earned by the eligible person under the general state employees
2.8 retirement plan, as determined by the actuary retained under Minnesota Statutes, section
2.9 356.214, in accordance with Minnesota Statutes, section 356.215. The transfer of assets
2.10 must be made within 15 days after the receipt of the payment under subdivision 4.

2.11 Subd. 6. **Service credit cancellation; effect of asset transfer.** (a) Upon the transfer
2.12 of assets under subdivision 5, the service credit and salary credit of the eligible person
2.13 in the general state employees retirement plan is forfeited and must be credited to the
2.14 eligible person in the correctional state employees retirement plan. The transferred
2.15 amount of member contributions and the principal amount of the equivalent past member
2.16 contributions under subdivision 3 must be credited to the person in the event of a refund
2.17 following the termination of correctional service.

2.18 (b) Service and salary credit forfeited in the general state employees retirement plan
2.19 under paragraph (a) may not be reinstated.

2.20 Subd. 7. **Payment of cost of actuarial calculations.** The expense for the
2.21 calculations by the actuary under subdivision 5 must be paid by the Department of
2.22 Corrections."

1.1 moves to amend H.F. No. 2279; S.F. No. 2027, as follows:

1.2 Page 1, line 22, delete "The employee shall pay "

1.3 Page 1, delete lines 23 and 24

1.4 Page 2, delete lines 1 to 2

1.5 Page 2, delete subdivisions 3 to 5 and insert:

1.6 "Subd. 3. **Payment for past service.** (a) An employee electing to obtain prior
1.7 service credit under subdivisions 1 and 2 must pay an additional employee contribution
1.8 for that prior service. The additional member contribution is the contribution differential
1.9 percentage rate applied to the actual salary paid to the employee during the period of the
1.10 prior eligible state service, plus interest on the total amount at the rate of 8.5 percent per
1.11 annum, compounded annually from June 1, 1992, to the date on which the past service
1.12 payment is made. The contribution differential percentage is the difference between
1.13 4.9 percent of salary and the applicable employee contribution rate of the general state
1.14 employees retirement plan during the April 24, 1990, and September 8, 1994, period.

1.15 (b) The additional member contribution may be paid only in a lump sum. Payment
1.16 must accompany the election to obtain prior service credit. No election to make the past
1.17 service payment may be made by the person or accepted by the executive director after
1.18 June 30, 2008, or after terminating service, whichever is earlier.

1.19 Subd. 4. **Transfer of assets.** If payment is made under subdivision 3, assets must
1.20 be transferred from the general state employees retirement plan to the correctional state
1.21 employees retirement plan in an amount equal to the accrued liability funding ratio
1.22 applicable for active general plan employees, multiplied by the present value of benefits
1.23 accrued under the general employees retirement plan for the employee transferring to
1.24 the correctional state employees retirement plan, as determined by the actuary retained
1.25 under Minnesota Statutes, section 356.214, and calculated under the relevant provisions
1.26 of Minnesota Statutes, section 356.215. The transfer of assets must be made within 45

2.1 days after the employee elects to transfer coverage to the correctional state employees
2.2 retirement plan.

2.3 Subd. 5. **Required employer payment.** If payment is made under subdivision 3,
2.4 the executive director shall determine the full actuarial value of the service credit transfer,
2.5 under assumptions specified in section 356.551, and this value must be multiplied by
2.6 the accrued liability funding ratio for active correctional plan employees. From this
2.7 amount, the executive director shall subtract the amount paid under subdivision 3 and the
2.8 amount transferred under subdivision 4. The remainder, if positive, shall be billed to the
2.9 department of corrections, which shall pay this amount within 30 days of notification
2.10 by the executive director.

2.11 Subd. 5. **Effect of the asset transfer.** Upon transfer of assets in subdivision 4,
2.12 the service credit associated with those assets in the general state employees plan of
2.13 the Minnesota State Retirement System for the covered correctional plan employee is
2.14 forfeited and may not be reinstated. The service credit and transferred assets must be
2.15 credited to the correctional state employees retirement plan."

- 1.1 moves to amend H.F. No. 2279; S.F. No. 2027, as follows:
- 1.2 Page 1, line 21, delete "purchase the" and insert "transfer that" and delete everything
- 1.3 after "service"
- 1.4 Page 1, line 22, delete "the employee met the eligibility requirements for coverage"

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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE NO. **2279**

March 21, 2007

Authored by Doty

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; clarifying
1.3 the current and past coverage for certain Minnesota Correctional Facility-St.
1.4 Cloud employees.

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

1.6 Section 1. **COVERAGE FOR PRIOR STATE SERVICE FOR CERTAIN**
1.7 **PERSONS.**

1.8 **Subdivision 1. Definition.** For purposes of this section, "covered correction service"
1.9 means service between April 25, 1990, through September 7, 1994, as a stores clerk at the
1.10 Minnesota Correctional Facility-St. Cloud.

1.11 **Subd. 2. Election of prior state service coverage.** (a) An employee who has
1.12 retirement coverage for past correctional service transferred to the correctional state
1.13 employees retirement plan under subdivision 1 is entitled to elect to obtain prior service
1.14 credit for eligible state service performed as a stores clerk after April 24, 1990, and before
1.15 September 8, 1994, with the Department of Corrections. All eligible prior service credit
1.16 must be purchased.

1.17 (b) The commissioner of corrections shall certify the eligible state service as a
1.18 stores clerk rendered by the employee to the executive director of the Minnesota State
1.19 Retirement System.

1.20 (c) The covered correctional plan employee who has past service covered under
1.21 subdivision 1 is entitled to purchase the past service if the department certifies that
1.22 the employee met the eligibility requirements for coverage. The employee shall pay
1.23 the difference between the employee contributions actually paid during the period and
1.24 what should have been paid under the correctional state employees retirement plan, as

2.1 determined under subdivision 3. Payment for past service must be completed by June
2.2 30, 2008.

2.3 Subd. 3. **Payment for past service.** (a) An employee electing to obtain prior service
2.4 credit under subdivision 2, paragraph (c), must pay an additional employee contribution
2.5 for that prior service. The additional member contribution is the contribution differential
2.6 percentage rate applied to the actual salary paid to the employee during the period of the
2.7 prior eligible state service. The contribution differential percentage is the difference
2.8 between 4.9 percent of salary and the applicable employee contribution rate of the general
2.9 state employees retirement plan during the April 24, 1990, and September 8, 1994, period.

2.10 (b) The additional member contribution may be paid only in a lump sum. Payment
2.11 must accompany the election to obtain prior service credit. No election to make the past
2.12 service payment may be made by the person or accepted by the executive director after
2.13 June 30, 2008.

2.14 Subd. 4. **Transfer of assets.** Assets must be transferred from the general state
2.15 employees retirement plan to the correctional state employees retirement plan in an
2.16 amount equal to the present value of benefits accrued under the general employees
2.17 retirement plan for the employee transferring to the correctional state employees
2.18 retirement plan, as determined by the actuary retained under Minnesota Statutes, section
2.19 356.214, and calculated under the relevant provisions of Minnesota Statutes, section
2.20 356.215. The transfer of assets must be made within 45 days after the employee elects to
2.21 transfer coverage to the correctional state employees retirement plan.

2.22 Subd. 5. **Effect of asset transfer.** Upon transfer of assets in subdivision 4, the
2.23 service credit associated with those assets in the general state employees plan of the
2.24 Minnesota State Retirement System for the covered correctional plan employee is forfeited
2.25 and may not be reinstated. The service credit and transferred assets must be credited to the
2.26 correctional state employees retirement plan.

2.27 Sec. 2. **EFFECTIVE DATE.**

2.28 Section 1 is effective the day following final enactment.