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State of Minnesota
HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1234

- 02/02/2023 Authored by Her, Frazier, Long, Hortman, Frederick and others
- 03/13/2023 The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy
- 03/15/2023 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law
- 03/20/2023 Adoption of Report: Re-referred to the Committee on State and Local Government Finance and Policy
- 03/20/2023 Adoption of Report: Re-referred to the Committee on Ways and Means

1.1 A bill for an act

1.2 relating to labor; modifying peace officer and firefighter duty disability provisions;

1.3 requiring a report; appropriating money; amending Minnesota Statutes 2022,

1.4 sections 299A.465, subdivision 4, by adding a subdivision; 352B.10, subdivisions

1.5 1, 2a, 4; 352B.101; 353.01, subdivision 47; 353.031, subdivisions 1, 3, 4, 8, 9;

1.6 353.335; 353.656, subdivisions 1, 1a, 1b, 3, 3a, 4, 6a, 10; proposing coding for

1.7 new law in Minnesota Statutes, chapters 352B; 353; 626; repealing Minnesota

1.8 Statutes 2022, section 353.656, subdivisions 2, 2a.

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

1.10 Section 1. Minnesota Statutes 2022, section 299A.465, subdivision 4, is amended to read:

1.11 Subd. 4. **Public employer reimbursement.** (a) A public employer subject to this section

1.12 may annually apply by August 1 for the preceding fiscal year to the commissioner of public

1.13 safety for reimbursement ~~to help defray a portion of its costs of complying with this section.~~

1.14 Except as provided for in paragraph (b), the commissioner shall provide an equal pro-rata

1.15 share reimbursement to the public employer out of the public safety officer's benefit account

1.16 based on the availability of funds for each eligible officer, firefighter, and qualifying

1.17 dependents. Individual shares must not exceed the actual costs of providing coverage under

1.18 this section by a public employer.

1.19 (b) Beginning on January 1, 2024, a public employer is not eligible for reimbursement

1.20 under paragraph (a) unless the employer provides at least one of the following:

1.21 (1) annual wellness training to peace officers and firefighters who either are employed

1.22 or volunteer for the employer; or

1.23 (2) an employee assistance program or peer support program.

2.1 (c) Wellness training for peace officers under paragraph (b), clause (1), must incorporate
2.2 the learning objectives established by the Peace Officer Standards and Training Board under
2.3 section 626.8478. No later than February 1, 2024, the Minnesota Fire Initiative must create
2.4 a wellness training program for public employers to offer to firefighters to satisfy the
2.5 requirements of paragraph (b). Training programs established in the Hometown Heroes
2.6 Assistance Program under section 299A.477, subdivision 2, clause (4), satisfy the
2.7 requirements of paragraph (b).

2.8 Sec. 2. Minnesota Statutes 2022, section 299A.465, is amended by adding a subdivision
2.9 to read:

2.10 Subd. 4a. **Annual appropriation.** An amount necessary to fully fund the reimbursement
2.11 requests under subdivision 4 is annually appropriated from the general fund to the
2.12 commissioner of public safety for deposit into the public safety officer's benefit account.
2.13 This appropriation is a statutory appropriation as defined in section 16A.011, subdivision
2.14 14a.

2.15 Sec. 3. Minnesota Statutes 2022, section 352B.10, subdivision 1, is amended to read:

2.16 Subdivision 1. **Duty disability.** (a) A member who is determined to qualify for duty
2.17 disability as defined in section 352B.011, subdivision 7, is entitled to receive a duty disability
2.18 benefit while disabled. The benefits must be paid monthly. The duty disability benefit is an
2.19 amount equal to the member's average monthly salary multiplied by 60 percent, plus an
2.20 additional 3.0 percent for each year and pro rata for completed months of service in excess
2.21 of 20 years, if any.

2.22 (b) Notwithstanding paragraph (a), if the member has applied for a duty disability based
2.23 on a psychological condition, the application must be supported by evidence that the applicant
2.24 is unable to perform the duties of the position held by the applicant on the date of injury or
2.25 the onset of the illness or to another position with the employer which provides salary and
2.26 employer-provided benefits, including pension benefits, that are equal to or greater than
2.27 those for the position held by the employee on the date of the injury, event, or onset of the
2.28 mental illness.

2.29 Sec. 4. Minnesota Statutes 2022, section 352B.10, subdivision 2a, is amended to read:

2.30 Subd. 2a. **Applying for benefits; accrual.** No application for disability benefits shall
2.31 be made until after the last day physically on the job. The disability benefit begins to accrue
2.32 the day following the last day for which the employee is paid sick leave or annual leave but

3.1 not earlier than 180 days before the date the application is filed. A member who is terminated
3.2 must file a written application in an office of the system or with a person authorized by the
3.3 executive director. Except as otherwise specified under section 352B.102, applications must
3.4 comply with section 352.113, subdivision 2, paragraph (b).

3.5 Sec. 5. Minnesota Statutes 2022, section 352B.10, subdivision 4, is amended to read:

3.6 Subd. 4. **Proof of disability.** (a) No disability benefits may be paid unless the member
3.7 provides adequate proof to the executive director of the existence of the disability.

3.8 (b) Adequate proof of a disability must include a written expert report by a licensed
3.9 physician, an APRN, or a licensed chiropractor, or with respect to a mental impairment, by
3.10 a licensed psychologist. Adequate proof of a disability based on a psychological condition,
3.11 as defined under section 352B.102, subdivision 1, clause (6), must include the medical
3.12 reports and assessments required under section 352B.102.

3.13 (c) Following the commencement of benefit payments, the executive director has the
3.14 right, at reasonable times, to require the disability benefit recipient to submit proof of the
3.15 continuance of the disability claimed.

3.16 Sec. 6. Minnesota Statutes 2022, section 352B.101, is amended to read:

3.17 **352B.101 APPLICATION FOR DISABILITY BENEFIT.**

3.18 (a) Except as otherwise specified under section 352B.102 and paragraph (b), a member
3.19 claiming a disability benefit must file a written application for benefits in the office of the
3.20 system in a form and manner prescribed by the executive director. The member shall provide
3.21 medical or psychological evidence to support the application. The benefit begins to accrue
3.22 the day following the start of disability or the day following the last day for which the
3.23 member was paid, whichever is later, but not earlier than 180 days before the date the
3.24 application is filed with the executive director.

3.25 (b) Notwithstanding any law to the contrary, an employee, as defined in section 352B.102,
3.26 subdivision 1, clause (2), who applies for a duty disability benefit based on a psychological
3.27 condition, as defined in section 352B.102, subdivision 1, clause (6), is not eligible for duty
3.28 disability benefits under this chapter until the employee has satisfied the additional procedure,
3.29 including all completion of treatment requirements under section 352B.102.

4.1 Sec. 7. [352B.102] APPLICATION FOR PSYCHOLOGICAL CONDITION
4.2 TREATMENT.

4.3 Subdivision 1. Definitions. For the purposes of this section, the following terms have
4.4 the meanings given:

4.5 (1) "mental illness" means the diagnosis of a mental illness by a mental health
4.6 professional, by meeting the criteria for a condition or conditions included in the most recent
4.7 edition of the Diagnostic and Statistical Manual of Mental Disorders published by the
4.8 American Psychiatric Association;

4.9 (2) "employee" means an individual diagnosed with a mental illness who is a:

4.10 (i) current member under section 352B.011, subdivision 10; or

4.11 (ii) former member under section 352B.011, subdivision 10, within 18 months of
4.12 termination of employment;

4.13 (3) "employing entity" means the entity that pays a state employee's salary and remits
4.14 retirement contributions;

4.15 (4) "mental health professional" has the meaning given in section 245I.02, subdivision
4.16 27;

4.17 (5) "peace officer" has the meaning given in section 299A.465, subdivision 5, paragraph
4.18 (a);

4.19 (6) "psychological condition" means a mental illness as defined in clause (1); and

4.20 (7) "treatment" includes but is not limited to active participation in psychological,
4.21 psychopharmaceutical, and functional neurological approaches and active participation in
4.22 the International Association of Fire Fighters Center of Excellence for Behavioral Health
4.23 Treatment and Recovery. Treatment includes utilization of multiple treatment modalities,
4.24 including chemical dependency treatment when indicated, and evidence-based trauma
4.25 treatment.

4.26 Subd. 2. Application; dual diagnosis. (a) Notwithstanding any law to the contrary, and
4.27 except as provided in paragraph (b), the procedure in this section applies to an application
4.28 for a duty disability by an employee based on the employee's psychological condition.

4.29 (b) The additional procedure in this section does not apply to a duty disability application
4.30 under paragraph (a) that is also based on a dual diagnosis of a physical condition. An
4.31 employee with a dual diagnosis may, but is not required to, seek treatment under subdivisions
4.32 4 and 7, subject to the procedure in this section.

5.1 Subd. 3. **Approval.** (a) An employee who applies for treatment of a psychological
5.2 condition that was a result of the performance of duties related to the occupation must
5.3 receive approval for psychological treatment as provided under this subdivision.

5.4 (b) The executive director shall grant approval to an employee who submits, in the form
5.5 and manner specified by the executive director:

5.6 (1) a report by a mental health professional diagnosing the employee with a mental
5.7 illness and finding that the employee is currently unable to perform the normal duties of
5.8 the position held by the employee on the date of the injury, event, or onset of the mental
5.9 illness on a full- or part-time basis; and

5.10 (2) documentation from the employer certifying the dates the employee was on duty in
5.11 a position covered under the police and fire plan.

5.12 (c) An employee who receives approval under this subdivision is not considered disabled
5.13 for the purposes of a duty disability under section 353.656, subdivision 1, unless the employee
5.14 completes the additional requirements under this section, receives final confirmation under
5.15 subdivision 6, and applies for disability benefits under section 353.031 before receiving
5.16 duty disability benefits or related benefits.

5.17 (d) The executive director must notify an employing entity electronically and by mail
5.18 that an application for psychological condition treatment has been submitted by an employee
5.19 and request the certification required under paragraph (b), clause (2), from the employing
5.20 entity within six business days after the application has been received by the executive
5.21 director.

5.22 (e) An employer shall submit the certification required under paragraph (b), clause (2),
5.23 within five business days of an employee's application, and the employee shall receive
5.24 approval no later than 14 business days after the employee's application is received by the
5.25 executive director, whether or not the employer's certification has been submitted. Nothing
5.26 in this paragraph shall delay the treatment of the psychological condition of the employee.

5.27 Subd. 4. **Treatment required.** (a) Except as provided in paragraph (f), an employee
5.28 who receives approval under subdivision 3 shall complete up to 24 consecutive weeks of
5.29 active treatment modalities for the employee's diagnosed mental illness, as provided under
5.30 this subdivision, before a final determination can be made under subdivision 6. An employee's
5.31 treatment shall be at the direction of a mental health professional using treatment modalities
5.32 indicated for the treatment of the diagnosed mental illness. An employee shall not be
5.33 penalized for an interruption in active, consecutive treatment that is not initiated by or
5.34 resulting from an intentional action of the employee. Subject to the limit under subdivision

6.1 9, the employing entity shall pay for the treatment costs and may seek reimbursement from
6.2 the commissioner of public safety.

6.3 (b) The employee's mental health professional must assess the employee's progress in
6.4 treatment monthly and at the end of the 24 weeks or earlier, including any change to the
6.5 employee's ability to return to the position held by the employee on the date of the injury,
6.6 event, or onset of the mental illness, or to another position with the employing entity which
6.7 provides salary and employing entity-provided benefits, including pension benefits, that
6.8 are equal to or greater than those for the position held by the employee on the date of the
6.9 injury, event, or onset of the mental illness. A final confirmation under subdivision 6 must
6.10 be supported by a report from the employee's mental health provider containing an opinion
6.11 about the employee's prognosis, the duration of the disability, and the expectations for
6.12 improvement following the treatment. A report that does not contain and support a finding
6.13 that the employee's disability as a result of a psychological condition will last for at least
6.14 12 months must not be relied upon to support approval of duty disability benefits.

6.15 (c) The employee may return to full- or part-time work prior to the completion of the
6.16 24 weeks of treatment if the employee's mental health professional determines that the
6.17 employee is medically able to do so.

6.18 (d) The employee may return to light duty assignments, subject to availability of a
6.19 position, prior to the completion of the 24 weeks of treatment, if deemed medically
6.20 appropriate by the employee's mental health professional and with the employing entity's
6.21 approval.

6.22 (e) A fitness for duty presumption shall apply to an employee who is cleared to return
6.23 to work or light duty under paragraph (c) or (d), except as provided under subdivision 10.

6.24 (f) No employee shall be required to complete treatment under this subdivision more
6.25 than three times in ten years.

6.26 Subd. 5. **Continuation of salary and benefits.** (a) Subject to subdivision 9, for the
6.27 period that an employee is seeking psychological condition treatment approval under
6.28 subdivision 3 or 6, appealing a determination thereof, or receiving treatment under
6.29 subdivision 4 or 7, the employing entity shall continue:

6.30 (1) to pay, for a current employee only, the employee's full salary and employing
6.31 entity-provided benefits, including any employing entity contribution to health care and
6.32 retirement benefits. The employing entity must proportionally reduce the salary paid to an
6.33 employee who is otherwise receiving benefits for the disability that provide compensation
6.34 for all or a portion of the employee's salary for the same time period. Nothing in this

7.1 paragraph requires an employing entity to pay more than 100 percent of the employee's
7.2 salary;

7.3 (2) to provide health insurance benefits to the employee and to the employee's dependents,
7.4 if the employee was receiving dependent coverage at the time of the injury, event, or onset
7.5 of the mental illness under the employing entity's group health plan; and

7.6 (3) to provide any other employment benefits provided to the employee under the
7.7 employee's currently applicable collective bargaining agreement.

7.8 (b) An employee shall obtain service credit for the treatment period required under
7.9 subdivision 4 or 7.

7.10 (c) Nothing in this section prevents an employing entity from providing benefits in
7.11 addition to those required by this section or otherwise affects an employee's rights with
7.12 respect to any other employment benefit.

7.13 (d) If an employee is unable to receive treatment through the prescribed treatment
7.14 program due to circumstances beyond the employee's control, which includes but is not
7.15 limited to a lack of availability of a mental health facility or a mental health professional,
7.16 the employee shall continue to receive their regular compensation, benefits, and retirement
7.17 service credits until such mental health facility or mental health professional becomes
7.18 available to the employee for their treatment program. The continuation of salary and benefits
7.19 allowed under this paragraph must not exceed 30 days beyond the day treatment is prescribed,
7.20 except that the continuation of benefits and salary may be extended beyond 30 days if written
7.21 documentation from the mental health facility or mental health professional providing the
7.22 treatment start date is submitted by the employee to the executive director and the employer.

7.23 Subd. 6. **Termination or continuation of psychological condition treatment.** (a)
7.24 Following completion of treatment under subdivision 4, the association shall confirm the
7.25 treatment requirements are satisfied and make one of the following determinations:

7.26 (1) continue the approval for an additional eight weeks for the employee to complete
7.27 additional treatment, as provided under subdivision 7;

7.28 (2) terminate the psychological condition treatment because the employee is:

7.29 (i) able to return to full-time work in the position held by the employee on the date of
7.30 the injury, event, or onset of the mental illness; or

7.31 (ii) able to return to another vacant full-time position with the employer which provides
7.32 salary and employer-provided benefits, including pension benefits, that are equal to or
7.33 greater than those for the position held by the employee on the date of the injury, event, or

8.1 onset of the mental illness, as certified by the employer in the form and manner specified
8.2 by the executive director; or

8.3 (3) confirm the employee has met the requirements under section 352B.102, after which
8.4 the employee may apply for a duty disability benefit based on a psychological condition
8.5 under section 352B.10.

8.6 (b) After confirmation and application under paragraph (a), clause (3), the association
8.7 shall approve the employee's application for disability benefits because the employee is
8.8 eligible under sections 352B.10 and 352B.101, at which time the employee is entitled to
8.9 receive disability benefits as provided under this section and any related benefits. The
8.10 disability benefit begins to accrue the day following the day on which the employer ceases
8.11 to continue salary and benefits under subdivision 5.

8.12 (c) Following completion of the additional treatment requirements under subdivision 7,
8.13 if applicable, the association shall confirm the additional treatment requirements are satisfied,
8.14 after which, the employee may apply for disability benefits because the employee is eligible
8.15 under sections 352B.10 and 352B.101, at which time the employee is entitled to receive
8.16 disability benefits as provided under this section and any related benefits. The disability
8.17 benefit begins to accrue the day following the day on which the employer ceases to continue
8.18 salary and benefits under subdivision 5.

8.19 (d) A fitness for duty presumption shall apply to an employee who is determined able
8.20 to return to work as provided under paragraph (a), clause (2), except as provided under
8.21 subdivision 10.

8.22 Subd. 7. **Additional treatment.** (a) Except as provided in paragraph (g), if, after
8.23 completing the treatment required under subdivision 4, the mental health professional's
8.24 report determines that the employee is making progress in treatment, and the employee's
8.25 prognosis is expected to further improve with additional treatment, the executive director
8.26 shall continue the employee's initial approval under subdivision 6, paragraph (a), clause
8.27 (1), and the employee shall complete up to an additional eight consecutive weeks of active
8.28 treatment modalities as provided under this subdivision.

8.29 (b) Treatment shall be at the direction of a mental health professional using treatment
8.30 modalities indicated for the treatment of the employee's diagnosed mental illness. An
8.31 employee shall not be penalized for an interruption in active, consecutive treatment that is
8.32 not initiated by or resulting from an intentional action of the employee. Subject to subdivision
8.33 9, the employing entity shall pay for the treatment costs and may seek reimbursement from
8.34 the commissioner of public safety.

9.1 (c) The employee's mental health professional must assess the employee's progress in
9.2 treatment at the end of eight weeks, including any change to the employee's ability to return
9.3 to the position held by the employee on the date of the injury, event, or onset of the mental
9.4 illness, or to another position with the employing entity which provides salary and employing
9.5 entity-provided benefits, including pension benefits, that are equal to or greater than those
9.6 for the position held by the employee on the date of the injury, event, or onset of the mental
9.7 illness. A final determination under subdivision 6, paragraph (b), must be supported by an
9.8 updated report from the employee's mental health provider containing an opinion about the
9.9 employee's prognosis, the duration of the disability, and the expectations for improvement
9.10 following the additional treatment. An updated report that does not contain and support a
9.11 finding that the employee's disability as a result of a psychological condition will last for
9.12 at least 12 months must not be relied upon to support approval of duty disability benefits.

9.13 (d) The employee may return to full- or part-time work prior to the completion of the
9.14 eight weeks of treatment if the employee's mental health professional determines that they
9.15 are medically able to do so.

9.16 (e) The employee may return to light duty assignments, subject to availability of a
9.17 position, prior to the completion of the eight weeks of treatment, if deemed medically
9.18 appropriate by the employee's mental health professional and with the employing entity's
9.19 approval.

9.20 (f) A fitness for duty presumption shall apply to an employee who is cleared to return
9.21 to work or light duty under paragraph (d) or (e), except as provided under subdivision 10.

9.22 (g) No employee shall be required to complete treatment under this subdivision more
9.23 than three times in ten years.

9.24 Subd. 8. **Treatment data.** A "health record," as defined by section 144.291, subdivision
9.25 2, paragraph (c), arising from treatment sought under this section is classified as private
9.26 data on individuals, as defined by section 13.02, subdivision 12, and must not be accessed
9.27 by, shared with, or disclosed or disseminated to any individual, private entity, or government
9.28 entity, including through discovery, search warrant, or subpoena, in any type of investigation
9.29 or legal action.

9.30 Subd. 9. **Employing entity reimbursement; limit.** (a) Except as provided in paragraph
9.31 (c), an employing entity subject to this section may annually apply by August 1 for the
9.32 preceding fiscal year to the commissioner of public safety for reimbursement of:

9.33 (1) the treatment costs incurred by the employing entity under subdivision 4 or 7; and

10.1 (2) the costs incurred to continue salary and benefits as required under subdivision 5.

10.2 (b) An employing entity must apply for the reimbursement in the form and manner
10.3 specified by the commissioner of public safety.

10.4 (c) No employing entity shall be required to pay for the salary, benefits, and treatment
10.5 costs required under subdivisions 4, 5, and 7 for a single employee more than three times
10.6 in ten years.

10.7 Subd. 10. **Fitness for duty presumption.** (a) An employee who is cleared or determined
10.8 able to return to work or light duty under subdivision 4, paragraph (e); 6, paragraph (c); or
10.9 7, paragraph (f), is presumed fit for duty, except as follows:

10.10 (1) an employing entity may request a fitness for duty exam by an independent medical
10.11 provider if the exam is completed within six weeks of the employing entity receiving the
10.12 determination from the treating mental health professional, and the independent medical
10.13 provider's report is completed no more than six weeks later;

10.14 (2) an employee found unfit for duty by an independent medical provider under clause
10.15 (1):

10.16 (i) is presumed eligible for a duty disability, as provided under subdivision 6, paragraph
10.17 (a), clause (3); or

10.18 (ii) may appeal the independent medical provider's determination by requesting an
10.19 examination be conducted by a qualified professional selected by the employee from a panel
10.20 established by mutual agreement between the League of Minnesota Cities, the Association
10.21 of Minnesota Counties, the Minnesota Peace and Police Officers Association, the Minnesota
10.22 Professional Fire Fighters Association, the Minnesota Chiefs of Police Association, and the
10.23 Minnesota Law Enforcement Association. The panel shall consist of five licensed
10.24 psychiatrists or psychologists who have expertise regarding psychological or emotional
10.25 disorders and who are qualified to opine as to the employee's fitness to engage in police or
10.26 firefighting duties. The agreed upon panel of qualified professionals must be submitted to
10.27 the executive director and made available for use in the appeal process. If the employee
10.28 fails to select a qualified professional from the panel within ten days of any notice of appeal,
10.29 the employing entity may select the qualified professional from the panel. A determination
10.30 made by a qualified professional under this item is binding and not subject to appeal; and

10.31 (3) the fitness-for-duty timeline under this paragraph may be modified by mutual
10.32 agreement of the employing entity and employee.

11.1 (b) Nothing in this section shall be deemed to affect the Americans with Disabilities
11.2 Act, United States Code, title 42, chapter 126; the Family Medical Leave Act, United States
11.3 Code, title 29, chapter 28; or the Minnesota Human Rights Act, chapter 363A.

11.4 Subd. 11. **Report.** No later than four years after the day following final enactment of
11.5 this act, the executive director, in coordination with employing entities, employees, and
11.6 mental health professionals, shall submit a report to the chairs and ranking minority members
11.7 of the legislative committees with jurisdiction over labor and pensions regarding the impact
11.8 of this section on public safety duty disability trends and costs.

11.9 Subd. 12. **Annual appropriation.** An amount necessary to fully fund the reimbursement
11.10 requests under subdivision 9 is annually appropriated from the general fund to the
11.11 commissioner of public safety for deposit into the public safety officer's benefit account.
11.12 This appropriation is a statutory appropriation as defined in section 16A.011, subdivision
11.13 14a.

11.14 **Sec. 8. [352B.103] PSYCHOLOGICAL CONDITION TREATMENT ACCOUNT.**

11.15 (a) The psychological condition treatment account is created in the special revenue fund.
11.16 Money in the account consists of money transferred or appropriated to the account.

11.17 (b) Money in the account is appropriated to the executive director for administration of
11.18 the psychological condition treatment under section 352B.102.

11.19 Sec. 9. Minnesota Statutes 2022, section 353.01, subdivision 47, is amended to read:

11.20 Subd. 47. **Vesting.** (a) "Vesting" means obtaining a nonforfeitable entitlement to an
11.21 annuity or benefit from a retirement plan administered by the ~~Public Employees Retirement~~
11.22 association by having credit for sufficient allowable service under paragraph (b), (c), or (d),
11.23 whichever applies.

11.24 (b) For purposes of qualifying for an annuity or benefit as a basic or coordinated plan
11.25 member of the general employees retirement plan of the ~~Public Employees Retirement~~
11.26 association:

11.27 (1) a public employee who first became a member of the association before July 1, 2010,
11.28 is 100 percent vested when the person has accrued credit for not less than three years of
11.29 allowable service in the general employees retirement plan; and

11.30 (2) a public employee who first becomes a member of the association after June 30,
11.31 2010, is 100 percent vested when the person has accrued credit for not less than five years
11.32 of allowable service in the general employees retirement plan.

12.1 (c) For purposes of qualifying for an annuity or benefit as a member of the local
12.2 government correctional service retirement plan:

12.3 (1) a public employee who first became a member of the association before July 1, 2010,
12.4 is 100 percent vested when the person has accrued credit for not less than three years of
12.5 allowable service in the local government correctional service retirement plan; and

12.6 (2) a public employee who first becomes a member of the association after June 30,
12.7 2010, is vested at the following percentages when the person has accrued credit for allowable
12.8 service in the local government correctional service retirement plan, as follows:

12.9 (i) 50 percent after five years;

12.10 (ii) 60 percent after six years;

12.11 (iii) 70 percent after seven years;

12.12 (iv) 80 percent after eight years;

12.13 (v) 90 percent after nine years; and

12.14 (vi) 100 percent after ten years.

12.15 (d) For purposes of qualifying for an annuity or benefit as a member of the ~~public~~
12.16 ~~employees~~ police and fire retirement plan:

12.17 (1) a public employee who first became a member of the association before July 1, 2010,
12.18 is 100 percent vested when the person has accrued credit for not less than three years of
12.19 allowable service in the public employees police and fire retirement plan; and

12.20 (2) a public employee who first becomes a member of the association after June 30,
12.21 2010, ~~and before July 1, 2014~~, is vested at the following percentages when the person has
12.22 accrued credited allowable service in the ~~public employees~~ police and fire ~~retirement~~ plan,
12.23 as follows:

12.24 (i) 50 percent after five years;

12.25 (ii) 60 percent after six years;

12.26 (iii) 70 percent after seven years;

12.27 (iv) 80 percent after eight years;

12.28 (v) 90 percent after nine years; and

12.29 (vi) 100 percent after ten years; ~~and~~.

13.1 ~~(3) a public employee who first becomes a member of the association after June 30,~~
 13.2 ~~2014, is vested at the following percentages when the person has accrued credit for allowable~~
 13.3 ~~service in the public employees police and fire retirement plan, as follows:~~

- 13.4 ~~(i) 50 percent after ten years;~~
 13.5 ~~(ii) 55 percent after 11 years;~~
 13.6 ~~(iii) 60 percent after 12 years;~~
 13.7 ~~(iv) 65 percent after 13 years;~~
 13.8 ~~(v) 70 percent after 14 years;~~
 13.9 ~~(vi) 75 percent after 15 years;~~
 13.10 ~~(vii) 80 percent after 16 years;~~
 13.11 ~~(viii) 85 percent after 17 years;~~
 13.12 ~~(ix) 90 percent after 18 years;~~
 13.13 ~~(x) 95 percent after 19 years; and~~
 13.14 ~~(xi) 100 percent after 20 or more years.~~

13.15 **EFFECTIVE DATE.** This section is effective the day following final enactment for
 13.16 all members, as defined under Minnesota Statutes, section 353.01, subdivision 7, of the
 13.17 police and fire plan, and all former members, as defined under Minnesota Statutes, section
 13.18 353.01, subdivision 7a, of the police and fire plan who have not begun to receive a retirement
 13.19 annuity.

13.20 Sec. 10. Minnesota Statutes 2022, section 353.031, subdivision 1, is amended to read:

13.21 Subdivision 1. **Application.** (a) This section applies to all disability determinations for
 13.22 the public employees general fund, the public employees police and fire fund, and the local
 13.23 government correctional service retirement plan and any other disability determination
 13.24 subject to approval by the board, except as otherwise specified in section 353.032, 353.33,
 13.25 353.656, or 353E.05. These requirements and the requirements of section 353.03, subdivision
 13.26 3, are in addition to the specific requirements of each plan and govern in the event there is
 13.27 any conflict between these sections and the procedures specific to any of those plans under
 13.28 section 353.33, 353.656, or 353E.06.

13.29 (b) Notwithstanding any law to the contrary, an employee, as defined in section 353.032,
 13.30 subdivision 1, clause (2), who applies for a duty disability benefit based on a psychological
 13.31 condition, as defined in section 353.032, subdivision 1, clause (7), is not eligible for duty

14.1 disability benefits under this chapter until the employee has satisfied the additional procedure,
14.2 including all completion of treatment requirements under section 353.032.

14.3 Sec. 11. Minnesota Statutes 2022, section 353.031, subdivision 3, is amended to read:

14.4 Subd. 3. **Procedure to determine eligibility; generally.** (a) Every claim for a disability
14.5 benefit must be initiated in writing on an application form and in the manner prescribed by
14.6 the executive director and filed with the executive director. To be valid, an application for
14.7 disability benefits must be made within 18 months following termination of public service
14.8 as defined under section 353.01, subdivision 11a, and include the required application form
14.9 and the medical reports required by paragraph (c).

14.10 (b) All medical reports must support a finding that the disability arose before the employee
14.11 was placed on any paid or unpaid leave of absence or terminated public service, as defined
14.12 under section 353.01, subdivision 11a.

14.13 (c) An applicant for disability shall provide a detailed report signed by a licensed medical
14.14 doctor and at least one additional report signed by a medical doctor, psychiatrist, psychologist,
14.15 an APRN, or a chiropractor. The applicant ~~shall~~ must authorize the release of all medical
14.16 and health care evidence, including all medical records and relevant information from any
14.17 source, to support the application for initial, or the continuing payment of, disability benefits.

14.18 (d) All reports must contain an opinion regarding the ~~claimant's~~ applicant's prognosis,
14.19 the duration of the disability, and the expectations for improvement. Any report that does
14.20 not contain and support a finding that the disability will last for at least one year may not
14.21 be relied upon to support eligibility for benefits.

14.22 (e) Where the medical evidence supports the expectation that at some point in time the
14.23 ~~claimant~~ applicant will no longer be disabled, any decision granting disability may provide
14.24 for a termination date upon which disability can be expected to no longer exist. In the event
14.25 a termination date is made part of the decision granting benefits, prior to the actual
14.26 termination of benefits, the ~~claimant~~ applicant shall have the opportunity to show that the
14.27 disabling condition for which benefits were initially granted continues. In the event the
14.28 benefits terminate in accordance with the original decision, the ~~claimant~~ applicant may
14.29 petition for a review by the board of trustees under section 353.03, subdivision 3, or may
14.30 reapply for disability in accordance with these procedures and section 353.33, 353.656, or
14.31 353E.06, as applicable.

14.32 (f) ~~Any claim to disability must be supported by a report from~~ Upon receipt of a valid
14.33 application, the executive director must notify the employer. No later than 30 days after

15.1 receiving the notification, the employer must provide a report to the executive director
15.2 indicating that there is no available work that the ~~employee~~ applicant can perform in the
15.3 ~~employee's~~ applicant's disabled condition and that all reasonable accommodations have
15.4 been considered. Upon request of the executive director, an employer shall provide evidence
15.5 of the steps the employer has taken to attempt to provide reasonable accommodations and
15.6 continued employment to the ~~claimant~~ applicant. The employer shall also provide a
15.7 certification of the ~~member's~~ applicant's past public service; the dates of any paid sick leave,
15.8 vacation, or any other employer-paid salary continuation plan beyond the last working day;
15.9 and whether or not any sick or annual leave has been allowed.

15.10 (g) An ~~employee~~ applicant who is placed on leave of absence without compensation
15.11 because of a disability is not barred from receiving a disability benefit.

15.12 (h) An applicant for disability benefits may file a retirement annuity application under
15.13 section 353.29, subdivision 4, simultaneously with an application for disability benefits. If
15.14 the application for disability benefits is approved, the retirement annuity application is
15.15 canceled. If disability benefits are denied, the retirement annuity application must be
15.16 processed upon the request of the applicant. No member of the ~~public~~ general employees
15.17 ~~general~~ retirement plan, the ~~public-employees~~ police and fire plan, or the local government
15.18 correctional service retirement plan may receive a disability benefit and a retirement annuity
15.19 simultaneously from the same plan.

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

15.21 Sec. 12. Minnesota Statutes 2022, section 353.031, subdivision 4, is amended to read:

15.22 Subd. 4. **Additional requirements; eligibility for police and fire or local government**
15.23 **correctional service retirement plan disability benefits.** (a) If an application for disability
15.24 benefits is filed within two years of the date of the injury or the onset of the illness that gave
15.25 rise to the disability application, the application must be supported by evidence that the
15.26 applicant is unable to perform the duties of the position held by the applicant on the date
15.27 of the injury or the onset of the illness causing the disability. The employer must provide
15.28 evidence indicating whether the applicant is able or unable to perform the duties of the
15.29 position held on the date of the injury or onset of the illness causing the disability, a clear
15.30 explanation of any duties that the individual can or cannot perform, and an explanation of
15.31 why the employer may or may not authorize continued employment to the applicant in the
15.32 current or other position.

15.33 (b) If an application for disability benefits is filed more than two years after the date of
15.34 injury or the onset of an illness causing the disability, the application must be supported by

16.1 evidence that the applicant is unable to perform the duties that were expected to be performed
16.2 by the applicant during the 90 days preceding the last day the applicant performed services
16.3 for the employer. The employer must provide evidence of the duties that were expected to
16.4 be performed by the applicant during the 90 days preceding the last day the applicant
16.5 performed services, whether the applicant can or cannot perform those duties overall, a
16.6 clear explanation of any duties that the applicant can or cannot perform, and an explanation
16.7 of why the employer may or may not authorize continued employment to the applicant in
16.8 the current or other position.

16.9 (c) Any report supporting a claim to disability benefits under section 353.656 or 353E.06
16.10 must specifically relate the disability to its cause; and for any claim to duty disability from
16.11 an injury or illness arising out of an act of duty, the report must state the specific act of duty
16.12 giving rise to the claim, and relate the cause of disability to inherently dangerous duties
16.13 specific to the positions covered by the public employees police and fire plan and the local
16.14 government correctional service retirement plan. Any report that does not relate the cause
16.15 of disability to specific inherently dangerous duties performed by the employee may not be
16.16 relied upon as evidence to support eligibility for benefits and may be disregarded in the
16.17 executive director's decision-making process.

16.18 (d) Any application for duty disability must be supported by a first report of injury as
16.19 defined in section 176.231.

16.20 (e) If a member who has applied for and been approved for disability benefits before
16.21 the termination of service does not terminate service or is not placed on an authorized leave
16.22 of absence as certified by the governmental subdivision within 45 days following the date
16.23 on which the application is approved, the application shall be canceled. If an approved
16.24 application for disability benefits has been canceled, a subsequent application for disability
16.25 benefits may not be filed on the basis of the same medical condition for a minimum of one
16.26 year from the date on which the previous application was canceled.

16.27 (f) Notwithstanding section 353.01, subdivision 41, if the member has applied for a duty
16.28 disability based on a psychological condition, the application must be supported by evidence
16.29 that the applicant is unable to perform the duties of the position held by the applicant on
16.30 the date of injury or the onset of the illness or to another position with the employer which
16.31 provides salary and employer-provided benefits, including pension benefits, that are equal
16.32 to or greater than those for the position held by the employee on the date of the injury, event,
16.33 or onset of the mental illness.

17.1 Sec. 13. Minnesota Statutes 2022, section 353.031, subdivision 8, is amended to read:

17.2 Subd. 8. **Proof of ~~continuing disability~~ eligibility upon reapplication.** (a) A person
17.3 must not be paid a disability benefit payment must not be made except upon furnishing
17.4 adequate proof furnished to the executive director of the association that the person ~~remains~~
17.5 is disabled and, upon reapplication, that the disability is the same disability for which
17.6 disability benefits were initially granted.

17.7 (b) ~~During the time when~~ At the end of each year of disability benefits are being paid,
17.8 payments for the first five years of disability payments and at the end of every three years
17.9 of disability payments thereafter, the person receiving the disability payments must reapply
17.10 and provide proof of disability to the executive director of the association. The executive
17.11 director has the right, at reasonable times between applications, to require the disabled
17.12 member person to submit proof of the continuance of the disability claimed.

17.13 (c) Adequate proof of a disability upon reapplication must include a written expert report
17.14 by a licensed physician, an APRN, or a licensed chiropractor, or, with respect to a mental
17.15 impairment, a licensed psychiatrist or psychologist.

17.16 (d) The reapplication requirement may be waived by the executive director if the
17.17 executive director receives a written statement from the medical adviser retained by the
17.18 association under subdivision 5 that no improvement can be expected in the person's disability
17.19 condition that was the basis for the payment of the disability benefit.

17.20 (e) If the person's reapplication is denied, the person bears the burden of proving eligibility
17.21 for a disability benefit in an appeal under section 356.96.

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

17.23 Sec. 14. Minnesota Statutes 2022, section 353.031, subdivision 9, is amended to read:

17.24 Subd. 9. **Application approval or denial; decision of executive director.** Any decision
17.25 of the executive director is final, except that a member whose application for disability
17.26 benefits or whose ~~continuation of disability benefits~~ reapplication under subdivision 8 is
17.27 denied may appeal the executive director's decision to the board of trustees within 60 days
17.28 of receipt of a certified letter notifying the member of the decision to deny the application
17.29 or ~~continuation of benefits~~ reapplication. In developing the record for review by the board
17.30 when a decision is appealed, the executive director may direct that the applicant participate
17.31 in a fact-finding session conducted by an administrative law judge assigned by the Office
17.32 of Administrative Hearings, and, as applicable, a vocational assessment conducted by the

18.1 qualified rehabilitation counselor on contract with the ~~Public Employees Retirement~~
18.2 association.

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

18.4 Sec. 15. **[353.032] APPLICATION FOR PSYCHOLOGICAL CONDITION**
18.5 **TREATMENT.**

18.6 Subdivision 1. **Definitions.** For the purposes of this section, the following terms have
18.7 the meanings given:

18.8 (1) "mental illness" means diagnosis of a mental illness by a mental health professional,
18.9 and meeting the criteria for a condition or conditions included in the most recent edition of
18.10 the Diagnostic and Statistical Manual of Mental Disorders published by the American
18.11 Psychiatric Association;

18.12 (2) "employee" means an individual diagnosed with a mental illness who is a:

18.13 (i) peace officer or firefighter;

18.14 (ii) paramedic, emergency medical technician, or supervisor or manager of paramedics
18.15 or emergency medical technicians employed at least half time;

18.16 (iii) member under section 353.64, subdivision 10; or

18.17 (iv) former member under section 353.64, subdivision 10, within 18 months of
18.18 termination;

18.19 (3) "employer" means an employer of a current or former member of the police and fire
18.20 plan;

18.21 (4) "firefighter" has the meaning given in section 299A.465, subdivision 5, paragraph
18.22 (c);

18.23 (5) "mental health professional" has the meaning given in section 245I.02, subdivision
18.24 27;

18.25 (6) "peace officer" has the meaning given in section 299A.465, subdivision 5, paragraph
18.26 (a);

18.27 (7) "psychological condition" means a mental illness, as defined in clause (1); and

18.28 (8) "treatment" includes but is not limited to active participation in psychological,
18.29 psychopharmaceutical, and functional neurological approaches and active participation in
18.30 the International Association of Fire Fighters Center of Excellence for Behavioral Health
18.31 Treatment and Recovery. Treatment includes utilization of multiple treatment modalities,

19.1 including chemical dependency treatment when indicated, and evidence-based trauma
19.2 treatment.

19.3 Subd. 2. **Application; dual diagnosis.** (a) Notwithstanding any law to the contrary, and
19.4 except as provided in paragraph (b), the procedure in this section applies to an application
19.5 for a duty disability by an employee based on a psychological condition.

19.6 (b) The additional procedure in this section does not apply to a duty disability application
19.7 under paragraph (a) that is also based on a dual diagnosis of a physical condition. An
19.8 employee with a dual diagnosis may, but is not required to, seek treatment under subdivisions
19.9 4 and 7, subject to the procedure in this section.

19.10 Subd. 3. **Approval.** (a) An employee who applies for treatment of a psychological
19.11 condition that was a result of the performance of duties related to the occupation must
19.12 receive approval for psychological treatment as provided under this subdivision.

19.13 (b) The executive director shall grant approval to an employee who submits, in the form
19.14 and manner specified by the executive director:

19.15 (1) a report by a mental health professional diagnosing the employee with a mental
19.16 illness and finding that the employee is currently unable to perform the normal duties of
19.17 the position held by the employee on the date of the injury, event, or onset of the mental
19.18 illness on a full- or part-time basis; and

19.19 (2) documentation from the employer certifying the dates the employee was on duty in
19.20 a position covered under the police and fire plan.

19.21 (c) An employee who receives approval under this subdivision is not considered disabled
19.22 for the purposes of a duty disability under section 353.656, subdivision 1, unless the employee
19.23 completes the additional requirements under this section, receives final confirmation under
19.24 subdivision 6, and applies for disability benefits under section 353.031 before receiving
19.25 duty disability benefits or related benefits.

19.26 (d) The executive director must notify an employing entity electronically and by mail
19.27 that an application for psychological condition treatment has been submitted by an employee
19.28 and request the certification required under paragraph (b), clause (2), from the employing
19.29 entity within six business days after the application has been received by the executive
19.30 director.

19.31 (e) An employer shall submit the certification required under paragraph (b), clause (2),
19.32 within five business days of an employee's application, and the employee shall receive
19.33 approval no later than 14 business days after the employee's application is received by the

20.1 executive director, whether or not the employer's certification has been submitted. Nothing
20.2 in this paragraph shall delay the treatment of the psychological condition of the employee.

20.3 Subd. 4. **Treatment required.** (a) Except as provided in paragraph (f), an employee
20.4 who receives approval under subdivision 3 shall complete up to 24 consecutive weeks of
20.5 active treatment modalities for the employee's diagnosed mental illness, as provided under
20.6 this subdivision, before a final determination can be made under subdivision 6. Treatment
20.7 shall be at the direction of a mental health professional using treatment modalities indicated
20.8 for the treatment of the diagnosed mental illness. An employee shall not be penalized for
20.9 an interruption in active, consecutive treatment that is not initiated by or resulting from an
20.10 intentional action of the employee. Subject to the limit under subdivision 9, the employer
20.11 shall pay for the treatment costs and may seek reimbursement.

20.12 (b) The employee's mental health professional must assess the employee's progress in
20.13 treatment monthly and at the end of the 24 weeks or earlier, including any change to the
20.14 employee's ability to return to the position held by the employee on the date of the injury,
20.15 event, or onset of the mental illness, or to another position with the employer which provides
20.16 salary and employer-provided benefits, including pension benefits, that are equal to or
20.17 greater than those for the position held by the employee on the date of the injury, event, or
20.18 onset of the mental illness. A final confirmation under subdivision 6 must be supported by
20.19 a report from the employee's mental health professional containing an opinion about the
20.20 employee's prognosis, the duration of the disability, and the expectations for improvement
20.21 following the treatment. A report that does not contain and support a finding that the
20.22 employee's disability as a result of a psychological condition will last for at least 12 months
20.23 must not be relied upon to support approval of duty disability benefits.

20.24 (c) The employee may return to full- or part-time work prior to the completion of the
20.25 24 weeks of treatment if the employee's mental health professional determines that they are
20.26 medically able to do so.

20.27 (d) The employee may return to light duty assignments, subject to availability of a
20.28 position, prior to the completion of the 24 weeks of treatment, if deemed medically
20.29 appropriate by the employee's mental health professional and with the employer's approval.

20.30 (e) A fitness for duty presumption shall apply to an employee who is cleared to return
20.31 to work or light duty under paragraph (c) or (d), except as provided under subdivision 10.

20.32 (f) No employee shall be required to complete treatment under this subdivision more
20.33 than three times in ten years.

21.1 Subd. 5. Continuation of salary and benefits. (a) Subject to subdivision 9, for the
21.2 period that an employee is seeking psychological condition treatment approval under
21.3 subdivision 3 or 6, appealing a determination thereof, or receiving treatment under
21.4 subdivision 4 or 7, the employer shall continue:

21.5 (1) to pay, for a current employee only, the employee's full salary and employer-provided
21.6 benefits, including any employer contribution to health care and retirement benefits. The
21.7 employer must proportionally reduce the salary paid to an employee who is otherwise
21.8 receiving benefits for the disability that provide compensation for all or a portion of the
21.9 employee's salary for the same time period. Nothing in this paragraph requires an employer
21.10 to pay more than 100 percent of the employee's salary;

21.11 (2) to provide health insurance benefits to the employee and to the employee's dependents,
21.12 if the employee was receiving dependent coverage at the time of the injury, event, or onset
21.13 of the mental illness under the employer's group health plan; and

21.14 (3) to provide any other employment benefits provided to the employee under the
21.15 employee's currently applicable collective bargaining agreement.

21.16 (b) An employee shall obtain service credit for the treatment period required under
21.17 subdivision 4 or 7.

21.18 (c) Nothing prevents an employer from providing benefits in addition to those required
21.19 by this section or otherwise affects an employee's rights with respect to any other employment
21.20 benefit.

21.21 (d) If an employee is unable to receive treatment through the prescribed treatment
21.22 program due to circumstances beyond the employee's control, which includes but is not
21.23 limited to a lack of availability of a mental health facility or a mental health professional,
21.24 the employee shall continue to receive their regular compensation, benefits, and retirement
21.25 service credits, until such mental health facility or mental health professional becomes
21.26 available to the employee for their treatment program. The continuation of salary and benefits
21.27 allowed under this paragraph must not exceed 30 days beyond the day treatment is prescribed,
21.28 except that continuation of benefits and salary may be extended beyond 30 days if written
21.29 documentation from the mental health facility or mental health professional providing the
21.30 treatment start date is submitted by the employee to the executive director and the employer.

21.31 Subd. 6. Termination or continuation of psychological condition treatment. (a)
21.32 Following completion of treatment under subdivision 4, the association shall confirm the
21.33 treatment requirements are satisfied, and make one of the following determinations:

22.1 (1) continue the approval for an additional eight weeks for the employee to complete
22.2 additional treatment, as provided under subdivision 7;

22.3 (2) terminate the psychological condition treatment because the employee is:

22.4 (i) able to return to full-time work in the position held by the employee on the date of
22.5 the injury, event, or onset of the mental illness; or

22.6 (ii) able to return to another vacant full-time position with the employer which provides
22.7 salary and employer-provided benefits, including pension benefits, that are equal to or
22.8 greater than those for the position held by the employee on the date of the injury, event, or
22.9 onset of the mental illness, as certified by the employer in the form and manner specified
22.10 by the executive director; or

22.11 (3) confirm the employee has met the requirements under section 353.032, after which
22.12 the employee may apply for a duty disability benefit based on a psychological condition
22.13 under section 353.031.

22.14 (b) After confirmation and application under paragraph (a), clause (3), the association
22.15 shall approve the employee's application for disability benefits because the employee is
22.16 eligible under section 353.031, at which time the employee is entitled to receive disability
22.17 benefits as provided under this section and any related benefits. The disability benefit begins
22.18 to accrue the day following the day on which the employer ceases to continue salary and
22.19 benefits under subdivision 5.

22.20 (c) Following completion of the additional treatment requirements under subdivision 7,
22.21 if applicable, the association shall confirm the additional treatment requirements are satisfied,
22.22 after which, the employee may apply for disability benefits because the employee is eligible
22.23 under section 353.031, at which time the employee is entitled to receive disability benefits
22.24 as provided under this section and any related benefits. The disability benefit begins to
22.25 accrue the day following the day on which the employer ceases to continue salary and
22.26 benefits under subdivision 5.

22.27 (d) A fitness for duty presumption shall apply to an employee who is determined able
22.28 to return to work as provided under paragraph (a), clause (2), except as provided under
22.29 subdivision 10.

22.30 Subd. 7. **Additional treatment.** (a) Except as provided in paragraph (g), if, after
22.31 completing the treatment required under subdivision 4, the mental health professional's
22.32 report determines that the employee is making progress in treatment, and the employee's
22.33 prognosis is expected to further improve with additional treatment, the association shall

23.1 continue the employee's initial approval under subdivision 6, paragraph (a), clause (1), and
23.2 the employee shall complete up to an additional eight consecutive weeks of active treatment
23.3 modalities as provided under this subdivision.

23.4 (b) Treatment shall be at the direction of a mental health professional using treatment
23.5 modalities indicated for the treatment of the employee's diagnosed mental illness. An
23.6 employee shall not be penalized for an interruption in active, consecutive treatment that is
23.7 not initiated by or resulting from an intentional action of the employee. Subject to subdivision
23.8 9, the employer shall pay for the treatment costs and may seek reimbursement.

23.9 (c) The employee's mental health professional must assess the employee's progress in
23.10 treatment at the end of eight weeks, including any change to the employee's ability to return
23.11 to the position held by the employee on the date of the injury, event, or onset of the mental
23.12 illness, or to another position with the employer which provides salary and employer-provided
23.13 benefits, including pension benefits, that are equal to or greater than those for the position
23.14 held by the employee on the date of the injury, event, or onset of the mental illness. A final
23.15 determination under subdivision 6, paragraph (b), must be supported by an updated report
23.16 from the employee's mental health professional containing an opinion about the employee's
23.17 prognosis, the duration of the disability, and the expectations for improvement following
23.18 the additional treatment. An updated report that does not contain and support a finding that
23.19 the employee's disability as a result of a psychological condition will last for at least 12
23.20 months must not be relied upon to support approval of duty disability benefits.

23.21 (d) The employee may return to full- or part-time work prior to the completion of the
23.22 eight weeks of treatment if the employee's mental health professional determines that they
23.23 are medically able to do so.

23.24 (e) The employee may return to light duty assignments, subject to availability of a
23.25 position, prior to the completion of the eight weeks of treatment, if deemed medically
23.26 appropriate by the employee's mental health professional and with the employer's approval.

23.27 (f) A fitness for duty presumption shall apply to an employee who is cleared to return
23.28 to work or light duty under paragraph (d) or (e), except as provided under subdivision 10.

23.29 (g) No employee shall be required to complete treatment under this subdivision more
23.30 than three times in ten years.

23.31 Subd. 8. **Treatment data.** A "health record," as defined by section 144.291, subdivision
23.32 2, paragraph (c), arising from treatment sought under this section is classified as private
23.33 data on individuals, as defined by section 13.02, subdivision 12, and must not be accessed
23.34 by, shared with, or disclosed or disseminated to any individual, private entity, or government

24.1 entity, including through discovery, search warrant, or subpoena, in any type of investigation
24.2 or legal action.

24.3 Subd. 9. **Employer reimbursement; limit.** (a) Except as provided in paragraph (c), an
24.4 employer subject to this section may annually apply by August 1 for the preceding fiscal
24.5 year to the commissioner of public safety for reimbursement of:

24.6 (1) the treatment costs incurred by the employer under subdivision 4 or 7; and

24.7 (2) the costs incurred to continue salary and benefits as required under subdivision 5.

24.8 (b) An employer must apply for the reimbursement in the form and manner specified
24.9 by the commissioner of public safety.

24.10 (c) No employer shall be required to pay for the salary, benefits, and treatment costs
24.11 required under subdivisions 4, 5, and 7 for a single employee more than three times in ten
24.12 years.

24.13 Subd. 10. **Fitness for duty presumption.** (a) An employee who is cleared or determined
24.14 able to return to work or light duty under subdivision 4, paragraph (e); 6, paragraph (c); or
24.15 7, paragraph (f), is presumed fit for duty, except as follows:

24.16 (1) an employer may request a fitness for duty exam by an independent medical provider
24.17 if the exam is completed within six weeks of the employer receiving the determination from
24.18 the treating mental health professional, and the independent medical provider's report is
24.19 completed no more than six weeks later;

24.20 (2) an employee found unfit for duty by an independent medical provider under clause
24.21 (1):

24.22 (i) is presumed eligible for a duty disability, as provided under subdivision 6, paragraph
24.23 (a), clause (3); or

24.24 (ii) may appeal the independent medical provider's determination by requesting an
24.25 examination be conducted by a qualified professional selected by the employee from a panel
24.26 established by mutual agreement between the League of Minnesota Cities, the Association
24.27 of Minnesota Counties, the Minnesota Peace and Police Officers Association, the Minnesota
24.28 Professional Fire Fighters Association, the Minnesota Chiefs of Police Association, and the
24.29 Minnesota Law Enforcement Association. The panel shall consist of five licensed
24.30 psychiatrists or psychologists who have expertise regarding psychological or emotional
24.31 disorders and who are qualified to opine as to the employee's fitness to engage in police or
24.32 firefighting duties. The agreed upon panel of qualified professionals must be submitted to
24.33 the executive director and made available for use in the appeal process. If the employee

25.1 fails to select a qualified professional from the panel within ten days of any notice of appeal,
25.2 the employing entity may select the qualified professional from the panel. A determination
25.3 made by a qualified professional under this item is binding and not subject to appeal; and

25.4 (3) the fitness-for-duty timeline under this paragraph may be modified by mutual
25.5 agreement of the employer and employee.

25.6 (b) Nothing in this section shall be deemed to affect the Americans with Disabilities
25.7 Act, United States Code, title 42, chapter 126; the Family Medical Leave Act, United States
25.8 Code, title 29, chapter 28; or the Minnesota Human Rights Act, chapter 363A.

25.9 Subd. 11. **Report.** No later than four years after the day following final enactment of
25.10 this act, the executive director, in coordination with employers, employees, and mental
25.11 health professionals, shall submit a report to the chairs and ranking minority members of
25.12 the legislative committees with jurisdiction over labor and pensions regarding the impact
25.13 of this section on public safety duty disability trends and costs.

25.14 Subd. 12. **Annual appropriation.** An amount necessary to fully fund the reimbursement
25.15 requests under subdivision 9 is annually appropriated from the general fund to the
25.16 commissioner of public safety for deposit into the public safety officer's benefit account.
25.17 This appropriation is a statutory appropriation as defined in section 16A.011, subdivision
25.18 14a.

25.19 **Sec. 16. [353.033] PSYCHOLOGICAL CONDITION TREATMENT ACCOUNT.**

25.20 (a) The psychological condition treatment account is created in the special revenue fund.
25.21 Money in the account consists of money transferred or appropriated to the account.

25.22 (b) Money in the account is appropriated to the executive director for administration of
25.23 the psychological condition treatment under section 353.032.

25.24 **Sec. 17. Minnesota Statutes 2022, section 353.335, is amended to read:**

25.25 **353.335 DISABILITANT EARNINGS REPORTS.**

25.26 Unless waived by the executive director, a disability benefit recipient must report all
25.27 earnings from reemployment ~~and from income from workers' compensation~~ to the association
25.28 annually by May 15 in a format prescribed by the executive director. If the form is not
25.29 submitted by May 15, benefits must be suspended effective June 1. If, upon receipt of the
25.30 form ~~by the association, if, the executive director determines that~~ the disability benefit
25.31 recipient is ~~deemed by the executive director to be~~ eligible for continued payment, benefits
25.32 must be reinstated retroactive to June 1. The executive director may waive the requirements

26.1 in this section if the medical evidence supports that the disability benefit recipient will not
26.2 have earnings from reemployment.

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

26.4 Sec. 18. Minnesota Statutes 2022, section 353.656, subdivision 1, is amended to read:

26.5 Subdivision 1. **Duty disability; computation of benefits.** (a) A member of the police
26.6 and fire plan, ~~other than~~ who (1) is not a firefighter covered by section 353.6511, or a police
26.7 officer covered by section 353.6512, who is determined to qualify for (2) has a condition
26.8 that meets the definition of a duty disability as defined in under section 353.01, subdivision
26.9 41, and (3) has filed an application under section 353.031 that was approved by the executive
26.10 director is entitled to receive disability benefits during the period of such disability in an
26.11 amount equal to 60 percent of the member's average salary as defined ~~in~~ under section
26.12 353.01, subdivision 17a, plus an additional 3.0 percent of that average salary for each year
26.13 of service in excess of 20 years.

26.14 (b) To be eligible for a benefit under paragraph (a), the member must have:

26.15 (1) not met the age and vesting requirements for a retirement annuity under section
26.16 353.651, subdivision 1; or

26.17 (2) met the age and vesting requirements under that subdivision, but does not have at
26.18 least 20 years of allowable service credit.

26.19 (c) If paragraph (b), clause (2), applies, the disability benefit must be paid for a period
26.20 of 60 months from the disability benefit accrual date and at the end of that period is subject
26.21 to provisions of subdivision 5a.

26.22 (d) If the disability under this subdivision occurs before the member has at least five
26.23 years of allowable service credit in the police and fire plan, the disability benefit must be
26.24 computed on the average salary from which deductions were made for contribution to the
26.25 police and fire fund.

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

26.27 Sec. 19. Minnesota Statutes 2022, section 353.656, subdivision 1a, is amended to read:

26.28 Subd. 1a. **Total and permanent duty disability; computation of benefits.** (a) A member
26.29 of the police and fire plan, ~~other than~~ who (1) is not a firefighter covered by section 353.6511,
26.30 or a police officer covered by section 353.6512, whose disabling (2) has a condition is
26.31 determined to be that meets the definition of a duty disability under section 353.01,

27.1 subdivision 41, and that is also a permanent and total and permanent disability as defined
27.2 in under section 353.01, subdivision 19, and (3) has filed an application under section
27.3 353.031 that was approved by the executive director is entitled to receive, for life, a disability
27.4 benefits benefit in an amount equal to 60 99 percent of the member's average salary as
27.5 defined in under section 353.01, subdivision 17a, plus an additional 3.0 percent of that
27.6 average salary for each year of service in excess of 20 years. Beginning July 1, 2023, a
27.7 member receiving a benefit under this paragraph must receive a disability benefit in an
27.8 amount equal to the greater of 99 percent of the member's average salary as defined under
27.9 section 353.01, subdivision 17a, in effect as of the date of the disability or the amount of
27.10 the disability benefit the member was receiving on June 30, 2023.

27.11 (b) A disability benefit payable under paragraph (a) is subject to ~~eligibility review~~ the
27.12 reapplication requirements under section 353.33, subdivision 6, but the ~~review~~ reapplication
27.13 may be waived if the executive director receives a written statement from the ~~association's~~
27.14 medical advisor retained by the association under section 353.031, subdivision 5, that no
27.15 improvement can be expected in the member's disabling disability condition that was the
27.16 basis for payment of the benefit under paragraph (a).

27.17 (c) A member receiving a disability benefit under this subdivision who is found to no
27.18 ~~longer be permanently and totally disabled~~ have a total and permanent disability as defined
27.19 under section 353.01, subdivision 19, but continues to meet the definition for receipt of
27.20 have a duty disability as defined under section 353.01, subdivision 41, is subject to
27.21 subdivision 1 upon written notice from the association's medical advisor that the person is
27.22 no longer considered permanently and totally disabled has a total and permanent disability,
27.23 and may, upon application, elect an optional annuity under subdivision 1b.

27.24 (d) If a member approved for disability benefits under this subdivision dies before
27.25 attaining normal retirement age as defined in under section 353.01, subdivision 37, paragraph
27.26 (b), or within 60 months of the effective date of the disability, whichever is later, the
27.27 surviving spouse is entitled to receive a survivor benefit under section 353.657, subdivision
27.28 2, paragraph (a), clause (1), if the death is the direct result of the disabling condition for
27.29 which disability benefits were approved, or section 353.657, subdivision 2, paragraph (a),
27.30 clause (2), if the death is not directly related to the disabling condition for which benefits
27.31 were approved under this subdivision.

27.32 (e) If the election of an actuarial equivalent optional annuity is not made at the time
27.33 the permanent and member is entitled to begin to receive total and permanent disability
27.34 benefit accrues benefits, an election must be made within 90 days before the member attains
27.35 normal retirement age as defined under section 353.01, subdivision 37, paragraph (b), or

28.1 ~~having~~ has collected total and permanent disability benefits for 60 months, whichever is
28.2 later. If a member receiving disability benefits who has dependent children dies, subdivision
28.3 6a, paragraph (c), applies.

28.4 **EFFECTIVE DATE.** This section is effective July 1, 2023.

28.5 Sec. 20. Minnesota Statutes 2022, section 353.656, subdivision 1b, is amended to read:

28.6 Subd. 1b. **Optional annuity election.** (a) A disabled member of the police and fire fund
28.7 may elect to receive the normal disability benefit or an actuarial equivalent optional annuity.
28.8 If the election of an actuarial equivalent optional annuity is made before the commencement
28.9 of payment of the disability benefit, the member is entitled to begin payment of the optional
28.10 annuity must begin to accrue on the same date as that the normal disability benefit covering
28.11 only the disability benefit recipient would have accrued. would have begun. For the purpose
28.12 of this subdivision, a "normal disability benefit" is a monthly benefit payable for the life of
28.13 the member and equal to a percentage of the member's average salary as defined under
28.14 section 353.01, subdivision 17a. The percentage is 60 percent if the disability is a duty
28.15 disability under subdivision 1 or 99 percent if the disability is a total and permanent disability.

28.16 (b) If an election of an optional annuity is not made before the commencement of the
28.17 disability benefit, the disability benefit recipient may elect an optional annuity:

28.18 (1) within 90 days before normal retirement age;

28.19 (2) upon the filing of an application to convert to an early retirement annuity, if electing
28.20 to convert to an early retirement annuity before the normal retirement age;

28.21 (3) within 90 days before the expiration of the 60-month period for which a disability
28.22 benefit is paid, if the disability benefit is payable because the disabled member did not have
28.23 at least 20 years of allowable service at normal retirement age; or

28.24 (4) upon ~~being determined~~ a determination that the disability benefit recipient continues
28.25 to be disabled under subdivision 1, but is no longer ~~totally and permanently disabled~~ has a
28.26 total and permanent disability under subdivision 1a.

28.27 (c) If a disabled member who has named a joint and survivor optional annuity beneficiary
28.28 dies before the disability benefit ceases and is recalculated under subdivision 5a, the
28.29 beneficiary eligible to receive the joint and survivor annuity may elect to have the annuity
28.30 converted at the times designated in paragraph (b), clause (1), (2), or (3), whichever allows
28.31 for the earliest payment of a higher joint and survivor annuity option resulting from
28.32 recalculation under subdivision 5a, paragraph (e).

29.1 (d) A disabled member may name a person other than the spouse as beneficiary of a
29.2 joint and survivor annuity only if the spouse of the disabled member permanently waives
29.3 surviving spouse coverage on the disability application form prescribed by the executive
29.4 director.

29.5 (e) If the spouse of the member permanently waives survivor coverage, the dependent
29.6 child or children, if any, continue to be eligible for dependent child benefits under section
29.7 353.657, subdivision 3, and the designated optional annuity beneficiary may draw the
29.8 monthly benefit.

29.9 (f) Any optional annuity under this subdivision, plus dependent child benefits, if
29.10 applicable, are subject to the maximum and minimum family benefit amounts specified in
29.11 section 353.657, subdivision 3a.

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

29.13 Sec. 21. Minnesota Statutes 2022, section 353.656, subdivision 3, is amended to read:

29.14 Subd. 3. **Regular disability benefit.** (a) A member of the police and fire plan, ~~other~~
29.15 ~~than~~ who (1) is not a firefighter covered by section 353.6511, or a police officer covered
29.16 by section 353.6512, who qualifies for (2) has at least one year of allowable service, (3) has
29.17 a condition that meets the definition of a regular disability benefit as defined in under section
29.18 353.01, subdivision 46, and (4) has filed an application under section 353.031 that was
29.19 approved by the executive director is entitled to receive a disability benefit, after filing a
29.20 valid application, in an amount equal to 45 percent of the member's average salary as defined
29.21 in section 353.01, subdivision 17a.

29.22 (b) To be eligible for a benefit under paragraph (a), the member must have at least one
29.23 year of allowable service credit and have:

29.24 (1) not met the age and vesting requirements for a retirement annuity under section
29.25 353.651, subdivision 1; or

29.26 (2) met the age and vesting requirements under that subdivision, but does not have at
29.27 least 15 years of allowable service credit.

29.28 (c) If paragraph (b), clause (2), applies, the disability benefit must be paid for a period
29.29 of 60 months from the disability benefit accrual date and, at the end of that period, is subject
29.30 to provisions of subdivision 5a.

29.31 (d) For a member who is employed as a full-time firefighter by the Department of Military
29.32 Affairs of the state of Minnesota, allowable service as a full-time state Military Affairs

30.1 Department firefighter credited by the Minnesota State Retirement System may be used in
30.2 meeting the minimum allowable service requirement of this subdivision.

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

30.4 Sec. 22. Minnesota Statutes 2022, section 353.656, subdivision 3a, is amended to read:

30.5 Subd. 3a. **Total and permanent regular disability; computation of benefits.** (a) A
30.6 member of the police and fire plan, ~~other than~~ who (1) is not a firefighter covered by section
30.7 353.6511, or a police officer covered by section 353.6512, whose disabling (2) has a
30.8 condition is determined to be that meets the definition of a regular disability under section
30.9 353.01, subdivision 46, and that is also a total and permanent and total disability as defined
30.10 in under section 353.01, subdivision 19, and (3) has filed an application under section
30.11 353.031 that was approved by the executive director is entitled to receive, for life, a disability
30.12 benefit in an amount equal to 45 percent of the member's average salary as defined in under
30.13 section 353.01, subdivision 17a, plus an additional 3.0 percent of that average salary for
30.14 each year of service in excess of 15 years.

30.15 (b) A disability benefit payable under paragraph (a) is subject to eligibility review under
30.16 section 353.33, subdivision 6, but the review may be waived if the executive director receives
30.17 a written statement from the association's medical advisor that no improvement can be
30.18 expected in the member's disabling condition that was the basis for payment of the benefit
30.19 under paragraph (a). A member receiving a disability benefit under this subdivision who is
30.20 found to no longer be ~~permanently and totally disabled~~ have a total and permanent disability
30.21 as defined under section 353.01, subdivision 19, but continues to meet the definition for
30.22 receipt of have a regular disability as defined under section 353.01, subdivision 46, is subject
30.23 to subdivision 3 upon written notice from the association's medical advisor that the person
30.24 is no longer considered permanently and totally disabled has a total and permanent disability.

30.25 (c) A member approved for disability benefits under this subdivision may elect to receive
30.26 a normal disability benefit or an actuarial equivalent optional annuity. If the election of an
30.27 actuarial equivalent optional annuity is not made ~~at the time~~ by the date on which the member
30.28 is entitled to begin the total and permanent disability benefit accrues, an the election must
30.29 be made within 90 days before the member attains normal retirement age as defined in
30.30 section 353.01, subdivision 37, paragraph (b), or having collected, if later, the date on which
30.31 the member receives the 60th monthly payment of the disability benefits for 60 months,
30.32 whichever is later benefit. No surviving spouse benefits are payable if the member dies
30.33 during the period in which a normal ~~total and permanent~~ disability benefit is being paid. If
30.34 a member receiving disability benefits who has dependent children dies, subdivision 6a,

31.1 paragraph (c), applies. For the purpose of this subdivision, a "normal disability benefit" is
31.2 a monthly benefit payable for the life of the member.

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

31.4 Sec. 23. Minnesota Statutes 2022, section 353.656, subdivision 4, is amended to read:

31.5 Subd. 4. **Limitation on disability benefit payments.** (a) No member is entitled to
31.6 receive a disability benefit payment when there remains to the member's credit unused
31.7 annual leave, sick leave, or any other employer-provided salary continuation plan, or under
31.8 any other circumstances when, during the period of disability, there has been no impairment
31.9 of the person's salary as a police officer, a firefighter, or a paramedic as defined in section
31.10 353.64, subdivision 10, whichever applies.

31.11 (b) This paragraph applies to members who begin disability payments before August 1,
31.12 2023, and either are not required to reapply under section 353.031, subdivision 8, or have
31.13 not reached the end of one year or three years, as applicable, when reapplication under
31.14 section 353.031, subdivision 8, is required. If a disabled member resumes a gainful
31.15 occupation with earnings that, when added to the single life disability benefit, and workers'
31.16 compensation benefit if applicable, exceed the disability benefit recipient's reemployment
31.17 earnings limit, the amount of the disability benefit must be reduced during the months of
31.18 employment and receipt of workers' compensation benefits, if applicable, as provided in
31.19 this paragraph. The disability benefit recipient's reemployment earnings limit is the greater
31.20 of:

31.21 (1) the monthly salary earned at the date of disability², or

31.22 (2) 125 percent of the base monthly salary currently paid by the employing governmental
31.23 subdivision for similar positions.

31.24 ~~(e)~~ The disability benefit must be reduced by one dollar for each three dollars by which
31.25 the total amount of the current monthly disability benefit, any monthly workers' compensation
31.26 benefits if applicable, and actual monthly earnings exceed the greater disability benefit
31.27 recipient's reemployment earnings limit. In no event may the monthly disability benefit as
31.28 adjusted under this subdivision exceed the disability benefit originally allowed.

31.29 (c) This paragraph applies to members who begin disability payments or are required
31.30 to reapply under section 353.031, subdivision 8, on or after August 1, 2023. If a disabled
31.31 member resumes a gainful occupation with earnings, the amount of the member's disability
31.32 benefit must be reduced during the period of employment by the sum of (1) one dollar for
31.33 each dollar of reemployment earnings, but not more than an amount equal to the employee

32.1 contribution rate as defined under section 353.65, subdivision 2, multiplied by the average
32.2 salary used to determine the amount of the member's disability benefit, and (2) one dollar
32.3 for each dollar by which the sum of the current disability benefit plus actual monthly
32.4 reemployment earnings exceeds the base monthly salary currently paid by the employing
32.5 governmental subdivision for similar positions. The reduction must not exceed the amount
32.6 of the member's disability benefit.

32.7 **EFFECTIVE DATE.** This section is effective January 1, 2024.

32.8 Sec. 24. Minnesota Statutes 2022, section 353.656, subdivision 6a, is amended to read:

32.9 Subd. 6a. **Disability survivor benefits for ~~pre-July~~ members disabled before July 1,**
32.10 **2007, disabilitants.** (a) If a member who is receiving a disability benefit that was granted
32.11 under the laws in effect before July 1, 2007, dies before attaining normal retirement age as
32.12 defined under section 353.01, subdivision 37, paragraph (b), or within five years of the
32.13 effective date of the disability, whichever is later, the surviving spouse shall receive a
32.14 survivor benefit under section 353.657, subdivision 2, paragraph (a), clause (2); or 2a, unless
32.15 the surviving spouse elected to receive a refund under section 353.32, subdivision 1. The
32.16 joint and survivor optional annuity under subdivision 2a is based on the minimum disability
32.17 benefit under subdivision 1 or 3, or the deceased member's allowable service, whichever is
32.18 greater.

32.19 (b) If the disability benefit was granted under the laws in effect before July 1, 2007, and
32.20 the ~~disabilitant~~ disabled member is living at the age required for receipt of a retirement
32.21 annuity under section 353.651, subdivision 1, or five years after the effective date of the
32.22 disability, whichever is later, the disabled member may continue to receive a normal disability
32.23 benefit, or the member may elect a joint and survivor optional annuity under section 353.30.
32.24 The optional annuity is based on the minimum disability benefit under subdivision 1 or 3,
32.25 or the member's allowable service, whichever is greater. The election of this joint and
32.26 survivor annuity must occur within 90 days before attaining normal retirement age as defined
32.27 under section 353.01, subdivision 37, paragraph (b), or within 90 days before the five-year
32.28 anniversary of the effective date of the disability benefit, whichever is later. The optional
32.29 annuity takes effect the first of the month following the month in which the person attains
32.30 the age required for receipt of a retirement annuity under section 353.651, subdivision 1,
32.31 or reaches the five-year anniversary of the effective date of the disability benefit, whichever
32.32 is later.

33.1 (c) If any disabled member dies while receiving a benefit and has a dependent child or
33.2 children, the association shall grant a dependent child benefit under section 353.657,
33.3 subdivision 3.

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

33.5 Sec. 25. Minnesota Statutes 2022, section 353.656, subdivision 10, is amended to read:

33.6 Subd. 10. ~~Accrual of benefits~~ **Entitlement to receive a disability benefit.** (a) Except
33.7 for a total and permanent disability under subdivision 1a, a member is entitled to begin to
33.8 receive payment of a disability benefit ~~begins to accrue~~ when the ~~applicant~~ member is no
33.9 longer receiving any form of compensation, whether salary or paid leave 90 days preceding
33.10 the filing of an application; or, if annual or sick leave, or any other employer-paid salary
33.11 continuation plan is paid for more than the 90-day period, from the date on which the
33.12 payment of salary ceased, whichever is later. Except for a total and permanent disability
33.13 under subdivision 1a, no member is entitled to receive a disability benefit payment when
33.14 there remains to the member's credit any unused annual leave, sick leave, or any other
33.15 employer-paid salary continuation benefit, or under any other circumstances when, during
33.16 the period of disability, there has been no impairment of the person's salary.

33.17 (b) Payment of the disability benefit must not continue beyond the end of the month in
33.18 which entitlement has terminated. If the ~~disabled member~~ disabled member dies prior to negotiating
33.19 the check for the month in which death occurs, payment must be made to the surviving
33.20 spouse or, if none, to the designated beneficiary or, if none, to the estate.

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

33.22 Sec. 26. **[626.8478] WELLNESS TRAINING.**

33.23 **Subdivision 1. Learning objectives and training course.** (a) The board must create
33.24 learning objectives to prepare peace officers for the stressful and traumatic events that are
33.25 common to policing and teach officers methods to process and cope with the stress and
33.26 trauma inherent to policing. The learning objectives must be updated as the board considers
33.27 appropriate.

33.28 (b) The commissioner of public safety, in consultation with the board, must create a
33.29 training course that incorporates each of the learning objectives established by the board
33.30 under paragraph (a).

34.1 Subd. 2. **Preservice training required.** (a) The learning objectives developed pursuant
34.2 to subdivision 1 must be included in the required curriculum of a professional peace officer
34.3 education program.

34.4 (b) A person is not eligible to take the peace officer licensing examination after July 1,
34.5 2024, unless the individual has received the training described in paragraph (a).

34.6 Subd. 3. **In-service training required.** Beginning July 1, 2024, the chief law enforcement
34.7 officer of every state and local law enforcement agency shall provide in-service wellness
34.8 training to every peace officer and part-time peace officer employed by the agency. The
34.9 training must comply with the learning objectives developed and approved by the board
34.10 and must meet board requirements for board-approved continuing education credit. A peace
34.11 officer with a license renewal date after June 30, 2024, is not required to complete this
34.12 training until the officer's next full three-year licensing cycle.

34.13 Subd. 4. **Record keeping required.** The head of each local and state law enforcement
34.14 agency shall maintain written records of the agency's compliance with the requirements of
34.15 subdivision 3. The written records are subject to periodic review by the board and must be
34.16 made available to the board at its request.

34.17 Sec. 27. **APPROPRIATION.**

34.18 (a) \$..... in fiscal year 2024 and \$..... in fiscal year 2025 are appropriated from the
34.19 general fund for transfer to the psychological condition treatment account under Minnesota
34.20 Statutes, section 352B.103.

34.21 (b) \$..... in fiscal year 2024 and \$..... in fiscal year 2025 are appropriated from the
34.22 general fund for transfer to the psychological condition treatment account under Minnesota
34.23 Statutes, section 353.033.

34.24 Sec. 28. **REPEALER.**

34.25 Minnesota Statutes 2022, section 353.656, subdivisions 2 and 2a, are repealed.

34.26 **EFFECTIVE DATE.** This section is effective January 1, 2024.

353.656 DISABILITY BENEFITS.

Subd. 2. **Benefits paid under workers' compensation law.** (a) When the amount determined under paragraph (b) exceeds the equivalent salary determined under paragraph (c), the disability benefit amount must be reduced to that amount which, when added to the workers' compensation benefits, equals the equivalent salary.

(b) When a member receiving a disability benefit as specified in this section is also entitled to receive lump sum or periodic benefits under workers' compensation laws, the single life annuity actuarial equivalent disability benefit amount and the workers' compensation amount must be added. The computation must exclude any attorney fees paid by the disability benefit recipient as authorized under applicable workers' compensation laws. The computation must also exclude permanent partial disability payments provided under section 176.101, subdivision 2a, and retraining payments under section 176.102, subdivision 11, if the permanent partial disability or retraining payments are reported to the executive director in a manner specified by the executive director.

(c) The equivalent salary is the amount determined under clause (1) or (2), whichever is greater:

(1) the salary the disabled member received as of the date of the disability; or

(2) the salary currently payable for the same employment position or substantially similar positions in the applicable government subdivision.

Subd. 2a. **Reduction restored; overpayment.** A disabled member who is eligible to receive a disability benefit under subdivision 2 as of June 30, 1987, and whose disability benefit amount had been reduced prior to July 1, 1987, as a result of the receipt of workers' compensation benefits, must have the disability benefit payment amount restored, as of July 1, 1987, calculated in accordance with subdivision 2. However, a disabled member is not entitled to receive retroactive repayment of any disability benefit amounts lost before July 1, 1987, as a result of the reduction required before that date because of the receipt of workers' compensation benefits.

Any disability benefit overpayments made before July 1, 1987, and occurring because of the failure to reduce the disability benefit payment to the extent required because of the receipt of workers' compensation benefits, may be collected by the association through the reduction of disability benefit or annuity payment made on or after July 1, 1987, until the overpayment is fully recovered.