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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2604

03/03/2014 Authored by Murphy, M., by request

The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to human services; modifying coverage in the correctional employee
1.3 retirement plan for certain state employees employed by the state-operated
1.4 forensic services program; allowing certain employees of the Minnesota
1.5 Specialty Health System-Cambridge to remain in the correctional employee
1.6 retirement plan; amending Minnesota Statutes 2012, sections 352.90; 352.91,
1.7 subdivisions 1, 2, 3c, 3d, 3e, 3f, by adding a subdivision.

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

1.9 Section 1. Minnesota Statutes 2012, section 352.90, is amended to read:

1.10 **352.90 POLICY.**

1.11 It is the policy of the legislature to provide special retirement benefits for and special
1.12 contributions by certain correctional employees who may be required to retire at an early
1.13 age because they lose the mental or physical capacity required to maintain the safety,
1.14 security, discipline, and custody of inmates at state correctional facilities or; of patients
1.15 at in the state-operated forensic services program, which is comprised of the Minnesota
1.16 Security Hospital, the forensic nursing home, the forensic transition service, and the
1.17 competency restoration program; of patients in the Minnesota sex offender program; or of
1.18 patients in the Minnesota Specialty Health System-Cambridge.

1.19 Sec. 2. Minnesota Statutes 2012, section 352.91, subdivision 1, is amended to read:

1.20 Subdivision 1. **Qualifying jobs.** "Covered correctional service" means service
1.21 performed by a state employee, as defined in section 352.01, employed at a state
1.22 correctional facility, the ~~Minnesota Security Hospital~~ state-operated forensic services
1.23 program, or the Minnesota sex offender program as:

1.24 (1) a corrections officer 1;

- 2.1 (2) a corrections officer 2;
- 2.2 (3) a corrections officer 3;
- 2.3 (4) a corrections officer supervisor;
- 2.4 (5) a corrections lieutenant;
- 2.5 (6) a corrections captain;
- 2.6 (7) a security counselor;
- 2.7 (8) a security counselor lead; or
- 2.8 (9) a corrections canine officer.

2.9 Sec. 3. Minnesota Statutes 2012, section 352.91, subdivision 2, is amended to read:

2.10 Subd. 2. **Maintenance, correctional industry, and trades.** "Covered correctional
 2.11 service" also means service rendered at any time by state employees as maintenance
 2.12 personnel, correctional industry personnel, or members of trades certified by the
 2.13 commissioner of management and budget to the executive director as being engaged for at
 2.14 least 75 percent of the employee's working time in the rehabilitation, treatment, custody,
 2.15 or supervision of inmates at a Minnesota correctional facility, or of patients ~~at~~ in the
 2.16 ~~Minnesota Security Hospital~~ state-operated forensic services program or the Minnesota
 2.17 sex offender program.

2.18 Sec. 4. Minnesota Statutes 2012, section 352.91, subdivision 3c, is amended to read:

2.19 Subd. 3c. **Nursing personnel.** (a) "Covered correctional service" means service
 2.20 by a state employee in one of the employment positions at a correctional facility ~~or at~~
 2.21 in the Minnesota Security Hospital state-operated forensic services program, or in the
 2.22 Minnesota sex offender program that are specified in paragraph (b) if at least 75 percent of
 2.23 the employee's working time is spent in direct contact with inmates or patients and the fact
 2.24 of this direct contact is certified to the executive director by the appropriate commissioner.

2.25 (b) The employment positions are as follows:

- 2.26 (1) registered nurse - senior;
- 2.27 (2) registered nurse;
- 2.28 (3) registered nurse - principal;
- 2.29 (4) licensed practical nurse 2;
- 2.30 (5) registered nurse advance practice; and
- 2.31 (6) psychiatric advance practice registered nurse.

2.32 Sec. 5. Minnesota Statutes 2012, section 352.91, subdivision 3d, is amended to read:

3.1 Subd. 3d. **Other correctional personnel.** (a) "Covered correctional service"
3.2 means service by a state employee in one of the employment positions at a correctional
3.3 facility or at in the Minnesota Security Hospital state-operated forensic services program
3.4 specified in paragraph (b) if at least 75 percent of the employee's working time is spent
3.5 in direct contact with inmates or patients and the fact of this direct contact is certified to
3.6 the executive director by the appropriate commissioner.

3.7 (b) The employment positions are:

3.8 (1) automotive mechanic;

3.9 (2) baker;

3.10 (3) central services administrative specialist, intermediate;

3.11 (4) central services administrative specialist, principal;

3.12 (5) chaplain;

3.13 (6) chief cook;

3.14 (7) clinical program therapist 1;

3.15 (8) clinical program therapist 2;

3.16 (9) clinical program therapist 3;

3.17 (10) clinical program therapist 4;

3.18 (11) cook;

3.19 (12) cook coordinator;

3.20 (13) corrections inmate program coordinator;

3.21 (14) corrections transitions program coordinator;

3.22 (15) corrections security caseworker;

3.23 (16) corrections security caseworker career;

3.24 (17) corrections teaching assistant;

3.25 (18) delivery van driver;

3.26 (19) dentist;

3.27 (20) electrician supervisor;

3.28 (21) general maintenance worker lead;

3.29 (22) general repair worker;

3.30 (23) library/information research services specialist;

3.31 (24) library/information research services specialist senior;

3.32 (25) library technician;

3.33 (26) painter lead;

3.34 (27) plant maintenance engineer lead;

3.35 (28) plumber supervisor;

3.36 (29) psychologist 1;

- 4.1 (30) psychologist 3;
- 4.2 (31) recreation therapist;
- 4.3 (32) recreation therapist coordinator;
- 4.4 (33) recreation program assistant;
- 4.5 (34) recreation therapist senior;
- 4.6 (35) sports medicine specialist;
- 4.7 (36) work therapy assistant;
- 4.8 (37) work therapy program coordinator; and
- 4.9 (38) work therapy technician.

4.10 Sec. 6. Minnesota Statutes 2012, section 352.91, subdivision 3e, is amended to read:

4.11 Subd. 3e. **Minnesota Specialty Health System-Cambridge.** (a) "Covered
 4.12 correctional service" means service by a state employee in one of the employment positions
 4.13 with the Minnesota Specialty Health System-Cambridge specified in paragraph (b) if at
 4.14 least 75 percent of the employee's working time is spent in direct contact with patients
 4.15 who are in the Minnesota Specialty Health System-Cambridge and if service in such a
 4.16 position is certified to the executive director by the commissioner of human services.

4.17 (b) The employment positions are:

- 4.18 (1) behavior analyst 1;
- 4.19 (2) behavior analyst 2;
- 4.20 (3) behavior analyst 3;
- 4.21 (4) group supervisor;
- 4.22 (5) group supervisor assistant;
- 4.23 (6) human services support specialist;
- 4.24 (7) residential program lead;
- 4.25 (8) psychologist 2;
- 4.26 (9) recreation program assistant;
- 4.27 (10) recreation therapist senior;
- 4.28 (11) registered nurse senior;
- 4.29 (12) skills development specialist;
- 4.30 (13) social worker senior;
- 4.31 (14) social worker specialist; and
- 4.32 (15) speech pathology specialist.

4.33 (c) A Department of Human Services employee who was employed at the Minnesota
 4.34 Specialty Health System-Cambridge immediately preceding the 2014 conversion to the
 4.35 community-based homes and was in covered correctional service at the time of the

5.1 transition shall continue to be covered by the correctional employee retirement plan while
 5.2 employed and without a break in service with the Department of Human Services in the
 5.3 direct care and treatment services administration.

5.4 Sec. 7. Minnesota Statutes 2012, section 352.91, subdivision 3f, is amended to read:

5.5 Subd. 3f. **Additional Department of Human Services personnel.** (a) "Covered
 5.6 correctional service" means service by a state employee in one of the employment
 5.7 positions specified in paragraph (b) ~~at in the Minnesota Security Hospital state-operated~~
 5.8 forensic services program or ~~in the~~ Minnesota sex offender program if at least 75
 5.9 percent of the employee's working time is spent in direct contact with patients and
 5.10 the determination of this direct contact is certified to the executive director by the
 5.11 commissioner of human services.

5.12 (b) The employment positions are:

- 5.13 (1) behavior analyst 2;
- 5.14 (2) behavior analyst 3;
- 5.15 (3) certified occupational therapy assistant 1;
- 5.16 (4) certified occupational therapy assistant 2;
- 5.17 (5) chemical dependency counselor senior;
- 5.18 (6) client advocate;
- 5.19 (7) clinical program therapist 2;
- 5.20 ~~(7)~~ (8) clinical program therapist 3;
- 5.21 ~~(8)~~ (9) clinical program therapist 4;
- 5.22 ~~(9)~~ (10) customer services specialist principal;
- 5.23 ~~(10)~~ (11) dental assistant registered;
- 5.24 ~~(11)~~ (12) group supervisor;
- 5.25 ~~(12)~~ (13) group supervisor assistant;
- 5.26 ~~(13)~~ (14) human services support specialist;
- 5.27 ~~(14)~~ (15) licensed alcohol and drug counselor;
- 5.28 ~~(15)~~ (16) licensed practical nurse 1;
- 5.29 ~~(16)~~ (17) management analyst 3;
- 5.30 ~~(17)~~ (18) occupational therapist;
- 5.31 ~~(18)~~ (19) occupational therapist, senior;
- 5.32 ~~(19)~~ (20) psychologist 1;
- 5.33 ~~(20)~~ (21) psychologist 2;
- 5.34 ~~(21)~~ (22) psychologist 3;
- 5.35 ~~(22)~~ (23) recreation program assistant;

- 6.1 ~~(23)~~ (24) recreation therapist lead;
- 6.2 ~~(24)~~ (25) recreation therapist senior;
- 6.3 ~~(25)~~ (26) rehabilitation counselor senior;
- 6.4 ~~(26)~~ (27) security supervisor;
- 6.5 ~~(27)~~ (28) skills development specialist;
- 6.6 ~~(28)~~ (29) social worker senior;
- 6.7 ~~(29)~~ (30) social worker specialist;
- 6.8 ~~(30)~~ (31) social worker specialist, senior;
- 6.9 ~~(31)~~ (32) special education program assistant;
- 6.10 ~~(32)~~ (33) speech pathology clinician;
- 6.11 ~~(33)~~ (34) work therapy assistant; and
- 6.12 ~~(34)~~ (35) work therapy program coordinator.

6.13 Sec. 8. Minnesota Statutes 2012, section 352.91, is amended by adding a subdivision
6.14 to read:

6.15 Subd. 3j. **State-operated forensic services program.** For purposes of this section,
6.16 "state-operated forensic services program" means the Minnesota Security Hospital, the
6.17 forensic nursing home, the forensic transition service, and the competency restoration
6.18 program.