



Law Enforcement Labor Services, Inc.

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March 23, 2023

To: Senator John Marty, Chair – Senate Finance Committee
Senator Frentz, Vice Chair – Senate Finance Committee

Re: Opposition to SF1959

Dear Senator Marty, Senator Frentz, and Committee Members:

Law Enforcement Labor Services (LELS) is Minnesota's largest public safety labor union representing 7,000+ members in police, fire, 911 dispatchers, corrections, and public safety support staff throughout the state. LELS has been an original "stakeholder" member on forming HF1234/SF1959 for over two years.

There have been many legislators that have testified in various committees who have stated numerous times that all of "Labor" is on board with this bill. I would like to advise you that LELS does not fully support HF1234/SF1959 in its current form. As all of you are aware, this is a **very** complicated bill that has many positive provisions, but the bill also contains several negative provisions that can only be described as punitive to our men and women who were injured (physically and/or mentally) in the line of duty doing their jobs as a public safety worker.

Provisions of the bill that LELS Supports:

- 24-32 Weeks of off the job treatment for Mental Health injuries.
- Reimbursement to Employer for Employees wages and benefits while seeking treatment.
- Employer mandated wellness training in order to receive reimbursement.
- Protections of private data obtained from Employees while they go through treatment.
- 99% vs 60% tax free pension payments to those that are permanent and totally disabled.
- MS 299A Continued Healthcare costs shifted from Employer to State of MN.

Provisions of the bill that LELS Opposes:

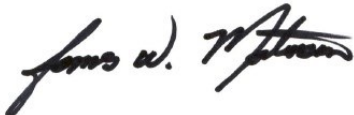
- PERA Offset #1 and #2 as written. These proposed pension penalties are punitive as they are written and could bankrupt some duty disabled PERA members or force them to quite their reemployment jobs because they would literally be working for free. There have been options provided to the legislature that can and will work and would assist to make the police and fire fund healthy. These suggestions have been silenced and have not been allowed to be part of any legitimate discussions on improving this bill.
- Retroactive PERA penalties. Our current duty-disabled pension members retired under a certain set of rules and now those rules are being changed on them after the fact. Their household finances have been set up under these rules and now they are being drastically changed.
- The "Burden of Proof" is shifted to Employee vs PERA if pension eligibility is contested by PERA. The courts have already ruled that the burden of proof is on PERA and not the Employee.
- One-time funding source (\$104 million dollars). During our stakeholders meetings, we were advised that this would be continuous funding and somewhere along the lines it was changed to one-time funding. It is projected that this funding will only last for 2-3 years. In the event that

state government is in a budget deficit in the next 2-3 years, it is highly unlikely that additional funding will be provided to pay for everything, and those costs will be shifted back to the Employer, but only this time they will be responsible to pay for continued healthcare benefits as well as treatment for 24-32 weeks. There is no funding in the tails for this bill, which has been brought forth as a problem in several committee hearings already.

- Prohibiting Employees to negotiate MS 299A continued healthcare benefit settlements when the Employer appeals those benefits, but not providing a provision that prohibits the Employers to file an appeal. This literally forces the Employee to litigate those benefits every time (\$20-30K), with those costs being borne by the Employee for the litigation out of their own pockets. The only option left by the Employee would be to walk away once the appeal is filed by the Employer. This can only be described as a punitive change to the Employee, which is specifically designed to make them walk away from their continued healthcare benefits (which they have a right to under MS 299A).

There are too many items in this bill that have been identified as major issues that have been sent to the “parking lot” to be dealt with at a later date and time by the legislature. As we all know, sometimes nobody ever goes to the parking lot to fix these issues, no matter how many promises were made by legislators to deal with them in a different legislative session. We can and should do better with this bill before the session ends, and there is still time to do so. Don’t we owe it to our brave men and women in public safety to get this right?

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jim W. Mortenson". The signature is fluid and cursive, with a large initial "J" and "M".

Jim Mortenson
Executive Director
Law Enforcement Labor Services