

MINNESOTA DUTY DISABILITY ASSOCIATION



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:

The Minnesota Duty Disability Association (MNDDA) represents over 800 duty-disabled firefighters, police officers, corrections officers, and medics who became direct targets SF 1959/HF 1234 just over seven weeks ago. These are disabled first responders who had their careers tragically ended because they obtained cancer, were shot, stabbed, assaulted, burned, bit, infected, and were traumatized.

This legislation began two years ago with the intent of providing mental health treatment for first responders and funding to local government to provide health insurance for those that are duty-disabled.

Only after it was heard in its first committee this session, this legislation was amended into a very complex bill that aims to drastically alter disability processes and benefits for first responders, resulting in extreme consequences for their personal, professional, and financial lives. In a show of how politically opportunistic, one-sided, and vengeful this legislation is, such drastic and punitive changes to current law are being rushed through without due consideration while sacrificing disabled first responders who were not adequately represented and were intentionally left out as stakeholders in the process.

MNDDA Opposes:

- PERA Offset #1 and #2 as written.

PERA and bill sponsors have acknowledged that these offsets do nothing, and are not intended, to improve the PERA Police & Fire pension fund.

There are already reasonable offsets in place for those with reemployment income, which saves the fund money. The proposed penalties for those disabled members with any reemployment income are punitive and rooted in an “apples to oranges” comparison of active and duty-disabled members. These provisions will result in extreme financial duress, potentially bankrupting some and incentivizing others to quit their reemployment jobs because they’d be making the same without the job. This would have the unintended consequence of members now drawing a full pension and thus

MINNESOTA DUTY DISABILITY ASSOCIATION



costing the fund more money. PERA itself has proposed far less punitive offsets but were dismissed by vindictive stakeholders.

- Retroactive PERA penalties.

Duty-disabled pension members retired under a certain set of rules. Their household finances have been set up under these rules and now they are being drastically changed. The Minnesota Supreme Court established long ago via principles of promissory estoppel that accrued pension benefits cannot be retroactively changed. See Christensen v. Minneapolis Municipal Retirement Board (1983).

- 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.

- Prohibiting Employees to negotiate MS 299A continued healthcare benefit settlements were just added last week. This is another punitive provision and demonstrates that this legislation is rooted in one-sided political opportunism and vengeance rather than a fair and deliberative analysis.

Rather than focusing on the mental health treatment that is needed to shift the culture of stigma in the first responder community, this bill has become a conduit for that same stigma. Tying extreme and unfair disability pension changes to the years of work that were done to address mental health issues has allowed this bill to become disingenuous, discriminatory, disingenuous, unsound.

The Senate has an opportunity before this session ends to address the myriad practical and legal problems with this bill.

Sincerely,

Chuck Gollop
President
Minnesota Duty Disabled Association