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**Mandated Study of Retirement Coverage
For
Post-Sentencing Officers**

**Prepared by the
Correctional Coverage Advisory Committee**

**As Directed by the
Legislative Commission on Pensions and Retirement**

February 28, 2003

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PREFACE

Study Mandate

At the July 30, 2002, meeting of the Legislative Commission on Pensions and Retirement (LCPR), pension commission staff introduced an amendment (LCPR02-083) for second consideration. The amendment mandated an interim study on the appropriate retirement coverage for emergency dispatchers and for post-sentencing officers. The amendment directed the LCPR to accomplish the following tasks:

- Identify the various public employees that fall within the emergency dispatcher and post-sentencing officer job classifications;
- Identify pension and other public policy issues related to the transfer of retirement coverage for these identified employees;
- Prepare an actuarial cost estimate of any potential retirement coverage transfers;
- Appoint an advisory task force to assist the LCPR in conducting the study; and
- File a report on or before February 28, 2003 with the Chairs of specified legislative committees.

Senator Dean Johnson addressed the task of establishing an advisory task force at the July 30th LCPR meeting. The amendment established a basic format for the advisory task force membership--22 members from a variety of employee and employer groups with a vested interest in the retirement coverage of the two job classes at issue. The LCPR decided it was best to downsize the taskforce. The LCPR suggested that a taskforce of half the suggested size would suffice. David Bergstrom, Executive Director of the Minnesota State Retirement System, was identified as the Chair of the newly established advisory task force and as such, was asked to set a meeting and establish membership of the task force and report back to the LCPR on August 29, 2002. The LCPR also nominated Senator Don Betzold as the liaison between the LCPR and the advisory task force. In his capacity as liaison, Senator Betzold attended advisory task force meetings and received all correspondence and research that was developed throughout the study process.

The first task force meeting was held on August 15, 2002. Meeting attendees established the formal membership of the advisory task force with the understanding that all meetings were open to the public and input from interested parties was welcome. Basically, the LCPR amendment identified eleven groups that would be represented via an appointment on the advisory task force. The eleven groups identified as having a vested interest in the study are identified below:

The Minnesota State Retirement System
The Public Employees Retirement Association
State Emergency Dispatchers
City and County Emergency Dispatchers
State Post-Sentencing Officers
County Post-Sentencing Officers (union)
County Post-Sentencing Officers (non-union)
County Officials
City Officials
Commissioner of Corrections
Chief of State Patrol

Task Force Membership

David Bergstrom, Minnesota State Retirement System
Mary Vanek, Public Employees Retirement Association

Rick Juth, State Patrol and President of the Minnesota Chapter of the Association of Public Safety Communications Officials International
Bob Johnson, Teamsters 320
Brian Bergson, MAPE
Chris Cowen, AFSCME
Lana Bjorgum, Minnesota Association of County Probation Officers
Keith Carlson, Metropolitan Inter-County Association
Gary Carlson, League of Minnesota Cities
Ruth Dahl, Department of Corrections
Michele Tuchner, State Patrol Designee

Ancillary Members

Terryl Arola, Pine County Court Services
Mary Jo Balzart, Hennepin County 911 Communicator
Julie Bleyhl, AFSCME
Diana Borash, Association of Public-Safety Communications Officials
Ed Burek, Legislative Commission on Pensions and Retirement
Paul Cegla, Hennepin County
Henry Erdman, Teamsters
Cathy Fah, Department of Corrections
Anne Finn, League of Minnesota Cities
Patrick Guernsey, AFSCME Local 552
Bob Haag, MAPE
Steven Johnson, State Patrol
Mary Ann Mowatt, Minnesota Corrections Association
Jim Mulder, Association of Minnesota Counties
Sherry Munyon, Minnesota Association of County Probation Officers
Randy Nelson, Department of Corrections
Chuck Ness, Department of Corrections
Tom Peltier, Minnesota Association of County Probation Officers
Tom Perkins, Teamsters
Bob Peterson, Washington County Bailiffs
Cal Saari, Public Employees Pension Services Association
Robert Sutter, Department of Corrections
Daniel Wells, CEO, Law Enforcement Labor Services
Curt Yoakum, Association of Minnesota Counties

CORRECTIONAL PLAN HISTORY

A. MINNESOTA STATE RETIREMENT SYSTEM

Background

The MSRS Correctional Plan was established under Minnesota Laws of 1973, effective on July 1, 1973. The stated policy of the legislature in establishing the plan was to "provide special retirement benefits and contributions for certain correctional employees who, because of the nature of their employment, are required to retire at an early age...." (Chapter 352.90).

The first covered classifications were attendant guard, attendant guard supervisor, correctional captain, correctional counselor I, II, III, IV, correctional lieutenant, correctional officer, correctional sergeant, director of attendant guards, guard farmer garden and any former service prior to July 1, 1973 in classifications of houseparent, guard instructor, guard farmer dairy, license plant manager, prison industry foreman (general, metal fabricating, foundry), prison industry supervisor, food service manager, prison farm supervisor, prison farmer assistant supervisor, rehabilitation therapist (employed at the Minnesota State Security Hospital-St. Peter).

Additional classifications were added via law changes in 1974, 1990, 1996, 1999 and 2000. These various laws allowed for election to the Plan and purchase of past service in the newly covered classifications.

Eligibility to the Correctional Plan has been determined by adding positions specifically in legislation, or under an appeal process offered in statute from 1980 until it was repealed in 2000. Since this process was repealed, all added positions must be done by statute.

In 1996, many new positions were added. The additional positions were determined by the Department of Corrections, Department of Human Services and the Department of Employee Relations and generally require 75 percent inmate or patient contact.

Benefits

Retirement annuities for covered Correctional Plan service are computed using a 2.4 percent accrual rate per year (compared to 1.7 percent for the General Plan). The normal retirement age is 55 (compared to 65 for the General Plan). Under the Correctional Plan, retirement may occur as early as age 50, with 3 or more years of service (compared to age 55 for the General Plan). The amount of the annuity is reduced 2.4 percent annually for each year a person retires under age 55 (for example, an employee retiring at age 53 would have benefits reduced by 4.8 percent).

The definition of disability under the Correctional Plan is different than the definition of disability under the General Plan. Members are deemed disabled under the Correctional Plan if they are unable to perform their job. Members covered by the Correctional Plan are eligible for disability benefits, regardless of length of service, if the member was injured on the job. In order to qualify for a disability benefit under the General Plan, the member must have three years of service and the disability must be deemed "total and permanent" and result in the inability to perform in any job. The minimum job-related disability benefit under the Correctional Plan is equal to 50 percent of a member's high-five salary average if the member has less than 20 years and 10 months of allowable service. After 20 years and 10 months, the member earns another 2.4 percent for each year of service. In order to receive a non-duty

related disability (unable to perform job), a member must have at least one year of service. If a member qualifies for a non-duty related benefit, the member is entitled to receive 2.4 percent of his/her high-five salary average if the member has 15 or more years of service. If the member has fewer than 15 years of service, he/she are entitled to 36 percent of his/her high-five salary average.

Contributions

A comparison of current Correctional Plan contributions with those of the General Plan is provided below (both plans also require a 7.65 percent Social Security and Medicare contribution by both the employee and employer):

	Employee Contribution % of salary	Employer Contribution % of salary
Correctional Plan	5.69%	7.98%
General Plan	4.00%	4.00%

B. PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

Background

The Local Government Correctional Employee Plan was originally established in 1987. The 1987 Plan was available to essential correctional facility staff employed by Hennepin County, Ramsey County, Dakota County, Washington County, or by a joint-powers correctional agency in which St. Louis County or its municipalities participated, if the employer elected to adopt the Plan. The benefits of this plan were modeled after the Minnesota State Retirement System's Correctional Plan. Due to the cost of the Plan (the employee and employer would each contribute 7.5 percent of salary), none of the eligible employers opted to participate in the Plan. The law authorizing the Plan was repealed in 1997.

In 1998, special duty disability coverage was extended to eligible local government correctional employees. Eligibility was limited to essential employees under the Public Employees Labor Relations Act (PELRA) working at a county-administered or regional jail or correctional facility who spend "at least 75 percent of work time in direct contact with confined persons".

In 1999, after a LCPR interim study, and following considerable deliberation and controversy, the Commission recommended and the Legislature enacted a second PERA Local Government Correctional Employees Retirement Plan. The plan was developed in response to public demands for improved retirement coverage beyond the PERA Coordinated Plan and beyond the 1998 special local government correctional duty disability coverage. The plan initially applied to local government employees working in a county-administered jail or correctional facility and who were certified by their employer to have 95 percent inmate contact.

In 2000, the Correctional Plan requirements were further refined, at the request of counties. The revision replaced the 95 percent inmate contact definition with the following requirement:

- Employed in a county correctional institution as a correctional guard or officer, joint jailer/dispatcher or supervisor of correctional guards or officers or of joint jailers/dispatchers;
- Directly responsible for security, custody and control of a correctional institution and its inmates; and

- Expected to respond to institutional incidents as part of regular employment duties and specifically trained to make such a response

Benefits

Retirement annuities for covered Correctional Plan service are computed using a 1.9 percent accrual rate per year (compared to 1.7 percent for the Coordinated Plan). The normal retirement age is 55 (compared to 65 for the Coordinated Plan). Under the Correctional Plan retirement may occur as early as age 50, with an actuarial reduction (compared to age 55 for the Coordinated Plan). Disability benefits under the Correctional Plan are calculated like a normal annuity; however, unlike the Coordinated Plan, there is a minimum duty-related disability benefit based upon 25 years of service and a minimum non duty-related disability benefit based on 10 years of service.

Contributions

A comparison of current Correctional Plan contributions with those of the Coordinated Plan is provided below (both plans also require a 7.65 percent Social Security and Medicare contribution by both the employee and employer):

	Employee Contribution % of salary	Employer Contribution % of salary
Correctional Plan	5.83%	8.75%
Coordinated Plan	4.75%	5.18%

SUMMARY OF MSRS' AND PERA'S ENHANCED PLANS

Summary of Plans			
	MSRS Correctional Plan	MSRS Fire Marshal Plan	PERA Correctional Plan
Employee Contributions	5.69%	6.78%	5.83%
Employer Contributions	7.98%	8.20%	8.75%
Full Retirement Age	55	55	55
Earliest Retirement Age	50	55	50
Early Retirement Reduction	2.4% for each year under age 55	N/A	Actuarial for each year under age 55
Formula Multiplier	2.4%	2.0%	1.9%
Disability Definition	Unable to perform job duties	Unable to perform job duties	Unable to perform job duties
Disability Calculation			
• Job-Related	50% minimum	40% minimum	47.5% minimum
• Non Job-Related	36% minimum	30% minimum	19% minimum

CORRECTIONAL TASK FORCE STUDY ENHANCED BENEFITS FOR POST-SENTENCING OFFICERS

Executive Summary

The Legislative Commission on Pensions and Retirement established a task force to gather information regarding covering the post-sentencing officers under the Minnesota State Retirement System or the Public Employee Retirement Association Correctional Plans. As expected, the employee representatives are interested in allowing the PSOs into the Correctional Plan and the employer representative opposes inclusion. The Correctional Task Force Report is attached and this cover page serves as an Executive Summary of the report.

<u>ARGUMENTS SUPPORTING</u>	<u>ARGUMENTS AGAINST</u>
<p>PSOs work with criminals who are on probation and are subject to dangerous situations.</p> <p>The stress levels of increased workloads suggest enhanced retirement coverage.</p> <p>Several states have recognized the dangers and stress of PSOs and have provided enhanced retirement benefits.</p>	<p>Workers Compensation claims do not support the need for additional coverage.</p> <p>Cities, counties and the state cannot afford the increased contributions required under the enhanced program.</p> <p>Many different groups can make arguments for enhanced retirement benefits due to stress, danger and increasing workloads and other groups will be asking for enhanced benefits.</p>

While clearly there is no consensus that PSOs should be covered by the Correctional Plan, the task force did reach some agreements if the Legislature and Governor agree enhanced retirement coverage is appropriate.

- 1) A new retirement plan should be created for PSOs, with state PSOs paying into a plan established under MSRS and city and county PSOs paying into a plan established under PERA. The two plans would provide the same benefit levels.
- 2) The normal retirement age should be age 55 and the retirement formula should be between 1.7 percent and 1.9 percent.
- 3) The plan should not provide enhanced non job-related disability benefits, but no consensus could be reached on job-related disability coverage.
- 4) The enhanced plan should cover prospective service only and past service will remain in the PERA Coordinated Plan or the MSRS General Employees Retirement Plan.
- 5) Coverage should only be extended to employees who meet a pre-determined percentage of time working with criminals on probation.
- 6) Coverage would be extended to part-time employees if they meet the requirements under item 5 listed above.
- 7) Coverage would be mandated for all employees and there would not be an option to remain in the existing plans.

POST- SENTENCING OFFICERS (PSO)

I. INTRODUCTION

The Legislative Commission on Pensions and Retirement (LCPR) mandated a study to determine whether Post-Sentencing Officers (PSOs) throughout the State of Minnesota should be eligible to become members of the Public Employees Retirement Association (PERA) or the Minnesota State Retirement System's (MSRS) Correctional Plans. This report is a compilation of information collected from position papers submitted by various employee and employer groups represented by the following organizations: The Minnesota Department of Corrections, The League of Minnesota Cities, Metropolitan Inter-County Association, AFSCME, MAPE, TEAMSTERS and the Minnesota Association of County Probation Officers. The Advisory Task Force Study also incorporates into this study input received from interested correctional employees and other groups that took the opportunity to submit e-mails or provided oral testimony at the advisory committee meetings.

Definitions

Probation - Probation is a court-order through which an offender is placed under the control, supervision and care of a probation field staff member in lieu of imprisonment, so long as the probationer meets certain standards of conduct.

Parole - Parole refers to the term of supervision that occurs once offenders are conditionally released to the community after serving a prison term. Parolees are subject to being returned to jail or prison for rule violations or other offenses.¹

II. EMPLOYEE ISSUES

PSOs provide an essential component in public safety where nationwide 3.9 million people are on probation and parole which is three times the number of people that are behind bars. In Minnesota we have 130,000 people on probation. PSO's workloads have been escalating for the past twenty years and the trend is expected to continue. See caseload statistics at Attachment 1.

75 percent of most agents' work time is related to the supervision of offenders and the offenders are increasingly more violent and many are deemed to be high-risk to the public. (See Attachment 2: MAPE Submission and Attachment 2A: Excerpts of Letters Submitted by PSOs).²

Union groups and PSO trade associations agree that PSOs should be included in the Correctional Plan for the following reasons:

1. Ongoing exposure to physical danger;
2. The long-term affect of the growing stress levels; and
3. Other states have recognized the need to provide enhanced benefits to their PSO.

¹ Definitions of Probation and Parole taken from the American Probation and Parole Association's Answers to Frequently Asked Questions.

² The task force received numerous testimonials from PSOs and their representatives. If you are interested in reviewing these submissions, please see Attachment 6, "List of Resources" for directions on how to request copies of materials submitted.

Supporting Information Regarding #1

Exposure to Physical Danger. For PSOs, their duties have similarities to both police officers and corrections officers. Without intending to take anything away from police officers and corrections officers, some comparing and contrasting is in order:

Like police officers, PSOs deal with criminals out in the community. The clientele and circumstances often times are very dangerous. Like police officers, PSOs can find themselves in harms way and many times they must employ mediation and control skills to defuse volatile situations. Issuing arrest warrants and conducting searches of individuals and premises are all part of the job. PSOs do have the power to detain probation violators but cannot carry weapons.

Like corrections officers, PSOs deal with convicts who may be easily provoked. One of the big differences between PSOs and corrections officers is that PSOs are not dealing with convicts inside prison walls where back-up officers are far more readily available. In fact, PSOs are often in situations where there is no realistic back-up option available.

AFSCME Local 552, which represents approximately 330 probation and parole officers in Hennepin County, successfully negotiated the establishment of safety procedures and equipment for Hennepin County's PSOs in 1999. Standard Operating Procedure (SOP) 4-9 authorizes PSOs to possess chemical agents such as pepper spray. SOP 4-9-A authorizes PSOs to have handcuffs. SOP 4-9-B authorizes PSOs to wear bullet resistant vests. PSOs in certain specialized units have access to police radios, computerized communication devices and vehicles which are caged for transporting offenders to jail.

Supporting Information Regarding #2

Stress Can Take a Toll. In virtually every state, elected officials have wisely recognized the need for early retirement options for those individuals whose jobs are dangerously demanding; police officers and corrections officers are among them. Some states have also included PSOs. Other states have come to realize that when PSOs are indeed exposed to danger, they should be able to have a full retirement earlier than general pension plan participants.

Supporting Information Regarding #3

What Other States are Doing. Comparisons can be tricky, but some things are clear. Certainly, there are no states where PSOs have a pension plan that is worse than the General Plan. There are states where the PSOs in the General Plan get special consideration within the General Plan through early retirement or increased multipliers. There are some states that allow PSOs in correction-type plans. We need to take a look at what other states are doing for their PSOs relative to their own general plans and relative to Minnesota's General Plan. See NASRA Survey at Attachment 3 and PSO State Retirement Comparisons at Attachment 4.

III. EMPLOYER ISSUES

Cost Impact

Counties. Currently each employee covered under the Correctional Plan costs \$1,025 a year more than each employee covered by the Coordinated Plan. The Metropolitan Inter-County Association (MICA) estimates that the cost for expanding membership of the local correctional plan to PSOs would likely be in excess of \$2 million annually. Hennepin County alone estimates that extending correctional plan coverage to PSOs will cost the county \$740,000 per year. The MICA contends that counties would have no choice but to increase property taxes in order to cover the cost incurred due to the correctional coverage expansion.

State. Expanding coverage of the local correctional plan to PSOs would increase state costs for two reasons:

- 1) Employer contributions for state probation officers covered under the Correctional Plan are higher than the contribution rate they currently pay. If early retirement benefits are extended to these state employees, the state would directly bear the cost.
- 2) Currently, the state directly reimburses county probation officers or CPO counties for 50 percent of their probation officers' compensation. Under this arrangement, the state would pay for 50 percent of the increased pension costs for these employees. Estimated annual costs to the state for the increased county probation officer subsidy is \$125,000 per year.

Minnesota Department of Corrections (DOC). The Department of Corrections has approximately 217 PSOs. Expanding the eligibility of this class into the Correctional Plan would impact the department budget due to the increased employer costs for retirement contributions that are almost twice the cost of the General Plan employer contributions. Currently the General Plan mandates a 4 percent employer contribution while the Correctional Plan mandates a 7.98 percent employer contribution.

The total annual cost to the Department of Corrections to support the higher contribution would be about \$400,000. Also of concern is that the DOC is bound by bargaining agreements to provide 10-15 years of health insurance coverage if retirement occurs between age 50 and 55. Health care costs are on the rise; this year the state predicts a 16 percent cost increase in providing health care coverage. Many employees covered by the MSRS Correctional Plan are also eligible for paid health insurance until age 65. The annual cost for each employee receiving insurance ranges from \$3,649.92 to \$10,722.28. The monthly cost is \$306.16 for a single retiree. The monthly addition for spouse and dependent coverage is \$590.28. These rates are for early retirees and spouses under the age of 65 regardless of insurance carrier.

Expansion Issues

Counties: The counties argue that there is little truth to the suggestion that PSOs are like corrections officers (or police or fireman) and thus are deserving of similar early retirement benefits. Furthermore, the facts do not support the suggestion that probation officers suffer job-related injuries or illnesses at anything close to the rate of corrections officers, further undermining the rationale for early retirement benefits for probation officers. If proponents are just suggesting that job-related stress alone is the reason for extending early retirement benefits to PSOs, one would expect substantial worker's compensation claims for those job classes. Instead, the available claims data suggests that when compared to correction officers they suffer neither similar stress or job-related illness or injury. (See Attachment 5: Workers' Compensation Claim Statistics).

Counties, like the Department of Corrections, have had no issues related to recruitment and filling of vacancies without an enhanced benefit. Counties are concerned that as we enter into an era of labor shortages, we should not be making the situation worse by encouraging the early retirement of experienced, productive PSOs or employees in general.

Minnesota Department of Corrections (DOC). The DOC's position is that enhanced retirement benefit packages for employees have historically been established for those employees in positions for which data supports a shorter life expectancy due to the stress and physical employment conditions. With this premise, the enhanced retirement benefit has primarily been limited to employees working in a correctional facility where they have a daily concern of safety and security for themselves, co-workers, offenders and the public. The DOC has approximately 3,840 employees. The Correctional Employee Retirement Plan currently covers two-thirds of the DOC employees who work in a correction's facility engaged in treatment, rehabilitation and custody or supervision of inmates for at least 75 percent of their work time. Supervision of inmates is defined as having involvement in coordinating, directing, monitoring and evaluating offender activities. DOC also has six positions covered by the State Patrol Retirement Plan because their position requires them to be licensed peace officers.

Expansion of enhanced benefits to groups of employees beyond current legislation or expanding the intent of the Correctional Employee Retirement Plan would not serve the DOC's operation for several reasons including:

1. There are current classes within correctional facilities that are not eligible, yet have offender contact equivalent to the post-sentencing officers;
2. Currently there has been no issues related to recruitment and filling of vacancies without an enhanced benefit and the DOC does not anticipate there will be, in the foreseeable future, difficulty filling vacancies as they occur;
3. Low turnover in this class series;
4. Opening the door to expand the boundaries for coverage that exceeds original intent;
5. Significant impact on department budget due to increased employer costs for retirement contributions that is almost twice the General Plan employer contribution; and
6. Significant impact on department budget due to negotiated agreements that provide 10-15 years of health insurance coverage if retirement occurs between age 50 and 55.

The DOC finds insufficient evidence to support inclusion of PSOs in an enhanced program. Within the past ten years there have been zero worker's compensation claims for state corrections agents.³ Also, there has been no time lost as a result of offender to staff incidents and no time paid for Injured on Duty in these classifications. Within the past 5 years, there have been 2 state corrections agents who have been granted a disability retirement. In evaluating compensation for these positions, the risk factor is not identified as comparable to other classifications currently covered by an enhanced benefit such as Corrections Officer and State Trooper. The DOC has also been actively pursuing, through bargaining, tightening up enhanced benefits because of the high cost for the department, especially during lean fiscal times. The DOC continues to advocate that only employees who work in one of the correctional facilities should be eligible for an enhanced benefit through the Correctional Employee Retirement Plan.

³ Past five years--Workers' Compensation Claim Costs: One agent assisted in restraining a juvenile in a court proceeding. The total cost of the claim was \$1,275.

Limited Retirement Impact for Those Close To Retirement

If post-sentencing officers become members of the correctional plans, they will not suddenly be able to draw their full pensions at age 55. Instead, only that portion of their pension attributable to their few years of service under the local correctional plan would be available without reduction at age 55. Unless the individual qualifies for the "Rule of 90," the remainder of their pension attributable to their years of service under the PERA Coordinated Plan or MSRS General Plan would either be actuarially reduced, reduced by 3 percent per year for each year before the current, normal retirement age of 65 or 62, if the retiree has 30 or more years of service. Absent qualifying for the Rule of 90, soon-to-retire local correctional plan members who retire at age 55, will see the lion share of their pension reduced by 30-40 percent (21 percent if they had 30 to 34 years of service).

IV. PENSION PLAN ISSUES

It is essential that proper funding be established to cover the costs of adding members to an existing plan or creating a new pension plan.

If retroactive coverage in the new plan is allowed, these costs must also be recognized and properly funded.

We should try to avoid a proliferation of pension plans for each group that wishes to change pension coverage.

The pension plans are not in a position to resolve disputes as to whether or not certain groups or individuals should be allowed to participate when pension coverage changes are made.

Additional disability benefits and unreduced early retirement can add considerable volatility to the cost of a small pension plan.

V. CONSENSUS

Clearly, there was no consensus on whether any enhanced retirement benefit should be provided to PSOs. Not unexpectedly, employee representatives favor enhanced retirement and disability coverage, while employers do not agree. The group did come to the following agreement if an enhanced retirement benefit for PSOs were to be enacted by the legislature. If approved, a new plan would be created for PSOs.

Need to Clarify Eligible Employees

Need to clarify definition of Post-Sentencing Officer (PSO). (The question was asked as to whether there are state standards defining the classification of PSO. There was some disagreement as to whether or not a true standard existed, but one thing that was pointed out is that probation officers have the power to detain probation violators. The group will attempt to define the intent of coverage in the plan for probation officers, but agreed that the ultimate decision maker will be the employer certifying participation of an individual in the plan. It was emphasized that as clear a definition in statute as possible should be the goal of the group.)

Voluntary or Mandatory Participation

It was agreed that if a new benefit plan is established for current PSOs, participation would be mandatory and all individuals would be moved into the new plan.

Part-Time Versus Full-Time Employment Status

There was no agreement that individuals working in a position as a PSO on a part-time basis should be included in the new plan design absent a determination of how service credit will be computed for such individuals. It was agreed that an individual who works in a position that include PSO duties, in addition to other duties, could be included only if the percentage of time spent met a pre-determined value. The appropriate percentage of time will have to be determined.

Prospective Service Only

If it is decided to provide additional coverage for PSOs, it was agreed that it would only be for prospective service.

Disability Coverage

The group agreed that there will not be an enhanced disability benefit for non-duty related disability for PSO job classes.

Formula Range

The group agreed that if the legislature decides to investigate the possibility of an enhanced pension benefit for this job class, the multiplier should fall within the 1.7 percent and the 1.9 percent range. If you drop the normal retirement age to 55, which means there would be no early retirement deduction, even with the 1.7 percent multiplier the benefit is greatly enhanced. (Normal retirement age in the General Plan is 65. If you retire at age 55, your benefit is reduced by about 40 percent.)

Parity Among Public Employees

PSOs, whether they work for the state or a county, should have the same benefits. PERA would administer the Plan for county employees and MSRS would administer the Plan for state employees.

Power of Arrest

PSOs have the power of detention over probationers/parolees, while peace officers have the power of arrest over the general public. This distinction was not made in an effort to minimize the duties of a PSO. The task force just needed to recognize that there is a difference between the power of arrest relegated to a peace officer compared to a PSO. It is worthy to note that PSOs specifically deal with convicted criminals, not the general public. This, some may argue, is what makes the job stressful and dangerous.

VI. NO CONSENSUS

The group did not reach consensus that enhanced benefits should be provided at all. The group did not reach consensus on whether or not to have an enhanced duty-related disability for PSO.

The group did not reach consensus on whether or not to use an occupational test to determine eligibility for a disability for the PSO.

VII. IDENTIFYING JOB CLASSIFICATIONS IMPACTED BY THE STUDY

The Minnesota Department of Corrections provided a copy of the latest probation survey that identified the number of post-sentencing officers throughout the state of Minnesota. The 1999 survey has a breakdown by county, plus there is a separate section for State of Minnesota employees. The 1999 Survey identified a total of 1,172 post-sentencing officers in the state of which 161 were Department of Correction (DOC) employees. Since this survey, the DOC has increased the number of Corrections Agents employed by the DOC. As of September 2, 2002, the DOC employed 217 Corrections Agents.

DOC - Within the DOC, the classification considered as post-sentencing officer would be employees in the Corrections Agent Series, i.e., Corrections Agent, Corrections Agent Senior and Corrections Agent Career. As referenced above, the DOC currently has 217 Corrections Agents on staff.

State:

JOB CLASSIFICATION	CLASS CODE	# OF EMPLOYEES
Correction Agent	206	22
Correction Agent Career	1051	101
Correction Agent Senior	643	87

Counties: According to the 1999 Survey, provided by the DOC, the county government employs approximately 950 agents.

CASELOAD STATISTICS

Source: County Probation Survey Data – August 2002

County Name	Caseload Size (Approximate)
Big Stone	Adult: 80 Juvenile: 50
Brown	Adult: 70 Juvenile: 50 Adult Int ⁴ : 22 Juvenile Int: 15 Case Aides: 80
Cass	Mixed: 188 Case Aide: 301 Diversion: 57
Carver	Adult: 90 Juvenile: 35 Int. Adult: 19 Case Aides: Adult: 200 Juvenile: 75
Chisago	Adult: 150 Juvenile: 27 Int. Juvenile: 16 Int. Adult: 15 Case Aides: 250
Freeborn	Adult: 165 Juvenile: 60 Int. Adult: 65
Goodhue	Adult: 110 Juvenile: 35 Case Aides: 350
Grant	Adult: 80 Juvenile: 50
Houston	Adult: 200-250 Juvenile: 80-100
Isanti	Adult: 110 Juvenile: 50 Adult Int: 20 Juvenile Int: 15 Case Aide: 325
Itasca	Adult: 210 Juvenile: 50 Int. Adult: 10
Jackson	Adult: 250 Juvenile: 75
Kanabec	Adult: 70 Juvenile: 60
Meeker	Adult: 80 Juvenile: 40
Mille Lacs	Adult: 110

⁴ The abbreviation Int. stands for intensive caseload.

	Juvenile: 50 Case Aides: 400
Mower	Mixed Caseload: 125 Int. Juvenile: 20
Nicollet	Adult: 200 Juvenile: 50 Int. Adult: 20
Ottertail	Mixed Caseload: 65
Pine	Adult: 250 Juvenile: 45 Int. Juvenile: 15 Int. Adult: 30 Case Aides: 250 Adult Domestic: 55
Pope	Adult: 160 Juvenile: 35
Scott	Adult: 115 Juvenile: 25 Int. Adult: 35 Int. Juvenile: 25 Monitoring Unit has 1,100 cases between two agents and two case aides
Steele	Adult: 110 Juvenile: 65 Case Aide: 110 Each agent has several intensive cases
Sherburne	Adult: 120 Juvenile: 80 Int. Adult: 33
Stevens	Adult: 80 Juvenile: 50
Traverse	Adult: 80 Juvenile: 50
Wabasha	Adult: 98 Juvenile: 47
Waseca	Adult: 80 Juvenile: 50 Group Reporting: 50 Intensive Adult: 20
Wilken	Adult: 80 Juvenile: 50
Wright	Adult: 75 Juvenile: 45 Int. Adult: 20 Int. Juvenile: 14 Juvenile Adm: 200 Adult Adm: 750 Adult Group: 250

Source: DOC 1999 Probation Survey MN Planning Criminal Justice Statistics Center

County	1999 FTE's	1999 Cases	Caseload per FTE
Aitkin	4.00	759	189.75
Anoka	116.00	8,735	75.3
Becker	7.00	394	56.3
Beltrami	8.00	672	84.0
Benton	9.00	999	111.0
Big Stone	0.60	73	121.7
Blue Earth	12.25	1,290	105.3
Brown	8.00	421	52.6
Carlton	9.00	424	47.1
Carver	10.00	1,319	131.9
Cass	5.00	876	175.2
Chippewa	3.00	158	52.7
Chisago	9.80	1,322	134.9
Clay	10.00	951	95.1
Clearwater	2.00	186	93.0
Cook	1.00	157	157.0
Cottonwood	0.73	179	245.2
Crow Wing	9.25	1,366	147.7
Dakota	44.00	7,132	162.1
Dodge	3.35	196	58.5
Douglas	6.00	503	83.8
Faribault	3.00	253	84.3
Fillmore	3.60	331	91.9
Freeborn	8.00	696	87.0
Goodhue	11.25	1,217	108.2
Grant	0.60	67	111.7
Hennepin	283.30	31,977	112.9
Houston	3.925	541	137.8
Hubbard	2.00	148	74.0
Isanti	3.00	1,139	379.7
Itasca	11.00	1,158	105.3
Jackson	3.00	328	109.3
Kanabec	4.00	559	139.8
Kandiyohi	16.00	819	51.2
Kittson	0.75	39	52.0
Koochiching	3.00	424	141.3
Lac Qui Parle	1.00	62	62.0
Lake	0.00	178	
Lake of Woods	0.50	28	56.0
Le Sueur	4.00	314	78.5
Lincoln	0.75	56	74.7
Lyon	8.28	650	78.5
McLeod	7.00	579	82.7
Mahnomen	2.00	192	96.0
Marshall	1.50	54	36.0
Martin	4.00	484	121.0
Meeker	4.00	970	242.5
Mille Lacs	7.00	1,115	159.3
Morrison	5.25	781	148.8
Mower	8.00	929	116.1
Murray	1.10	59	53.6

Nicollet	7.75	531	68.5
Nobles	4.60	739	160.7
Norman	1.77	107	60.5
Olmsted	30.80	1,321	42.9
Otter Tail	.80	640	72.7
Pennington	2.50	169	67.6
Pine	7.00	965	137.9
Pipestone	1.24	136	109.7
Polk	5.83	1,064	182.5
Pope	2.00	191	95.5
Ramsey	138.00	15,617	113.2
Red Lake	1.00	30	39.0
Redwood	4.50	344	76.4
Renville	2.00	215	107.5
Rice	10.00	1,083	108.3
Rock	1.55	206	132.9
Roseau	1.75	182	104.0
St. Louis	47.00	4,972	105.8
Scott	16.55	2,319	140.1
Sherburne	11.00	1,335	121.4
Sibley	2.00	287	143.5
Stearns	28.50	2,805	98.4
Steele	7.50	839	111.9
Stevens	0.60	90	150.0
Swift	1.00	119	119.0
Todd	5.00	323	64.6
Traverse	0.60	29	48.3
Wabasha	4.75	396	83.4
Wadena	4.00	167	41.8
Waseca	4.00	288	72.0
Washington	30.0	6,688	222.9
Watonwan	4.00	367	91.8
Wilkin	0.60	121	201.7
Winona	11.00	971	88.3
Wright	21.00	2,575	122.6
Yellow Medicine	2.00	116	58.0
Totals	1,120.98	122,615	109.4

Source: Hennepin County Average Caseload Data (Adult Probation): May 2002

Adult Probation

Supervision Strategy	Number of cases	Number of PO's assigned	Average Caseload
	(May 2002)		
Traditional Supervision			
Probation (includes Inter/Intrastate)	2,916	40.8	71
Domestic Assault-intensive	474	6.0	79
Domestic Assault-regular	1,017	11.0	92
Parole	873	14.0	62
Subtotal--Traditional Supervision	5,280	71.8	74
Alternative Supervision			
Reporting Center	3,698	13.0	284
Restitution	3,113	7.0	445
Case Monitoring	823	2.0	412
Subtotal--Alternative Supervision	7,634	22.0	347
Special Programs			
Court Unit & Administrative Probation	14,324	3.2	4,476
Departure Caseload	578	2.0	289
Domestic Assault - Court Unit		1.0	
Domestic Special Services (b)	328	1.0	328
Drug Court	2,579	12.0	215
Female Theft Offender Group	171	1.0	171
Fugitive Apprehension	172	2.0	86
Intensive Supervised Release	149	13.5	11
MIS Coordinator		1.0	
Neighborhood Probation (c)	156	5.0	31
Project Rebound (a)	26	1	
Subtotal--Special Programs	18,483	42.7	433
Total caseload:	31,397	136.5	230
Other Activities (annual totals)			
Pre-Trial Screenings (annual total)	21,161	18.0	1,176
Conditional Release (pre-trial)	3,109	7.0	444
Misdemeanor Referrals	14,301	23.0	622
Felony Investigations	5,129	24.0	214
Subtotal--Other Activities	43,700	72.0	607
Total Adult Probation Officers		208.5	

Annual Caseload Statistics: DOC Probation Survey Numbers

Year	Probation Numbers
12/31/82	47,920
12/31/91	71,407
12/31/01	130,331

TESTIMONIALS

Source: Minnesota Association of Professional Employees (MAPE)

Report to the MSRS Study Group

The Minnesota Association of Professional Employees represents 10,750 state employees in Minnesota. We also represent probation officers in the Department of Corrections. The information that we are providing the study group is admittedly anecdotal. To date, I am not aware of any quantitative study that has taken place that validates any of the statements made by our members. Admittedly, this makes our case harder to prove. This does not however, diminish the incredible stress that our employees feel on the job. Yet I can tell you that the State of Minnesota has been very fortunate that one of these valued employees has not been killed. I can tell you that we hear from them a lot. I have attached a letter from one of our Intensive Community Release Probation Officers. He worries daily about his personal safety while carrying out his mandated work duties. Here is his unedited letter for your review.

I am an Intensive Supervision Agent with the Department of Corrections. I have been employed in this position since 1992. This is a 24/7/365 program that supervises the highest risk offenders on release from prison. We meet with them at their homes, on their turf, day or night. We are alone when we visit them, with only our cell phones for communication. The State does not provide us with anything-stronger than pepper spray for protection. Our visits are random and unannounced, we catch them off-guard sometimes doing things they shouldn't be. We do a breath test and urinalysis at our visits and have many times encountered someone drunk or high. They know if they are caught messing up they are going to go to jail and possibly back to prison, this can be a very volatile situation.

I am submitting this information in support of Intensive Supervision Agents being given full benefits for 55 retirement. Our job reflects in many ways that of a prison guard, yet they have the added protection of all of the security measures the prison environment offers. They have back up protection of other guards. They have weapons available for dangerous high-risk situations. We never know when we are walking into a potentially dangerous situation. Also, at the prison there are psychologists and doctors that prescribe medications to help stabilize an individual's behavior.

In the community they quit taking the medications and we have no way of knowing that they aren't "stable" anymore. I have picked up prisoners from the institution that have just gotten out of segregation having been medicated with Thorazine to tranquilize him. If he is that dangerous and uncooperative in prison and a threat to staff, is he now a lesser threat to me, his agent, in the community where I have no access to restraints and drugs to help tranquilize a disruptive person, or other staff to take him down and subdue him. If he threatens me I only have the option of stay or flee. And the older you get, you don't flee as fast as you used to. There comes a time where experience doesn't do you any good anymore.

I have confiscated a samurai sword from an offender who was 6'5" and weighed 390 lbs. This individual had known gang affiliations and was in prison for an assault with a baseball bat. Also confiscated from his residence was a quantity of beer and alcohol, full and empty cans and bottles, which means he was having friends over and partying there. I guess I was lucky I had him arrested at 7 am on a Sunday morning.

I have also entered a residence of a girlfriend of a young male that I was supervising. It was a Saturday night, there were also about six other male friends and gang associates there. I had to take this young man

into custody for a violation, for being around known gang members. They circled the room while we were talking and if he hadn't told them it was o.k., that he was going to leave with me, I'm sure there would have been trouble.

On another occasion, I had to go to a residence and retrieve an electronic monitoring unit from an offender's residence who had absconded supervision. The monitoring company had alerted me he had left during curfew. I went to the residence and he was not there, but a number of his friends were there. I was allowed in the residence but his male friends all moved to cover the exits from the apartment. I took the monitoring equipment and left without incident, but I felt that you could have cut the tension with a knife and at any moment I was going to be confronted about their friend, who was a drug dealer and these were his associates.

The reason for providing these examples is to demonstrate that it is because prison guards and caseworkers are working with dangerous individuals in the confined environment of the prison that creates an early retirement opportunity for them. The community from which the individual committed his crime, has access to drugs and weapons, has gang members and friends willing to defend them, is even more of a dangerous environment for the probation officer that has to work with them on their "turf". Thanks for this opportunity to explain our situation.

Sincerely,
Robert Sutter

In 352.91, the statute clearly states:

"It is the policy of the legislature to provide special retirement benefits and contributions for certain correctional employees who may be required to retire at an early age because they lose the mental or physical capacity required to maintain the safety, security, discipline, and custody of inmates..."

It is MAPE's hope that this group will come to the conclusion that our valued probation officers are under the same mental and physical constraints that in house corrections employees face. And further, the probation officers have very little if any back up or support from others which makes their extended contact with convicted felons even more of a hazard.

Attachment 2A

Excerpt from a complaint filed with the District Court in Meeker County:

On March 20, 2002, Minnesota District Court Judge D, received a letter from JO, which stated "I am going to kill you Judge D and CK when I am released from prison." The note was signed by JO and included his prison ID number from the Stillwater Prison that he is currently residing in.

On March 22, 2002, Meeker County Sheriff's Investigator JW had an occasion to speak with JO at the Stillwater State Prison. JO admitted to writing the letter to the judge and his probation officer. JO stated that he was angry when he wrote the letter.

Charges: Terroristic threats, a felony, in violation of 609.713, subd. 1. Maximum penalty - five years in prison and a \$10,000 fine.

On or about March 20, 2002, within the County of Meeker, the defendant did threaten, directly or indirectly, to commit a crime of violence with the purpose to terrorize another or to cause serious public inconvenience, or in reckless disregard of the risk causing such terror or inconvenience, to-wit: threatening to kill both a District Court Judge and a Probation Agent.

Excerpts of a Letter submitted by a PSO describing his experiences in the field:

Offender A: This offender, as a juvenile, kidnapped his girlfriend and was supposedly on his way to the Twin Cities to kill her, another male and himself. They stopped at a wayside rest on the Interstate where the girlfriend wrote help and the license number in the restroom. This incident did capture the attention of the news media. Later, as an adult, he was convicted of MV Theft and Fleeing a Police Officer. Eventually those sentences were executed. He came out of prison on the ISR program. During the course of his ISR program, he came to live with/rent a room from an older woman who lived up the block from my home. One evening while my wife and I were away, he came to our residence. Our children were instructed never to answer or open the door while we were away. Well, our then 9-year-old daughter opened the door when this offender came to the residence. At that moment, my wife and I drove up. No confrontation occurred between this offender and my daughter, but it did traumatize her, causing her to have problems sleeping for a few nights. Later I was advised by the woman that he rented a room from, that the offender was making threats of killing me or having someone do it for him. I was even provided with telephone records for the purpose of knowing who he was calling/contacting to have me killed. The woman who provided this information was very concerned for her own safety/life, as the offender had threatened her also if she told anyone. She did agree to testify at a Revocation Hearing provided the offender would not know it was she who testified against him. There were other people who also collaborated the woman's report, but I do not recall who they were. In any event, I write up the Violation Report not identifying who it was that had told me of the threat and only alleged that 2 people had told me this. The Revocation Hearing lasted a few hours, much of this over argument of whether or not I would be able to present a confidential informant. It ended with the public defender saying enough to the offender that he would likely identify her as the person, so the decision was made not to have her testify. I believe this resulted in the violation being withdrawn.

Offender B: We are not allowed to use a state car for any personal business. One weekend, my wife needed to ride to Rochester. I was denied having her ride in the state car even though I was going to Rochester for work. I had to take my personal car since I was going to be dropping my wife off in Rochester. After dropping her off, I stopped at a halfway house to make a visit on an offender

participating in that particular program. The offender became threatening to me while there, so according to our directives, I left the situation. The offender followed and he refused to allow me to get into my car. He even kicked the door shut after I had opened it. At this point I attempted to mace him. He did retreat but ended up throwing a large rock at my car causing \$400 to \$600 damage. Staff refused to assist in any way - didn't even call the police, denied me access back into the halfway house until law enforcement arrived. This incident was very well known to management as there was a big inquiry about it which was conducted at the direction of the Deputy Commissioner.

Offender C: In the latter half of the 1980's, this offender was on probation for assault - he had beat up his sister pretty badly as I recall. I placed this offender in jail on a violation. While visiting him briefly at the Steele County Jail, he stated to me through the bars that he was going to kill me and that he would have an alibi that he was somewhere else. He had made similar comments to his attorney who also warned me that this offender had threatened to get me. This was reported to law enforcement by letter.

Offender D: This offender was on supervised release and living near Waseca. This offender would use speed in the morning to get his "jump start" and then smoke marijuana at night to get calmed down. I went to his home with 2 law enforcement officers to arrest him at his trailer home. One officer stayed outside. As I was gathering up the electronic monitoring equipment, the officer inside with me was watching the offender. With his bare hands, the offender ripped the ankle bracelet off his leg and threw it at me. The bracelet went between my legs, scraping my upper inner thigh and then hitting the refrigerator that was approximately 3 feet behind me. The bracelet hit the refrigerator with such force, that the officer outside quickly came into the residence suspecting that there was some problems. Among others, I did allege a violation of assault on myself. At the Revocation Hearing, the hearing officer did not find that the offender had assaulted me. After the hearing I did express my great dissatisfaction in that ruling. The hearing officer did admit, had this incident happened in the institution to a caseworker or guard, his decision would have been different.

Offender E: This was an elderly sex offender who was placed on ISR program upon his release from prison. Shortly after his release, he got into a physical scuffle with Agent R. He ended up in jail and was restructured. Sometime later, I made a visit to this offender's residence (he lived in a motel). As I was leaving, he attacked me from behind. He was taken down, cuffed and transported to the jail. There was a Revocation Hearing on this matter and he was again restructured.

Offender F: Early on in the ISR program, this offender was getting ready to be released from MCF-LL. Prior to his release, I met with him in the prison. He had been in sex offender treatment for some time. In my interview with him, I asked if he had had any problems while in prison. He mentioned that he had come in contact with some people that were connected with his brother's death which had occurred in Steele County. I decided to follow up on this a little. I learned that the brother was still alive, that the offender was upset with his brother because the brother had not yet submitted the paperwork so he could visit the offender in prison. From the first day the offender entered prison, he had maintained his brother had been murdered. He apparently had not done so well in sex offender treatment and when this incident of the brother was brought to the attention of prison personnel, the decision was made to seek civil commitment. That was accomplished. I was later informed by security hospital staff, that the offender blamed me for his commitment and was threatening to kill me. To the best of my knowledge, he continues to be under civil commitment - at least I have requested to be notified when he is released and I have not received any notice that his release is pending or he has been released. The Offender E saga does not end there. He became involved with a female security guard at the St. Peter Security Hospital. This woman somehow obtained my home telephone number. She called our home and had spoken with my daughter, trying to obtain personal information about me. She even went so far as to call my office and tell support staff that we were close friends. I ended up writing a letter to my supervisor documenting this because I was concerned this woman might attempt to blackmail me.

The PSO that supplied these work examples has had false accusations made against him. He has been threatened with a sledgehammer and he has been involved with entries in which SWAT teams were used.



Responses to NASRA Survey Probation Officers

This survey was conducted October 8-22, 2002, in response to a request from a NASRA member, seeking information about retirement benefits for probation officers.

1. Does your retirement system provide pension benefits for employees who work as probation officers?

Yes: 18
No: 2

2. If yes, does your system provide a separate plan for probation officers?

Yes: 3
No: 16

- Not a separate plan; however separate provisions that apply to correctional officers, probation and parole officers and a few other select public safety types.

3. Under what plan are probation officers covered?

General employees:	12
Public safety:	3
Correctional officers:	2
Other:	3

- State community-based correctional probation officers are in the Special Risk Class (police, fire, & correctional officers, etc.); non-state probation officers are in the Regular Class.
- could be either general or public safety, depending on board approval
- at the election of their employer - either general or a 25 year plan (retirement at 25 years of service regardless.

4. What are the normal retirement provisions for probation officers? (Years of service and age. For example, 65/5, 62/10, Rule of 80, etc.)

- Under the [DB] Pension Plan: Special Risk Class - 55/6; 25 regardless of age. Regular Class - 62/6; 30 years regardless of age. Under the DC Plan: All classes vest after 1 year of service; normal retirement provision is not applicable.
- Entry into membership defines the plan tier in which the probation officers participate. There are two open plan tiers: contributory is 1.917 percent at 60 and noncontributory is 2 percent at 60 with actuarial reductions for early retirement.
- Plan 1: Age 60 with 5 years of service; Any age with 30 years of service. Plan 2: Age 65 with 5 years of service. Plan 3: Age 65 with at least 10 years of service credit or Age 65 with 5 years of

service including 12 months after age 54; Age 65 with 5 years of service earned at the time of transfer from Plan 2

- Non-Hazardous Classification: Age 65/1 month of service credit. Hazardous Classification: Age 55/1 month of service credit. Note: Each participating agency has the option of petitioning the Board of Trustees to approve certain positions as hazardous. The positions must meet the definition of hazardous as defined by state law.
- 65/5; any age/28
- 60/5; 55/25; any age/30
- 62/5 or 55/30 for unreduced benefits 55/5 with reduced if in the General Plan. If a county has elected the 25 year plan, then in addition, the member can retire with 25 years of probation service regardless of age.
- 20 and out
- Any age with 30 yrs; Age 60 with at least 5 yrs
- 65/5 60/25 any age/30
- 65/1 62/10 Rule of 85
- Age 60 or Rule of 80
- 45/20 60/ no minimum
- No separate retirement plan for probation officers. Normal retirement provisions for all general employees are: MSEP (Closed Plan) Age 65/active/4 years of service; 65/5 years of service; 60/15 years of service or Rule of 80 (minimum age 50) MSEP 2000 (New Plan) Age 62/5 years of service Rule of 80 (minimum age 50)
- If in the Public Safety Plan, retirement eligibility is 5 years at age 65; 10 years at 55; 20 years at 50 and 25 years at any age. If they are a member of the regular fund it is 5 at age 65, 10 at age 60, and 30 years at any age.
- Any age /20; 60/10; 65/4
- Full benefits at 20 years.

5. What are the early retirement provisions for probation officers?

- Under the DB Plan: Special Risk Class - 35 years and 1 month old with 6 years of service. Regular Class- 42 years and 1 month old with 6 years of service. Reduction is 5 percent per year prorated on a month-by month basis. Under the DC Plan, vesting occurs after 1 year of service and early retirement provision is not applicable.
- In the Open Contributory Plan you may retire at age 50 with 10 years of service.
- Plan 1 Age 55 with 25 years service. Plan 2 Age 55 with 20 years of service with an actuarially reduced benefit for retirement prior to retirement at age 65. Plan 3 Age 55 with at least 10 years of service with an actuarially reduced benefit prior to retirement at age 65. Age 55 with 30 years of service with an actuarially reduced benefit at 3 percent per year for the difference between retirement age and age 65.
- Non-Hazardous Classification: Age 55/5 years (reduced benefit) any age/25 years (reduced benefit) any age/27 years (unreduced benefit). Hazardous Classification: Age 50/15 years (reduced benefit); any age/20 years (unreduced benefit).
- reduced at age 62 or 25 years of svc
- none
- 55/5 with a 27% reduction - decreases to no reduction at 62 can retire at 55/30 with no reductions if in General Plan. If county has elected the 25 year plan - can retire with 25 years of probation service regardless of age .
- 55/10
- 25 yrs; age 55 with 10 yrs
- 50/20 60/5
- 55/10

- 50/5
- none
- Early retirement provisions for all general employees are: MSEP Age 55/10 years of service; MSEP 2000; Age 57/5 years of service
- 60/10; 65/4
- Same as for regular members: Age 55 with 10 years of service (actuarially reduced).

**PROBATION OFFICER
STATE RETIREMENT COMPARISONS***

***States are listed according to population, 2000 census. Information for this survey was obtained from personal interviews with other probation officers, online information from the public pension coordinating council's website and from <http://benefitsattorney.com/states.html>.**

California. At age 50 with reduced benefits. Unreduced benefits at 55 with at least 5 years of service, benefit based on number of years of service.

Texas. Rule of 80, unreduced benefits.

New York. Unreduced benefits at age 55 with 30 years of service and/or age 62 with 5 years.

Florida. Unreduced benefits at any age with 30 years of service. Early retirement: reduced benefits at any age with at least 10 years of service.

Illinois. Rule of 85, unreduced benefits.

Pennsylvania. Any age with 35 years of service or at age 60 with a minimum of 5 years experience. Early out: at any age with at least 10 years of service (actuarially reduced).

Ohio. Unreduced benefits at any age with 30 years of service, or at age 65 with 5 years service.

Michigan Unreduced benefits at age 55 with 30 years of service. Early out at 55 with at least 15 years service (reduced benefit).

New Jersey. Early retirement (unreduced benefit) for those with 25 years of service before attaining age 60. If under 55, benefits reduced by 3 percent per year.

Georgia. Unreduced benefit with 16 years of service at age 60.

North Carolina. Unreduced benefit at any age with 30 years of service. Early out at age 50 with 20 years of service, with a reduced benefit.

Virginia. Unreduced benefits at age 50, with 25 years of service or age 60 with 5 years of service.

Massachusetts. Reduced benefit for anyone with 20 years of service at any age or at age 55 with at least 10 years of service.

Indiana. Rule of 85, unreduced benefits. Early retirement with reduced benefits at age 59.

Washington. At age 55 with 20 years of service or age 65 with 5 or more years of service.

Tennessee. After 30 years of service at any age. 50 percent of salary at departure for life. State pays 80 percent of insurance after 30 years of service.

Missouri. Rule of 80.

Wisconsin. At age 57 with 30 years of service. Intensive supervision agents at age 53 with 25 years of service.

Maryland. Rule of 85 or after 30 years of service. Pending legislation, granting full benefits with 25 years of service, reduced benefits with 20 years of service.

Arizona. After 20 years of service at any age, (50 percent of highest three years out of last ten years of service). 2 ½ percent increase per year for each year of service after 20.

Minnesota. Rule of 90 if hired prior to June 30, 1989. Age 66 or 67, if hired after that date.

Louisiana. After 30 years, any age. After 25 years, age 55. After 10 years at age 60. (All unreduced benefits.)

Alabama. Any age with 25 years of service. Age 60 with 10 years of service.

Colorado. Age 50 with 25 years of service (reduced benefit). Age 55 with 20 years of service (full benefit). Age 60 with 5 years of service. 65 with any amount of service.

Kentucky. Full benefits at any age with 20 years of service. Age 55 with 15 years of service.

South Carolina. Any age with 25 years of service (54 percent benefit). 30 years of service (64 percent benefit). Or at age 55 with at least 5 years of service.

Oklahoma. Rule of 90 or at age 62 with at least 6 years participation in retirement plan.

Oregon. Unreduced benefit at any age with at least 30 years of service.

Connecticut. At age 55 with 25 years of service, or age 65 with 10 years. Hazardous duty after 20 years at any age.

Iowa. Rule of 88.

Mississippi. Unreduced benefits at any age with 25 years of service, or at age 60 with at least 4 years.

Kansas. Early out at age 55 with 20 years of service. Also Rule of 85.

Arkansas. Unreduced benefits at any age with at least 28 years of service or at age 55 with 5 or more years of service.

Utah. At any age with 30 years of service. (Unreduced)

Nevada. Any age with 30 years of service. (Unreduced)

New Mexico. Unreduced benefit at age 60 with 20 years of service or age 65 with 5 years of service.

West Virginia. Rule of 80 (at least age 55 to receive unreduced benefit). Or at age 60 with 5 years experience.

Nebraska. Age 55 (six options).

Idaho. Unreduced benefits for Rule of 90 or at age 60 with 5 years experience.

Maine. Unable to obtain retirement benefit information.

New Hampshire. Reduced benefits at age 50 with 10 years or age 60 with any years of service.

Hawaii. In 2003, will be adopting a plan that provides unreduced benefits at age 62 with 5 years of service or at age 55 with 30 years of service. Reduced benefits at age 55 with 20 years.

Rhode Island. Unreduced benefits at any age with at least 28 years of service. Municipal employees may retire at any age with 30 years service or at age 58 with at least 10 years of service.

Montana. Unreduced benefits at any age with 30 years of service.

Delaware. At any age with 30 years (unreduced) or at 55 with at least 15 years service (reduced).

South Dakota. Rule of 85 (to receive an unreduced benefit must be age 55). Can also receive reduced benefits at age 55 with at least 3 years of service.

North Dakota. Rule of 85 or at age 65 with at least 5 years of service.

Alaska. At any age after 20 years of service, (unreduced benefits).

Vermont. Unreduced benefits at any age with 30 years of experience. Reduced benefits at age 55 with at least 5 years of service.

Wyoming. At any age with 25 years of service or the Rule of 85, whichever comes first. Early retirement at age 50 (reduced benefits).

WORKERS COMPENSATION CLAIM STATISTICS

County	Period Covered	Number of Workers Comp Claims		Number of Positions	
		Correction Officers	Probation Officers	Correction Officers	Probation Officers
Carver	1999 thru 2001 to date	8*	0	39	NA
Dakota	1991 thru 9/2001	114**	35**	NA	NA
St. Louis	2000	3	2	48	81
Sherburne	2000 & 2001 to date	10	1***	49	12
Stearns	2000 & 2001 to date	NA	0	NA	33
Washington	1997 thru 9/2001	94	10	75	45
Winona	2000 & 2001 to date	18	NA	NA	NA

*Carver County correction officers are in the "detention deputy" job class

**Correction officers count includes assistant probation officers who are members of PERA Correctional Plan

***Probation officer workers comp claim was due to car accident.

Workers Compensation Claim statistics provided by the Department of Labor and Industry⁵.

Indemnity Claims (1995 - 2000)

	# of claims	# of claims		
Injury Year	Public Administration*	POs	PA	POs**
1995	1125	1	0.81%	0.11%
1996	979	0	0.70%	0.00%
1997	1069	1	0.77%	0.11%
1998	1131	1	0.81%	0.11%
1999	1443	2	1.04%	0.22%
2000	1339	1	0.96%	0.11%
Total	7086	6	5.10%	0.65%

***Public Administration Comparison Group (PA)**

139,066 total employees

****PERA and MSRS PO Job Classes**

918 total employees

Average Age at Injury for Indemnity Claimants (1995-2000)

	Public Administration		Probation Officers	
	Mean	Median	Mean	Median
Age at injury	41.8	42.0	45.4	45.9

Average weeks of total disability for indemnity claimants (1995-2000)

	Public Administration		Probation Officers	
	Mean	Median	Mean	Median
Weeks of total disability	6.6	2.2	0.8	0.6

Average Total Indemnity Paid (1995-2000)

	Public Administration		Probation Officers	
	Mean	Median	Mean	Median
Total indemnity paid	\$5,597	\$1,350	\$1,634	\$651

Part of Body for Indemnity Claims (1995-2000)

	Public Administration	Probation Officers
Head-neck	348	
Upper extremity	1712	2
Back-spine	1498	
Trunk-body	457	
Lower extremity	1725	
Multiple parts	1170	4
Other-unknown	171	
Total	7081	6

⁵ Claim statistics pertain to indemnity claims. Indemnity claims are claims in which indemnity benefits are paid. Indemnity benefits include wage-loss benefits and survivor benefits. The remaining claims are medical-only claims. Those claims with medical costs but not indemnity benefits. Approximately 20 percent of all paid workers' compensation claims in Minnesota are indemnity benefits. However, indemnity costs make up about 55 percent of total costs.

Nature of Injury for Indemnity Claims (1995-2000)

	Public Administration	Probation Officers
Burn	61	
Contusion	287	
Cuts	326	
Disloc	142	
Fracture	470	
Sprains	2840	3
Other-cumul	270	
Multi-other inj	802	3
Illnesses	149	
Unknown	1734	
Total	7081	6

Cause of Injury for Indemnity Claims (1995-2000)

	Public Administration	Probation Officers
Exposure	114	
Caught	133	
Cut	172	
Fall	1554	1
Motor vehicle	504	3
Strain	2830	1
Contact	309	1
Struck by	345	
Misc	588	
Unknown	533	
Total	7082	6

Submitted by Association of MN Counties 12/25/02

Compilation of information received from counties (32 counties responded). The totals under each year represents the number of workers' compensation claims in those occupations. The "total # of employees" column represents the total number of employees employed in those positions by the responding counties.

	2001	2000	1999	1998	1997	Total # of Employees
Corrections	275	222	191	171	183	16,689
Probation	44	20	29	34	34	1,073

LIST OF RESOURCES

Position Papers:

"Retirement Coverage for Post-Sentencing Officers Paper", by Chris Cowen, Political Action Director/Lobbyist for AFSCME.

Position Paper, written by Lana Bjorgum, Minnesota Association of County Probation Officers.

"Correctional Coverage Task Force Department of Correction's Position Paper", written by Ruth Dahl, Director, Human Resource Management Support. This paper includes the "Minnesota Department of Correction's 1999 Probation Survey".

"Report of MSRS Study Group", submitted by the Minnesota Association of Professional Employees.

Position Paper, written by Patrick Guernsey, President, AFSCME Local 552. Includes copy of the Departmental Newsletter that outlines the new mission emphasizing community involvement for Hennepin County Corrections.

Surveys

1999 Minnesota Department of Corrections 1999 Probation Survey

August 2002 County Probation Survey Data

Responses to National Association of State Retirement Agencies (NASRA) Probation Officers and Emergency Dispatcher (911) Operators.

Other Documentation

Attorney General Opinion on Arrest Authority, dated January 9, 2001.

Documents submitted by Department of Corrections employees documenting incidents that have occurred while they were employed as State Correction Agents. Submitted by Mary Ann Mowatt, Minnesota Corrections Association.

Workers' Compensation Information supplied by the Association of MN Counties.

Frequently Asked Questions, The American Probation and Parole Association at APPA@csg.org.

Note: If you are interested in getting copies of any of the listed resources, please send your request to Paige Purcell at MSRS, 60 Empire Drive, Suite 300, St. Paul, MN 55103-3000.