

Correctional Employees Retirement Plan (CERP) Policy

Description

The Minnesota Department of Human Services (DHS) will seek and propose applicable modifications to statutory authority for all classes of employees meeting the statutory requirement for coverage by the Correctional Employees Retirement Plan (CERP) as determined by the Commissioner of DHS.

Reason for Policy:

The purpose of this policy is to establish the guidelines and procedures for administering CERP coverage and to create a process for employees to request such coverage.

Applicability:

This policy applies to employees working directly with patients/clients in DHS programs specified in [Minnesota Statutes, section 352.91](#) and whose position requires the employee to:

1. Work in close physical proximity with patients/clients;
2. Have direct responsibility for patients/clients;
3. Actively/physically intervene in patient/client incidents;
4. Work with groups of patients/clients in situations where security staff are not present;
5. Be responsible for controlling the behavior and/or activities of patients/clients; and
6. Be engaged in the treatment, rehabilitation, custody, or supervision of patients/clients for at least 75% of their work time and specified in statute.

Failure to Comply:

Failure to comply with this policy and its procedures may result in disciplinary actions or termination.

Policy:

DHS at a minimum will annually review employee and/or classification eligibility for coverage in the CERP and establish a procedure for moving individual employees and job classifications into and out of the plan. In

addition, the agency will seek statutory authority for all classes meeting the statutory requirement for coverage by the correctional employee's retirement plan as determined by the Commissioner of DHS.

Procedures:

I. Employee or supervisory initiated requests for classifications already authorized by Minn. Stat. § 352.91

- The employee (or an exclusive representative on behalf of an employee) must complete the [CERP Initial Service Date Form](#) (DOC) attach a position description and submit the request to their supervisor.
- The supervisor receiving an employee-initiated request will review the request with all documentation and certify that it contains accurate information by signing.
- The supervisor will send the signed form to the local Human Resource (HR) Director along with a letter outlining how and when the position changed to warrant coverage.
- The local HR Director will evaluate if the request for inclusion meets the criteria defined under Minnesota state law and if the initial service date corresponds to the documentation provided by the supervisor.
- The local HR Director will send the request and their evaluation to the DHS HR Director.
- The DHS HR Director will evaluate the request and document whether the request for inclusion should be granted.
- If the position is recommended for coverage in the CERP, then the DHS HR Director will direct transactions to change the employee's retirement plan to CERP using the appropriate "initial service date."
- The DHS HR Director will notify the employee, the local HR Director and Minnesota State Retirement System (MSRS) of the initial service date. If the employee does not agree with the initial service date determination, the employee may file an appeal with the DHS HR Director for consideration by the CERP Review Committee.
- If the position is not recommended for coverage in the CERP, the DHS HR Director will notify the local HR Director, supervisor, and employee that the request is being forwarded to the CERP Review Committee for consideration.

II. Requesting an employee's retirement code be changed to the General Employee Retirement Plan

- The supervisor will update the position description and obtain the employee's signature.
- The supervisor will send the signed position description to the local HR Director along with a letter retirement code to the General Plan.
- The local HR Director will send the request and their evaluation to the DHS HR Director.
- The DHS HR Director will evaluate the request and, if warranted, direct the transactions unit to change the employee's retirement code to the General Employee Retirement Plan.

III. Process for evaluating and recommending potential classifications and business lines be added to Minn. Stat. § 352.91

The requesting employee and/or supervisor must complete the CERP Initial Service Date form and submit the form along with a current signed position description to the local HR Director.

The local HR Director will evaluate if the request for inclusion meets defined under Minnesota state law and if the initial service date corresponds to the documentation provided by the supervisor.

The local HR Director will evaluate the request and forward with a recommendation to the DHS HR Director for their evaluation.

The DHS HR Director will bring the request forward to the CERP Review Committee.

The supervisor will update the position description and obtain the employee's signature.

IV. Agency periodic review of eligibility for CERP inclusion

The DHS HR Director in consultation with the local HR Director will periodically review all classes/positions in their respective administration to determine:

- If the current employees covered by CERP continue to meet the statutory requirements for inclusion. If an employee no longer meets the statutory requirements, the procedure under paragraph II must be followed.
- If any additional employees should be added to CERP who are currently in a class authorized by Minn. Stat. § 325.91. If an employee should be added to CERP, the procedure under paragraph I must be followed.
- If any classifications not authorized by statute should be recommended for inclusion. If an employee's classification should be recommended for inclusion, the procedure under paragraph III must be followed.

The DHS HR Director will prepare an annual report listing as follows:

- Classifications proposed to be added to [Minn. Stat. § 352.91](#) with the agency's initial coverage date.
- Classifications proposed to be removed from [Minn. Stat. § 352.91](#).
- Initial service date appeals.

The report will be reviewed, edited as appropriate, and signed by the appropriate Deputy Commissioner.

Final review of the report will be performed by the DHS HR Director.

The final report will be sent to the CERP Review Committee and the Commissioner of DHS.

V. Responsibilities and actions of the CERP review and appeals committee

The Commissioner of DHS will appoint a standing review committee to review and determine classifications or positions that may be included in legislative requests for CERP coverage.

DHS' HR Director will convene a meeting of the review committee only at the request of a labor organization or a member of the department's management team.

The review committee must review all requests and the supporting documentation for coverage by CERP and must make a recommendation to the Commissioner of DHS regarding which classifications or positions meet the statutory requirements for coverage. The review committee must also make a recommendation to the Commissioner of DHS regarding classifications or positions that no longer meet the statutory requirement for coverage by CERP and removal of the classification or position from the applicable statute.

The DHS HR Director must provide a notice of each determination and of the employee's right to appeal the determination. Appeals must be filed with the DHS HR Director within 30 days of the date of the notice of determination.

The Commissioner of DHS will review appeals of determinations for coverage. The Commissioner's determinations are final.

All classifications or positions recommended by the review committee for inclusion or exclusion from CERP must be forwarded to the Commissioner of DHS for the preparation of legislation to implement the coverage change and submission.

If the Commissioner determines that the employment position is appropriate for inclusion in or exclusion from CERP, the Commissioner will submit a written recommendation documenting classifications or positions that should or should not be covered by CERP. The DHS HR Director must retain the documentation of each request and the final determination.

VI. CERP Covered Employee Appointed to Temporary Assignments / Positions Not Covered by CERP

Employees on a leave of absence from their permanent CERP-eligible appointment and appointed to project positions in the unclassified service not covered by CERP will be moved to the General Retirement Plan after completing one year's service outside CERP-eligible duties and/or location per MSRS rules.

Employees in work-out-of-class assignments not covered by CERP will continue their coverage for the period of individual assignment not to exceed 24 months. In addition, the employee will not be assigned for more than 24-months during any 36-month period excluding an assignment that coincides with an unclassified appointment.

CERP covered employees who are on mobility assignments in other agencies that are not covered by CERP may continue their coverage for the period of individual assignment not to exceed 24-months. In addition, the employee will not be assigned for more than 24-months during any 36 month period excluding an assignment that coincides with an unclassified appointment.

CERP covered employees who are on work assignments within the agency will follow the procedure for unclassified service appointments or work-out-of-class assignments as outlined in procedures of this policy.

VII. Requests to reclassify positions using reallocation

HR will classify jobs without consideration of the pension plan covering the position. Therefore, a CERP covered employee's position may move to a job class not eligible for CERP coverage and be placed in the General Employees Retirement Plan.

Should an employee believe that CERP coverage is warranted for the position, the employee must follow the procedures of this policy to request CERP coverage.

Forms that Applies:

- [CERP Initial Service Date Form](#) (DOC)

Legal Authority:

Minnesota Statute Chapter 352, State Retirement section [352.90](#), Policy, and section [352.91](#), Covered Correctional Service.

Definitions:

Correctional Employees Retirements Plan (CERP): The retirement plan available to employees who work directly with patients in programs specified in [Minn. Statute 352.91](#) and whose position requires the employee to (1) work in close physical proximity with patients, (2) have direct responsibility for patients, (3) actively/physically intervene in patient incidents, (4) work with groups of patients in situations where security staff are not present, (5) be responsible for controlling the behavior and/or activities of patients, and (6) be engaged in treatment, rehabilitation, custody or supervision for at least 75% of their work time where specified in statute.

Correctional Employees Retirement Plan (CERP) Review Committee: The body that reviews and recommends classes and businesses to be included or removed from Minn. Statute 325.91 for annual legislative proposals. The review committee also determines if incumbents of classes or positions determined for inclusion have prior agency employment that also qualified as correctional service and for each potential service credit transfer. Members of this committee are: one representative of each affected exclusive representative (AFSCME, MAPE, MMA, SREA, and MNA), and representatives from the Department of Human Services (DHS).

Patient Contact: The provision of treatment, rehabilitation, custody or supervision to patients in MSH and MSOP.

Rehabilitation of Patients: The provision of therapeutic services without the presence of security staff.

Supervision of Patients: The coordination, direction, monitoring and evaluation of patient activities.

Treatment of Patients: The provision of health care services (physical or psychological) without the presence of security staff.

Custody of Patients: The control of patient behavior in order to provide a secure setting.

Initial Service Date: The first date the employee performs covered duties for at least 75% of their time. This is sometimes referred to as initial coverage date.

Policy Contact(s)

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Policy History

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Version 1.0

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This policy and its procedures remain in effect until rescinded or updated.