DEPARTMENT OF CORRECTIONS

Policy Number:	**103.245**
Title:	**Correctional Employee Retirement Plan (CERP) Administration and Process for Evaluating and Recommending Potential Positions for Coverage**
Effective Date:	**6/18/19**

PURPOSE: To provide guidelines and procedures for administering coverage in the correctional employee retirement plan (CERP) and to create a process for employees to request coverage. The department of corrections (DOC) also seeks statutory authority for all classes meeting the statutory requirement for coverage by the CERP, as determined by the commissioner of corrections.

APPLICABILITY: Employees working with offenders residing in a state correctional facility and whose positions require the employees to provide offenders with treatment, rehabilitation, custody, or supervision for at least 75% of each employee's working time.

DEFINITIONS:

CERP appeal committee – hears appeals of recommendations made by the CERP review committee. Members of this committee are the same as the CERP review committee.

CERP review committee – reviews and recommends classes to be included or removed from Minn. Stat. § 352.91 for annual legislative proposals. The review committee also determines if incumbents of classes or positions determined for inclusion have prior agency employment which also qualified as correctional service and should be transferred from the General State Employees Retirement Plan (GERP) to the CERP and the initial date for each potential service credit transfer. Members of this committee are: one representative of each affected exclusive representative (AFSCME, MAPE, MMA, SRSEA, MNA, Commissioner's Plan, and Managerial Plan), the Minnesota State Retirement System (MSRS) executive director/designee, the DOC deputy commissioner/designee, and the Minnesota Management and Budget (MMB) assistant commissioner of Labor Relations/designee.

Custody of offenders – the control of offender behavior in order to provide a secure setting.

Initial service date/initial coverage date – the first date the employee performs covered duties for at least 75% of the employee's working time.

Offender contact – the provision of treatment, rehabilitation, custody or supervision to offenders while incarcerated in a state correctional facility.

Offenders –individuals committed to the commissioner of corrections who are incarcerated and reside in a state correctional facility; this includes juvenile residents.

Rehabilitation of offenders – the provision of therapeutic services without the presence of security staff.

Supervision of offenders – the coordination, direction, monitoring and evaluation of offender activities.

Treatment of offenders – the provision of health care services (physical or psychological) without the presence of security staff.

PROCEDURES:

A. Requesting an employee's current position be placed in the Correctional Employee Retirement Plan (CERP) for a classification already authorized by Minn. Stat. § 352.91.

1. The employee must complete the CERP Initial Service Date form (attached) along with a current signed position description in the CERP format (attached) to the employee's supervisor. If the time for which the employee is requesting CERP coverage is prior to the date of the current signed position description, the employee must also submit any documentation to support the request.

2. The immediate supervisor must review the request with all documentation and certify that it contains accurate information by signing the CERP Initial Service Date form (attached).

3. The supervisor(s) must send the signed form and all documentation to the regional human resource director (RHRD) along with a letter outlining how and when the position changed to warrant coverage under the CERP.

4. The RHRD must determine if the request for inclusion meets the criteria outlined in the Minnesota Statutes, and if the initial service date corresponds to the documentation provided by the supervisor.

5. The RHRD must send the request and the RHRD's evaluation to the appropriate appointing authority (AA).

6. The AA must evaluate the request and document whether the request for inclusion should be granted.
   a) If the position is recommended for coverage in the CERP
      (1) The AA must direct the RHRD to change the employee's retirement plan to the CERP using the "initial service date."
         (a) The RHRD must notify the employee, supervisor, and the Minnesota State Retirement System (MSRS) of this date.
         (b) The documentation informing the employee of a retirement plan determination is placed in the employee's file
      (2) If the employee does not agree with the initial service date determination the employee may file an appeal with the human resources director (HRD)/designee for consideration by the CERP review committee.
   b) If the position is not recommended for coverage in the CERP, the AA must notify the RHRD, supervisor, and employee that the request is being forwarded to the HRD/designee for consideration by the CERP review committee.

B. Requesting that an employee's retirement plan be changed to the General Employee Retirement Plan (GERP) due to a change in percent of offender contact.

1. The supervisor must update the position description (using the CERP format) and obtain the employee's signature.

2. The supervisor(s) must send the signed position description to the RHRD along with a letter outlining how the position has changed over time that warrants changing the employee's retirement code to the GERP.

3. The RHRD must evaluate the request and send the evaluation to the appropriate AA.

4. The AA must evaluate the request and, if warranted, direct the RHRD to change the employee's retirement plan to the GERP.

a) The RHRD must notify the employee, supervisor, and MSRS of this date.
b) Documentation informing an employee of a retirement plan determination is placed in the employee's file.

5. If the employee does not agree with this determination, the employee may file an appeal with the HRD/designee for consideration by the CERP review committee.

C. Process for evaluating and recommending potential classifications to be added to Minn. Stat. § 352.91

1. Evaluate the position and determine if the position is filled or vacant.
   a) If the position is filled, the requesting employee and/or supervisor must complete the CERP Initial Service Date form (attached) and submit the form along with a current signed position description in the CERP format to the RHRD.
   b) If the requested initial service date for the CERP coverage is prior to the date of the current signed position description, any documentation to support the request should also be submitted.
   c) If the position is vacant, the requesting supervisor must submit the position description in the CERP format to the RHRD along with a letter outlining how the position has changed over time that warrants changing the retirement plan to the CERP.

2. The RHRD must evaluate if the request for inclusion meets the criteria outlined in the statutes and if the initial service date corresponds to the documentation provided.

3. The RHRD must send the request and his/her evaluation to the appropriate AA.

4. The AA must evaluate the request and forward to the HRD/designee with a recommendation. The HRD/designee must bring the request forward to the CERP review committee.

D. Agency review of eligibility for coverage in the CERP

1. Each AA must periodically review all classes/positions under their authority to determine if:
   a) The current employees covered by the CERP continue to meet the statutory requirement for inclusion (if not, follow B above).
   b) Any additional employees should be added to the CERP who are currently in a class authorized by Minn. Stat. § 352.91 (follow A above).
   c) Any classifications not authorized by statute should be recommended for inclusion (follow C above).

2. The HRD must periodically prepare a report listing:
   a) Classifications proposed to be added to Minn. Stat. § 352.91 with the agency's initial coverage date.
   b) Classifications proposed to be removed from Minn. Stat. § 352.91.
   c) Names of employees that requested to be placed in the CERP but were not recommended by the AA.
   d) Initial service date appeals.

3. This report must be sent to the commissioner of corrections for approval prior to presenting the information to the CERP review committee.

E. Responsibilities/actions of the CERP review and appeal committees

1. The HRD/designee must convene meetings of the CERP review committee.

2. The CERP review committee must review all requests referred to the committee in accordance with policy and supporting documentation for coverage by the CERP.

3. The CERP review committee must determine which classifications meet the statutory requirement for recommended inclusion in statute and the correct initial service date for all individuals impacted by the addition of the class.

4. The CERP review committee must determine which classifications no longer meet the statutory requirement for inclusion in statute and recommend the removal from statute.

5. The HRD must provide all affected employees and supervisors of vacancies with a notice of determination from the CERP review committee, including their right to appeal.

6. Appeals must be filed with the HRD/designee within 30 days of the date of the notice of determination.

7. The CERP appeal committee must review and make a determination on all appeals and these determinations are final.

8. The commissioner of corrections must submit a written recommendation to the legislature pursuant to Minnesota Statute documenting classifications that should be added and those that should be removed based on the reviews and appeals conducted.

9. Human resources staff must retain the documentation of each request process and the final determination.

10. Appropriate information must be documented and placed in the affected employee's file.

F. CERP-covered employees appointed to temporary assignments/positions not covered by the CERP

1. 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 must be moved to the GERP after completing one year's service per MSRS rules.

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

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

4. CERP-covered employees who are appointed to mobility assignments within the agency must follow the procedure for unclassified service appointments or work out of class appointments as outlined in procedures G.1 and G.2, below.

G. Filling of vacancies – hiring supervisors requesting to fill a vacant position authorized for coverage by the CERP.

1. The supervisor must complete the transaction request form (TRF) to request to fill a vacant position and attach a position description in the DOC position description template, which includes the percentage of contact time with offenders at a Minnesota Correctional Facility (MCF) and verification by the AA that the position should be covered by the CERP. AA verification of CERP coverage is not required for positions in the corrections officer (CO) 1, CO2, CO3, corrections canine officer, corrections lieutenant and corrections captain job classifications.

2. The AA must review the TRF and submitted position description, and if approved, submit the TRF request to staffing.

3. Staffing must review the position description for required signatures and a minimum of 75% contact time with offenders at a MCF pursuant to Minn. Stat. § 352.91.

4. If any of the information/documentation required in procedure G. 1 or G.2 is incomplete or inaccurate, staffing must contact the hiring supervisor or AA prior to posting the position with the CERP coverage.

H. Requests to classify and reclassify positions using reallocation

1. Human resources must classify and reclassify jobs without consideration of the pension plan covering the position.

2. Upon reallocation, if an employee believes the employee's position should be covered by the CERP, the employee must follow the procedures of this policy to request CERP coverage.

INTERNAL CONTROLS:

A. Documentation informing an employee of a retirement plan determination is stored in the employee's file.

B. Documentation of each CERP review committee meeting and the final determination(s) are retained by the HRD/designee.

ACA STANDARDS: None

REFERENCES: Minn. Stat. §§ 352.90 and 352.91

REPLACES: Policy 103.245, "Correctional Employee Retirement Plan (CERP) Administration and Process for Evaluating and Recommending Potential Positions for Coverage," 2/20/18.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: CERP Initial Service Date form (103.245A)
Position Description CERP (103.245B on iShare supervisors'/managers' HR site)

APPROVED BY:
Deputy Commissioner, Community Services

Deputy Commissioner, Facility Services
Assistant Commissioner, Operations Support
Assistant Commissioner, Facility Services