

My name is Dallas Moeller and I was desiring to share some information about HF1234 and the impact it will have on disabled first responders at the House Ways and Means Committee meeting that is scheduled for April 20, 2023, but I have been advised that public testimony is not accepted at these meetings. I have been advised that this letter will be included in the handouts when hearing HF1234 and I appreciate the opportunity to have my voice heard.

In December of 2019, my career in law enforcement came to an end after being diagnosed with PTSD. I absolutely loved my career, and the effort that I put into it is proof. I was a team lead on SWAT, a field training officer, a use of force instructor, and a member of the departments honor guard team, all at the same time. Law enforcement was my life. I worked every opportunity I could and was good at my job. However, being a police officer often comes at a cost. Throughout my career I saw many horrific events and came face to face with the evil that does exist in this world. I began my career as an innocent twenty-three year old whom you would not recognize today. While my career was rewarding and brought me a strong sense of purpose, it was almost like a drug. Much like an addict, I did not see myself getting sicker and sicker as my career progressed, even though relationships that I once had begun to crumble apart. Slowly, my life was closing in on me and I felt as if no one understood me, including my own family. While I still loved being a police officer, inside I wanted out but didn't know how because being a police officer had become my life. I was sick of the suicides, homicides, death notifications, and death in general. I was sick of putting on a uniform and pretending that things didn't bother me. One of the last calls that I took as a police officer was of a teenager who attempted to commit suicide. Listening to this teenage female tell me about the deep pains in

her life I realized that I connected with her on a different level. I had similar pains and feelings of hopelessness. After putting this female on a mental health hold, I sat in my squad car in a park all alone crying uncontrollably. Here I was, a police officer who was supposed to help people, but I didn't even know how to help for myself. In the days that followed, I was obsessed with the feelings that this conversation had caused. It was like a spark that had turned into a roaring fire inside of me. I couldn't take it any longer and needed out. I made a plan that I was going to crash my patrol vehicle and take my own life so that my family would be taken care of through my life insurance policy. There would be no note left for my wife and two beautiful daughters because that would affect the payout of my life insurance since it would be ruled a suicide. I had my plan and was ready for the hurting to stop.

After nearly executing my plan in the following days, I asked for help. I had a close friend that was seeing a psychologist that he trusted for mental health issues, and I finally told him about the darkness in my life. I was scared but knew that it was time for me to save my own life and get the help that I desperately needed. When I went to see my psychologist for the first time, I couldn't even talk without getting choked up with tears. After our initial meeting, my psychologist advised me that she did not feel that I was safe to be working and that she was going to have me taken off of work for the next two weeks so that we could meet again. While this terrified me because now my mental health issue was going to become public, for the first time I felt that I had someone on my side that could help me. After meeting with my psychologist for a second time she took me off of work for at least a year and advised that she would like for me to be evaluated for post-traumatic stress disorder.

In the following months, I was evaluated by two separate doctors and both doctors diagnosed me with work related PTSD. After the first diagnosis I submitted an injury report to my department and shortly after was denied my workers compensation claim because the insurance company disagreed with the doctor's diagnosis. Through my attorney, I then submitted paperwork for a medical retirement through my police pension plan which is through the public employee's retirement association (PERA) and was approved without any issues in December of 2019. At that time my benefits were explained and given to me.

Since being accepted for medical retirement, my workers compensation claim has been accepted after another psychologist hired by the insurance company diagnosed me with work related PTSD (the third time now) and they were forced to accept my claim. After many months of therapy, I re-entered the workforce as a door dash delivery driver because it offered me the flexibility to work when I was able to due to my ongoing mental status. While this job was a big step in my healing, it was short lived because I did not get any sense of purpose from it. I knew that I needed a job that would allow me to continue to have an impact on society and that gave me a sense of purpose. The first idea that came to my head was to become an elementary school teacher. I felt that this career would fulfill the sense of purpose I was so desperately needing. In the fall of 2020, I obtained my substitute teachers license and was hired at a local charter school that had just opened. After the second day working at the school, as I walked out to my truck in the parking lot, I realized that my mouth was hurting because I had been a long time since I had smiled so much. This was when I realized that teaching was what was going to give me my life back. After a couple of months substituting a few days a week, I was offered a full-time job as a substitute teacher and paraprofessional. After some discussion with my

psychologist, I was released to work full time at the school but was advised that I would be monitored, and my restrictions would change if it impacted my mental health in a negative way. I was so excited to be back to work and on the right path again.

While working at the school, I began to work with my qualified rehabilitation consultant to go back to college to obtain my teaching degree so that I could have the possibility of returning to what workers compensation considers 'gainful employment'. Although it would not bring me the same income that my previous job had provided, the income that I was collecting from PERA would bring me close to what I had been earning when I left my career as a police officer. After extensive job searching and more evaluations, this time from vocational experts, the insurance company agreed to pay for me to get my Master of Arts in elementary education through Concordia University. I am currently one year away from graduation and have a conditional job offer as an elementary school teacher from the charter school upon completion of my degree.

Unfortunately, I heard about the proposed changes to my PERA benefits through HF1234 about a month ago. These changes will bring financial hardships and have already had a devastating impact on my mental health. I felt that I was doing the right thing, getting my life back together and giving back to society. Leaving my career was not a choice, and I wish I could still be a police officer, but this was the best alternative that I had. Getting my teaching degree would allow me to make supplemental income so that the deficit from my former job would be lessened. I recently called a PERA representative to find out how these offsets will impact me, and I learned that two-thirds of the income that I would be making as a starting teacher would be taken because of both offsets. That is nearly \$40,000. I have been repeatedly told that this

legislation is about fairness and that it is unfair if I make \$1 more than any active contributing member. This legislation does not consider the standard of living I had when I was a police officer and the amount of money that I was making in overtime. I am now going to be limited to making no more than the base salary that I was making at the time I was forced to leave my employment. The representative calculated my earnings from the current system and even with the potential of my new earnings, I was still making less than what I would be currently making as a police officer. The one question that I asked the representative is how I can make the same amount of money that I was before becoming disabled and after a very long pause he told me that I would need to find employment that offered that type of pay. My question is where? I understand that the legislation in part is trying to prevent those on disability from making more than they were as a police officer, but it doesn't allow for people to make the same income, which is the opposite of fair. I have been struggling to understand the 'fairness' in how I was forced to leave my career and will now make less than two-thirds of what I was as a police officer. I have a disability that I have worked hard to control, but my efforts are being threatened. The current system is in place to help individuals that have been injured regain gainful employment, but this legislation is threatening that. I am frustrated when I hear that the 'stakeholders' have been working on this legislation at meetings that I knew nothing about. The retroactive portion of HF1234 takes back the promises I was made when I left the career four years ago and began to set up my life. I was told what my benefits were and built my life around that, but now that is being threatened. Is this really the thanks that I get for giving my life to my profession? Is this the thanks that I get for waking up nearly every night because of vivid memories? Is this the thanks that I get for trying to get my life back? I am not trying to

take advantage of 'the system' I am only trying to provide for my family financially in the same way I was able to before the injury. Please remember that the implications of HF1234 will be permanent and will not account for the growing inflation. The president of PERA has already stated that these offsets will likely have no significant impact because of the low percentage of the people that are collecting disability. There have been so many false statements or misrepresentations when this legislation was presented that it makes me sick to my stomach.

There is so much more that I would like to say but I will leave you with this. Law enforcement changed my life in many ways. I am proud that I served my community for over fifteen years, but that came at a cost. HF1234 is again going to cost me and my family further distress that I do not feel I deserve. If you have any questions or would like to talk further I will include my phone number.

Sincerely,

Dallas Moeller

651-353-4888



MINNESOTA POLICE AND PEACE OFFICERS ASSOCIATION

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Phone: 651-291-1119 Website: www.mppoa.com

April 21, 2023

To: Representative Kaohly Her

RE: Support of HF1234 (Her), Peace Officer Duty Disability Provisions Modifications and Appropriations

The Minnesota Police and Peace Officers Association (MPPOA) is the largest association representing public safety professionals in the State of Minnesota. We represent Minnesota's 10,000+ public safety officials who hold active law enforcement licenses.

MPPOA supports HF1234, legislation that modifies peace officer duty disability provisions.

First, the bill would help peace officers by establishing PTSD paid leaves and benefits while the impacted members receive the treatment and medical care that they need.

Second, the bill has a plan to address the pension shortfalls and aligns the earnings for active and disability benefits. Nothing in HF1234 would impact members who receive full duty disability.

For the reasons above, MPPOA supports HF1234.

Sincerely,

Brian Peters
Executive Director
Minnesota Police and Peace Officers Association



Follow the MPPOA on Facebook and Twitter @MNPoliceAssn

Dear Minnesota House of Representatives,

I am writing this letter in opposition to HF1234/SF1959. As a former police officer with over 25 years of experience as a police officer in Minnesota who has been struggling with PTSD, this bill will be detrimental to me, my family, along with past, current, and future law enforcement officers.

Just over two years ago, I was involved in a very stressful critical incident, including a lengthy high-speed dangerous police chase that ended with gunfire. I was put into a situation where I not only had to save my partner's life but mine as well, and I was forced to discharge my weapon and kill the person I was chasing. Unlike TV and the movies, the use of lethal force created several issues that I never wanted to deal with in my career. I suffered nightmares, sleepless nights, bad dreams, anger, frustration, anxiety, loss of inhibitions, and feelings of worthlessness, for starters. This incident was affecting my work, my family, and my overall health. I began to seek help and was diagnosed with PTSD. I continued to see a therapist and attempted to work through my symptoms for almost a year before I finally had to throw in the towel and remove myself from the profession that I absolutely loved. The healing process is something that I continue to work through, but no amount of therapy will ever change the fact that I had to take a human life.

As I continue to try and heal and put time between my traumatic event, every time I have to talk about my incident, hear about similar incidents, or read proposed new legislation that will affect my duty disability, it triggers my traumatic event and keeps it fresh in my mind which is detrimental to the healing process.

Creating offsets for all individuals receiving a duty disability benefit will result in significant financial hardships for disabled individuals who rely on these benefits to cover their basic living expenses. These individuals may already be struggling to make ends meet due to their disabilities, and reducing their benefits could make it even more difficult for them to meet their needs. Additionally, creating offsets could discourage individuals from pursuing careers in fields that carry a high risk of injury or disability, as they may feel that their benefits will not provide adequate support if they become disabled. As you know, law enforcement is a very dangerous profession.

Furthermore, creating offsets could result in a reduction in the quality of care that disabled individuals receive. If disabled individuals are forced to rely on other sources of income, such as Medicaid or other social welfare programs, they may be unable to afford the best quality care available, which could negatively impact their health and well-being. By requiring individuals to reapply every year for benefits and if for some reason they are not approved based on one person's opinion, it would subject the member to lose out of their benefits, and health insurance coverage just is not right.

Overall, creating offsets for all individuals receiving a duty disability benefit could have serious consequences for disabled individuals and the quality of care they receive. Any changes to disability benefits should be carefully considered and take into account the needs and well-being of disabled individuals. Making this bill retroactive for people already approved will severely

impact their ability to continue healing. You are sending the message to our first responders that we do not care about the sacrifices they have made for their community.

To receive disability benefits or workers' compensation benefits, individuals must meet certain eligibility criteria and provide medical evidence to support their claims. They may also need to undergo assessments and provide regular updates on their condition. What you are trying to change with this bill will not help those individuals who have already gone through these assessments but will instead hinder their healing, and essentially, you are telling all first responders that we want and need you unless they become injured, then we are going to punish you for seeking help. Many first responders who are receiving a duty disability benefit are only receiving 60% of their salary.

We are in unprecedented times where it is becoming more and more difficult to hire, train, and retain good police officers who play a crucial role in maintaining law and order, protecting citizens, and ensuring public safety. Here are some reasons why we need police officers:

Crime prevention: Police officers help to prevent crime by patrolling communities, responding to calls for assistance, and investigating suspicious activity.

Law enforcement: Police officers enforce laws and regulations to protect citizens, property, and public order. They investigate and solve crimes, and bring offenders to justice.

Emergency response: Police officers are often the first responders to emergencies such as accidents, natural disasters, and acts of terrorism. They provide critical assistance in these situations, including directing traffic, administering first aid, and evacuating people from danger.

Community policing: Police officers work closely with members of the community to build trust and cooperation. They engage in community outreach and education and collaborate with citizens and other stakeholders to identify and address local issues.

Public safety: Police officers help to ensure public safety by maintaining order, regulating traffic, and responding to emergencies. They also help to protect vulnerable populations such as children, the elderly, and victims of domestic violence.

Overall, police officers are an essential part of our society, and their role in protecting public safety and enforcing the law is critical to maintaining a peaceful and just society we need your support more than ever.

I don't disagree that there should be some reform to the first responder duty disability statutes, but you should not be punishing those of us who have served. This bill should not be made retroactive and should not require first responders to be required to reapply for benefits every year.

Tim Evens
763-360-7022
Timmert123@yahoo.com

I am writing to give my story regarding HF1234/SF1959 and the detrimental impact this will have on my life. I understand you are busy and certainly don't expect you to read my whole story, but I hope you will read my concerns.

There are few things that really concern me about this proposed legislation:

Concern #1: Disincentivizing disabled first responders from seeking reemployment.

One of the worst things for anyone let alone first responders who were forced out of their careers due to incurring a disability on the job is to sit around and not seek out reemployment that accommodates their disability. This is extremely detrimental to their mental and physical health. I will tell you firsthand that this is exactly what this bill will do to me if it passes. I spent the last year working very hard to retrain in an industry that is accommodating to my disability and continue my therapy. This new re-employment pay along with my disability benefit allows me to make ends meet.

Under the current disability plan (that I was promised) my current contribution back to PERA is around \$15,000 a year (with my current reemployment). This is what I have planned my financial future around and is more of a contribution than an active officer making \$100,000 a year. If this proposed legislation is passed my total offsets will total around \$37,000 a year (if I keep my job, which I won't be able to do because I cannot afford this offset, I will lose my house). Keep in mind I will be subject to this penalty for the next **19 years**, totaling around **\$703,000** after tax dollars. This will financially destroy me and my family. An active officer, who has opportunities for promotions, overtime, side jobs with the same years of service and same age would only have to contribute around \$224,200 over the same 19 years.

Concern #2: Capping earning potential for prime working years

With the current PERA disability plan that I was promised, it allows me to earn 125% of the salary I was making at the time of injury prior to being penalized. This was put in place to ensure disabled members were able to recoup earnings they were making while active due to taxes, not receiving equal cost of living increases, raises etc. This also incentivizes those individuals to seek reemployment and get back to being productive members of society and doesn't cap their earning potential. With the new proposed plan, for me to overcome the proposed offsets, I will have to earn a reemployment salary of \$148,000 to take home what an active member in my same position is making, because \$48,000 of that would be offset by PERA. I make nowhere near this reemployment salary and with the proposed plan I am penalized up until I clear that salary which is not possible for me. Again, this penalty would apply to me for the next 19 years.

Concern #3: Impact to public safety

I'll make this one short, but it will make much more sense if you continue on to read my story. PERA has stated that they are proposing these changes to deter first responders from "maximizing income" on the disability benefits plan. Let me be clear, no one is living high off the hog on their disability benefit as some have put it. In the proposed plan, PERA touts that first responders will be required to go through 32 weeks of mental health therapy, which I agree that PTSD should be taken more seriously, but this isn't retroactively available to me. I've had to pay out of pocket for this expense. Additionally, I cannot imagine a world where cities will allow peace officers to go through mental health PTSD therapy and

then be allowed back on the street, this would be extremely unsafe for the public. Officers know this and know they will lose their jobs if they reach out for help, ultimately causing officers who have no business performing their duties to remain on the street. It scares me to think that had this plan been in place, there is no way I would've sought help. It would've ended tragically.

My Story

I served as a police officer for 10 years in a suburb of Minneapolis, during my career I was awarded the Minnesota Medal of Valor and numerous Chief's Accommodations.

In 2019, I responded to a domestic violence call that tragically resulted in a deadly force encounter/struggle with an armed suspect. After this incident, I struggled with the outcome and started avoiding responding to calls involving domestic violence. It got to a point where I was out on patrol with no ammunition in my duty weapon as I had removed it because I found it increasingly difficult to control my body's reaction to my symptoms on calls and did not want anyone to get hurt while I attempted to deal with my issues.

One day on patrol with my partner, a call came out at a group home where there was a person armed with a weapon. My partner aired up for the call and began driving to the location. I told my partner I could not go to this call, he explained we do not have a choice and that obviously we had to go. He continued towards the call and when we came to a stop sign, I tried to exit the vehicle and just told him to drop me off. My partner realized how severe my symptoms had become and got on the radio and made up an excuse of why we could not respond and sent another unit. He drove me to a gas station parking lot where he discussed with me the need for me to speak to a therapist to get help due to the severe PTSD symptoms I was experiencing.

I took my partner's advice and went to a therapist. After the session, the therapist apologized and indicated she had come to the determination I was "unfit for duty." I was not able to return to work and workers compensation kept denying my claim stating it was not a work-related injury. I consulted with an attorney and throughout the course of just over a year, I had to go to psychologists specified by the pension board and the city's insurance company. Eventually I was granted a duty disability pension.

I found it extremely hard to pay the bills and support my family with just my disability pension as it was a fraction of my income while working as a police officer. I had to open a HELOC on my home to make ends meet. After attending regular therapy sessions, I got to a point where I was cleared to start retraining in a different industry that would accommodate my disability but was told I could not work in a public safety position. I studied for just over a year to get the certifications required to work in that industry. After about 26 job applications, I was offered a position in this new industry which really began to give me more hope that I could continue to improve and be able to provide for my family.

I have been working in this new job for 3 months now, and recently learned of HF1234/SF1959. After completing the math of the two offsets, my total offsets would be \$37,000 a year or around \$3000/month if I keep my current job. A \$37,000 a year contribution to PERA would require an active officer to make around \$300,000 a year, which makes this provision absurd.

I would be subject to this contribution until I am 55 years old, which is a projected cost of \$703,000. In contrast, an active police officer at the same age and service credits would pay \$224,000 until age 55.

I want to emphasize that I did not choose to become disabled in the line of duty. In fact, I am learning now that taking my partner's advice in reaching out to a therapist was the worst decision I have ever made. I want to urge you to consider the sacrifices I have made and the struggles I have faced. I am not alone in this situation, and many other disabled workers are also at risk of losing their benefits. I urge you to think about the lives that will be impacted by this legislation, including my own. Sentencing me to these offsets for the next 19 years would financially wipe me and my family out. As the current plan sits, I make around a \$15,000 contribution to PERA each year, which is the plan I agreed to and incentivizes me to continue working. I cannot just sit around for the next 19 years unemployed to avoid the contribution changes as it would kill me not to try and work and I certainly cannot afford the \$3,000 a month penalty by keeping my job.

Surely there is a place where we can reach an acceptable agreement that would not destroy my life and my family's future.

Please have the courage to raise concerns about this proposed legislation. Be our voice, because we were not given one in this matter. We have enough first responders resorting to suicide after feeling helpless. Please be an advocate to bring this bill back to the table where all stakeholders can voice their concerns.

If you have any questions, please reach out.

Very Respectfully,

Brandon Akers



Minnesota Chiefs of Police Association (MCPA)
Executive Director Jeff Potts
jeff@mnchiefs.org

April 20th, 2023

MCPA Supports House File 1234/ Senate File 1959

The Minnesota Chiefs of Police Association, representing approximately 300 Police Chiefs and more than 150 Command level officer throughout Minnesota, is writing to you today to offer our support for House File 1234/Senate File 1959.

We have seen a dramatic spike in duty disabilities for police officers in recent years. Most of these cases are associated with PTSD. After two years of meetings with key stakeholders to develop effective strategies to address this alarming trend we worked with Chair Her and Vice Chair Frenz to craft HF 1234 and SF1959. We believe these bills will effectively provide the necessary resources to help keep police officers and firefighters impacted by mental health injuries in their chosen profession.

We support HF 1234 and SF 1959 as amended along with sufficient base funding for future obligations required by the bill. We urge your support for these critically important resources.

Respectfully,

Jeff Potts
Executive Director
Minnesota Chiefs of Police Association

ABOUT THE MCPA

The Minnesota Chiefs of Police Association is a professional member organization representing

approximately 1000 current and retired law enforcement and public safety leaders. Together, we bring the highest quality police services and leadership to the people of Minnesota.

To Whom It May Concern:

I am writing to express my concern for HF 1234 and asking you to vote against it or amend it to protect the benefits of disabled first responders.

In learning about this bill, I have found that its advocates are driven by bias and false assumptions against first responders who have become disabled. I have heard that these men and women chose to take a disability and that they did so to increase their wealth. I've heard that they left to avoid discipline.

All of this is shocking and awful to hear. None of these accusations fit my personal story or anyone's I know. The disability process is confrontational and challenging and involved at least two medical professionals. Most concerning and scary is that my life has been built around the current disability pension for years now.

I've also heard that our disability pension is more like an unemployment benefit, and that disability payments have placed the pension fund in jeopardy. All facts indicate the current disability payments have a minimal impact, disability applications are lowering, and the proposed offset changes will have no positive effect.

Shockingly, Democrats, a political party which traditionally spoke against bias and advocated for the disabled have fallen in line with those speaking against disabled first responders.

I left policing in 2019 due to untreated PTSD. I was on the verge of suicide. It took a lot of heartache before I saw that the job I loved was slowly killing me. The treatment plan this bill sets up was not available to me. I have since moved on from a public safety career that is legally and practically impossible for me to return to. With education funding part of some worker's comp settlements, reemployment is the natural next step for some of those who end up on a disability pension.

I was recently told by Governor Walz that a pension is a promise. Why don't Democratic representatives and senators believe the same thing? My family's life will be devastated with the proposed offsets: I stand to lose a net value of over \$40,000 in non-taxable disability pension. Despite wanting to keep working the only logical solution will be to end my current employment and take my full pension. Why remove that incentive?

I was fully vested in my pension when I became disabled by PTSD. I had no idea about finances when I sought help. Removing these benefits under the auspices of "equity" doesn't just ring hollow, it strikes at the very core of my identity, my experience, and my future.

As a member of the stakeholder group that was intentionally kept out of conversations about this bill, and as a disabled police officer who had a stellar career I am proud of, I can tell you that I've never felt this helpless and disregarded in my life. I'm sure the proponents of this bill feel justified in their views and advocacy. But from where I sit, it looks much more like selfishness and pettiness. And the impact is very one-sided.

Despite this, it is not too late to stop this bill, or amend it so that it will not ruin disabled first responders financially, professionally, and personally.

Sincerely,

Dave Luchsinger

April 19, 2023

House Representatives of Ways and Means Committee

State Office Building
St. Paul, MN 55155

Dear Representatives of the Ways and Means Committee,

I'm writing you with concerns about the proposed legislation in HF1234 and SF1959. It contains punitive offsets assessed to past and future PERA Police and Fire duty disabled members that have reemployment or will be seeking reemployment. I'm writing on behalf of myself and the MN Duty Disabled Association (mndda.org), which consists of others like me that have lifelong duty related injuries. While HF1234 and SF1959 may seem like it's a good thing for PTSD treatment, it is flawed with the offset penalties in the misbelief that it is needed to financially "save" PERA Police and Fire.

I would like to share my story. I'm currently a fulltime Deputy with the Otter Tail County Sheriff's Office. I've been with Otter Tail County for 10 years and I can honestly say it's been the best law enforcement agency I've worked for. I had no plans on leaving until I eventually retired. I currently live in Ottertail, which is a small community in central Otter Tail County. I'm the primary source of income for my family.

On March 11, 2022, I was in foot pursuit of a suspect that had a stolen vehicle and had been stealing diesel fuel from local farmers and businesses. During the foot pursuit, I suffered a trimalleolar fracture of my right ankle. I also damaged my syndesmosis joint. In simple terms, I broke my right ankle in three places and blew out the tendons and ligaments that hold my tibia and fibula together at my ankle joint. I had my initial surgery and went through an extended recovery and physical therapy process. My progress stalled and I had a second surgery in November 2022. After the second surgery, I went through another recovery and another round of physical therapy. In January 2023, I finally improved enough to return to full duty. Frustratingly, I then regressed due to the physical demands of the job. I had worsening pains and had swelling again. It reached a point that I spent my off-time elevating my leg and icing my ankle just to be able to recover enough for my next set of shifts. That also meant I had to deny my 8 year old daughter playtime whenever she asked me to do activities with her, which was absolutely heartbreaking for me. In March 2023, I was forced back into light duty by my doctor to await a third surgery. As I write this, I'm recovering from that third surgery that took place last week.

I don't know what my future holds. I sincerely hope to physically improve and be able to finish out my career. My doctor thinks there are fixes for my possible issues, but my doctor also says that based on the nature of my injury and the age when it happened; I'm likely to develop post traumatic arthritis, will likely have the eventual need for a bone fusion, and will likely have the eventual need of a complete ankle replacement. I truly want to get back to full duty without life altering effects. However, I'm trying to prepare myself mentally for the worst case scenario of having to medically retire from my career. That includes calculating what my income would be with PERA duty disability benefits.

As of last time I checked, the duty disability benefit from PERA would be \$1,000 less than my current take-home pay. The HF1234/SF1959 offset penalties would greatly impact my ability to make up that difference with reemployment earnings. I had a lengthy conversation with PERA of what the proposed offset penalties would do to me. If I managed to make \$10,000 in reemployment, my monthly benefit would be reduced by \$417 a month. That means I'd be down at least \$600 a month from my current

take-home pay. If I made \$25,000 in reemployment, my monthly benefit would be reduced by \$538 a month (or \$6,456 a year). If I made \$50,000 in reemployment, my monthly benefit would be reduced by \$1,379 a month (or \$16,548 a year). If I somehow managed to make \$75,000 in reemployment, my monthly benefit would be reduced by \$3,462 a month (or \$41,544 a year). PERA declined to put the numbers on paper for me because it's proposed legislation that's not finalized. I created my own spreadsheet which shows that I could never make the same take-home pay as I'm getting now due to the hamster wheel effect of the proposed offset penalties.

What's worse is that PERA isn't taking into account with these penalties is the full financial impact to disabled first responders. For me, I would be paying 6.2% of reemployment earnings into social security, of which I would never see the full return on because of social security's windfall provision for those that have pension income. That means I would have to try to put some of the reemployment earnings into a new retirement account for when I eventually reach full retirement. The reasons for needing a second retirement income are because of the windfall provision and because cost of living increases for duty disability benefits doesn't keep up with inflation. There is no cost of living increases for the first three years and it's only 1% after that (meaning inflation would greatly outpace the cost of living increases of the disability benefit). Due to the proposed offset penalties, being able to save for a second source of income for retirement would be just a dream because I couldn't afford to pay the bills for my family and I, much less save for retirement.

What compounds the hardship and stresses caused by these proposed offset penalties is that I don't know what career I can physically handle if I don't physically improve. I don't know if I could manage to work full time. I don't know if a new employer would be able to accommodate future leaves for additional surgeries because FMLA only allows 12 weeks a year, and that's only if it's a large enough employer. I also would not receive reemployment income during the medical leaves, putting me further in the financial hole. Unlike those in the metro area with a vast job market, finding such an employer in my area that will be accommodating and pay well enough to close the take-home pay gap with the offset penalties will be very challenging.

I also want to take a moment to try to disprove the misconception that all disabled first responders "get rich" from work comp payments and settlements, because that also seems to be a common myth for the legislators that are trying to pass the offset penalties. Work comp rated my permanent partial disability at just 2%. That rating is supposed to somehow relate to my future limitations, so they are required to compensate for that under MN rules. My one-time Permanent Partial Disability payment was just \$1,576. In addition to that, I may qualify for future wage loss benefits from work comp, but it seems there is another misconception that it goes on forever. Under MN laws, it is a temporary benefit that lasts between 2.5 to 4.5 years, and may not even apply if the injury occurred far enough in the past. Under the current rules of PERA duty disability, work comp wage loss benefits are factored into total income between the two systems, making it so you can't earn more than 100%. The 100% limitation is fair. However, I bring it up as another means to explain that I won't get rich if I'm forced into medical retirement under the current rules.

I'm scared and stressed. If I don't physically improve and the offset penalties go into effect, I financially won't be able to afford to take duty disability and I'll be forced to continue working until my employment is eventually terminated for not being fit for duty. I know keeping first responders from taking duty disability is the ultimate goal of the offset penalties, but it isn't fair. It isn't fair that I'll be penalized under offset #1 because I couldn't control how many years of service I had when I was injured.

It isn't fair that I can't make what I make now due to the cumulative math of offsets 1 and 2. And it isn't fair that if I'm forced to keep working in my current condition, it breaks my heart to know that I won't be able to do physical activities with my daughter because I'll be spending all my off-time again simply trying to recover enough for my next shift.

I asked that you oppose HF1234/SF1959 if the current offset penalties remain attached to it.

Please remember that it wasn't my choice to be injured, it won't be my choice if I'm forced to medically retire, and I'm not the only injured officer or firefighter that this will negatively impact.

Sincerely,

Michael Lange
109 Lake Ave S
Ottertail, MN 56571
Phone: 651-308-2200
melanieandmichael07@gmail.com



The Honorable Liz Olson
479 State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, MN 55155

April 21, 2023

Dear Chair Olson and members of the Ways and Means Committee:

We, the Minnesota Fire Association Coalition (MNFAC) which is made up of the Minnesota State Fire Chiefs Association, the Minnesota State Fire Departments Association, the Minnesota Chapter of the International Association of Arson Investigators, and the Fire Marshals Association of Minnesota, are writing to you in support of H.F. 1234, and the A7 amendment that will be offered in the Ways and Means Committee on Monday, April 24.

We want to thank Chair Her and all of the other duty disability stakeholders who have collaboratively worked on a legislative solution to a significant problem for years. We are fully supportive of the proposed solution and believe it prioritizes the wellness of public safety professionals by putting in place prevention measures and by providing treatment for mental health injuries.

We would ask the Ways and Means Committee to accept the A7 amendment to H.F. 1234. We appreciate your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "BJ Jungmann".

Chief BJ Jungmann
Legislative Chair, MNFAC



MINNESOTA SHERIFFS' ASSOCIATION

100 Empire Drive, Suite 222, St. Paul, MN 55103

Email: info@mnsheriffs.org

Phone: 651.451.7216

www.mnsheriffs.org

March 7, 2023

Kelly Moller, Chair Public Safety Finance and Policy Committee

Dear Chair Moller:

We are writing in support of HF 1234 (Representative Her) that is scheduled to be heard in your committee on Thursday, March 9.

The Minnesota Sheriffs' Association has been engaged in the process working with our partner agencies, the Minnesota Chiefs of Police Association (MCPA), the MN Peace and Police Officers Association (MPPOA), the League of MN Cities (LMC) and the Association of MN Counties (AMC). This group, together with other associations representing firefighters and others affected by the bill, has worked diligently to modify language that will help with this issue.

As always, thank you for the opportunity to be heard!

Sincerely,

James Stuart
Executive Director, Minnesota Sheriffs' Association



April 21, 2023

Subject: PERA Support for HF1234/SF1959

Dear Chair Olson, Vice Chair Edelson, and Members of the Ways and Means Committee,

This letter is a statement of support for HF1234 a bill providing improved mental health access to public safety members of PERA. The bill also includes specific PERA related provisions supported by the PERA Board. These provisions include shortening the period for a member to become vested, increasing the disability benefit for total and permanently disabled members, codifying PERA's existing reapplication processes, eliminating the workers' compensation offset, and modifying current benefit offset provisions.

PERA Police & Fire Plan (the "Plan") costs have increased due to the trends of a consistently higher level of disability benefit applications and an elevated number of younger applicants. When a disability benefit commences, both member and employer contributions stop. The combination of shorter pay-in periods and greater pay-out periods is very detrimental to the Plan. For example, if a member receives a disability benefit at age 30, the Plan does not receive 25 years of contributions, and pays out an additional 25 years of benefits. During this period, the fund no longer receives 29.5% of pay as contributions and pays out a benefit that is 60% of average salary – an annual impact of almost 90% of that member's pay.

A study commissioned by PERA's Board indicates that the expected cost impact of these trends are approximately \$40M/year, or about 4% of payroll. Only a reversal of these trends will have a significant impact toward reducing or lowering this increase in Plan costs.

HF1234 impacts Police & Fire Plan members in two ways. First, the bill improves access to mental health care, which stakeholder groups agree is expected to reduce the future number of disability benefit recipients. Second, the bill more closely aligns a disability recipient's income (benefit plus reemployment earnings) with an active member's income (salary net of contribution requirements). Currently, it is not uncommon for a disability recipient with reemployment earnings to have net income in excess of an active member's net income.

The bill reflects the point of view that a disability benefit should provide income for a disabled member as a financial bridge to a new career or retirement. If a member does not have reemployment earnings, there is no benefit change. This ensures a minimum benefit of 60% of average salary that is tax-free. Only if a member's benefit plus reemployment earnings exceeds the current pay for an active member in their former position does the second offset apply. This ensures that a member can have total income up to, but not above what an active member is paid. While the proposed offsets have some impact on the health of the fund, the primary purpose of the offset changes is the realignment of benefits between member groups within the Plan.

PERA acknowledges that viewpoints on the purpose and amount of disability benefits can vary amongst our members. The provisions of the bill are intended to address the issues of concern brought to us by stakeholder groups. We ask for your support for the bill.

Doug Anderson

Doug Anderson, Executive Director

Dear House Ways and Means Committee,

My name is Raymond Couture I have been a Police Officer for 15 years and throughout my career I have been exposed to several critical incidents involving homicides, suicides, severe domestic assaults, sexually assaulted children and countless medical calls a lot that involved mental health/trauma and holding and providing CPR on deceased babies and children.

I started my law enforcement education in 2005-2007. I have always wanted to serve my community in some way and I had a passion at the beginning like most new officers do for making traffic stops and removing impaired drivers off the road. I really expanded my knowledge for drug interdiction due to the impact it has had in our community.

Over the years I have noticed things have gradually started to change in me while on and off the job. I had a hard time understanding what was happening to me and I started becoming withdrawn and knew something wasn't right. I started this career apprehensive at first because I didn't know truly what a police officer job entailed other than the basics I've learned in school and what an honor it would be. While in college I have learned a lot of topics about this career but never received any training or awareness on mental health and the impacts it could create for officers.

One incident I had been involved in was when a young adult male had called 911 and was reporting that he was feeling suicidal and wanted to harm himself. I have been to several of these types of calls and most of them we ended up speaking with them and if it was a third party calling on their behalf and the comments that were made were of any concern we would convince them to go to the hospital to speak with a doctor. I thought that this was one of those calls but as I was responding I realized this one was different.

I arrived to the area where other officers had staged down the road from the callers home and my sergeant was on the phone with him trying to reason with him so it was safe for us to speak with him in person. I remember that it was a very cold January morning and we were about to drive up to the house when I saw a Red SUV come flying around the corner in the middle of the road and stop about 20 feet away from where I was standing. I training kicking in and I instantly went into a cover position by my squad and drew my side arm. At that time I felt a fear like I had never felt before and froze. I noticed that the driver who was the caller had a rifle witch was an AK-47 underneath his chin and the radio in his vehicle was blasting. Before I was able to yell drop the weapon the driver had pulled the trigger and I saw the front of his head fly upward and fall back down and the sound of the gun going off I will never forget. Officers including myself

tactfully approached the SUV and I could see what appeared to be him gasping for air and the entire top of his forehead was completely gone. I watched this young man die right in front of me and I remember somebody opening the driver door and from there I don't remember anything until one of my partners was yelling at me to put on some gloves. At that time I noticed that I had the rifle in my hands and I was attempting to clear the weapon to make sure it was safe but was having trouble because I was completely covered in blood, brain matter and chunks of skull. My sergeant saw that I was having trouble and was not mentally coherent so they took the rifle from me and told me to go to the top of the road and don't let anybody come down. I went to the top of the road and tried to clean myself up the best as I could. A short time later I observed a pickup truck flying down the road and skid to a stop at my location. The grandfather of the victim got out and wanted to pass by and go to the scene but I told him that I can't let him go down there right now. He became so irate that I thought I was going to have to subdue him from entering but I was still in complete shock and felt frozen. A conservation officer who was near me intervened and was able to calm the grandfather down. When the scene was cleared and everybody had left I still stood there and didn't know what to do. I then went to our office where a group of new hires were doing some weapon handling training. I opened the door and saw several of the new officers were lying on the floor with their AR-15's pointing toward the door as I walked in I went into a state of hypervigilance mode I just about fell to the ground and passed out. Shortly after we were ordered to go to the impound where the victims vehicle was at and look for the spent casing. I was so irate at that point and didn't want to do it but was ordered by my superiors so a few of us officers went to the impound and searched the inside of the vehicle. I was in the front passenger side and all I could see was frozen chunks of brain and skull matter on the inside of the vehicle. I was able to see the fragments where the bullet had went through the headliner above the driver seat. One of the officers was able to locate the casing and I left the impound and resumed patrol. I remember it was a very busy day but the rest of the day is a complete blur. At the end of the day and the days following I had experienced things I could not explain. I was withdrawn, depressed and had heightened hypervigilance. My agency never really had a policy or anything in place for critical incidents and during my law enforcement schooling there was nothing addressing mental health so I had to deal with what I was going through on my own. My symptoms slowly with time had started to subside and I eventually was able to continue with my career and eventually became a DRE and a field training officer.

A few years later I was offered a full time position with another agency I was already working for for several years part time. I was very excited when I went to this other department full time because it was a smaller department and the community was very supportive of their police department. I worked very hard and was able to take on more roles and was promoted to an Investigator. During my time with this department I also

was exposed to some of the most traumatic calls that I have been on and to this day are hard for me to even talk about. As I sit here writing to you my experiences I am shaking so bad that it is hard for me to talk and relive these experiences.

One of those calls I responded to a frantic mother calling 911 for what I assumed was her adult son/daughter having a medical incident but when I arrived I was the first on scene a young female adult came and ran out of the house holding a blanket and just handed a lifeless infant child. I completely froze at that point and my training took over and I attempted to provide CPR. This young mother was behind me screaming in my ear repeatedly saying help my baby in distress.

Other responding units and medical personal arrived and it was confirmed that the child had died. I was standing next to the mother when one of the paramedics gave her the news and the mother completely lost it and was screaming. I overcame with such up and down emotion. One minute I had a very hard time holding back from not breaking down myself and still trying to do my job.

Shortly after that call and for several days after I was not the same person I was. I began to have extreme panic attacks and several days I would just cry on my way to work and also in my patrol car. I have had several other incidents that involved crisis situations, suicides and dead bodies.

I would try to hide my emotions with my family and friends but my wife and children knew something was different with me. There were several times that I was so overwhelmed my mind would not shut off. I would just come home after work and just sit and several times just cry until I fell asleep.

I continue to suffer every single day and just trying to engage with my family is a constant struggle. My mental health has changed who I am as a person and it feels like when I finally broke a part of me has died. I absolutely loved what I did and I was very good at it. I had so much to look forward to. I was on my way to becoming the next Chief of Police but my brain and body forced me to end all of that. I continue to work on therapy and have been for 3 years and some days are good and some days are horrible.

I would put my life on the line to protect anybody in a second without a thought and now I can't even look at my children without feeling shame and a failure. When I am stable enough I will have no choice to start to work to provide for my family because I didn't make a 6 figure salary at an officer. My disability is a lot lower than a large majority of others and 60% of a disability benefit is barely enough to pay for my mortgage payment each month so working would help me cope with my suffering and

not feel like such a failure and at the same time try to make our our financial means the offset penalty would just cripple our family. I wouldn't even be able to afford to take a part time job at McDonald's sweeping floors without forfeiting half of my wages. Tell me if that is fair? All we are doing is trying to pick up what pieces of our lives have permanently have changed us. We never wanted to leave our careers and communities we loved to serve. I never had a thought going into this career I would be so mentally and medically unstable. I take so many medications now just to try to keep me as stable as I can. I was unable to interact with my family and friends and have an overwhelming breakdown I several times unable to even operate a car safely.

I would like to close in saying that I have and continue to push myself to heal through therapy, medication, time and support but this is something that will never be fully cured. This will be a lifelong battle so please vote no to the bill and support all of who struggle on a daily basis. Don't allow these offset penalties and this slap in the face stress induced reapplication process that we all had to go through in the first place. If this bill passes I promise you this will end with far more first responders not seeking help and ending their own lives.

The calls that I was on would go through my head every single day. I was getting less than four hours of sleep a night and would be constantly exhausted. No matter what I did or where I was I would constantly shake and tremble with fear something bad was going to happen to myself, my family and what the next call would be.

One day while walking in the grocery store my wife and I passed by a mother with her infant child and I immediately was brought back to the call I had regarding the deceased baby. It took everything I had to keep myself together and and not break down and hide what I was going through so my wife didn't notice. I talked to my wife later on and she convinced me to seek help and meet with a therapist that specializes with first responders. I had gone to therapy every single week for going on 3 years now and tried to work through my experiences. It is still a very hard struggle at times and I was and still am in a constant hypervigilance and withdrawn that my relationship with my family or anybody I engage with is a struggle. I was next in line to be the next Chief of Police with my department and loved what I did but it scared me to death about going on duty not knowing what I would be exposed to. My productivity went down and interacting with anybody with composure was an immense struggle. I talked to my family doctor due to my physical health declining from the constant stress. He referred me to a mental health doctor and I met with a psychiatrist for medication management. I had tried several medications and continued therapy but nothing was really working. Our agency was having one of our firearms qualification and when I was put under the slightest stress I completely lost all of my fine motor functions and I couldn't hear what anybody was

saying and just shut down. My overall stature was completely unsafe. I had never experienced anything like that in my entire career. I was very good with any firearm qualification and passed every time with one try. This qualification I had to go through consisted 3 times and barely passed. My firearms instructor who I am very good friends with and who had been my instructor throughout my entire law enforcement career called my wife after I had left the range very concerned with how I was and wanted her to know that he had concerns about passing me at all.

On my way home it hit me and I broke down and it hit me really hard that I was in a controlled environment and was so unable and unable to control myself in a safe manner in a real life situation I could end up killing somebody or end up getting killed myself. At that point it would be reckless of myself to gamble with somebody's life. I made the hard decision to not return to work fully knowing that what I had worked so hard to achieve and the opportunity to possibly be the next Chief but I didn't have a choice. My doctor asked my wife how the family was doing during one of her appointments and she told him that I was currently not working and he replied to her he was glad and said if the stress didn't kill him a bullet would have. For him to say that said something because he was not one to advocate anybody to leave their career.

My biggest worry about leaving was how do I support my family if I leave my career but after learning about PERA Duty Disability it gave me the courage to not continue to put myself and others at risk and mask what I was going through and relief knowing that the state legislation that passed in 2019 to help first responders that were going through the same struggles that I was understood what first responders in my position needed to help us. It also saved a lot of first responder lives to suicide which I also at a couple points saw was the only way out.

I personally know a Deputy that had also struggled and said nothing and continued masking himself to his family and coworkers to the point that he took his own life. I also know of another officer that was also going to take his life but decided that PERA Duty Disability gave him the courage that saved his life also.

I work for a small department and ended up taking a pay cut to work for my current agency because I really care for this community. I along with many many officers I know work 2nd jobs to make ends meet because unlike some of the departments near the metro that make a lot more than a lot of agency's in rural and smaller Minnesota officers do. Also an officer or first responder that may have just started this profession may start out at a lower wage than somebody that had been on the job for several years will make a significant amount more. First responders can develop an injury including PTSD on their first day on the job and with the new proposed "penalties" that are listed

to what a first responder is allowed to earn is drastically decreased. With people in my and a lot of others this will greatly affect how they can provide for their families. Like I said many first responders have 2nd jobs because they didn't go into law enforcement to become rich we went into this profession to make a difference in their community. PERA does promote first responders to seek other employment and I agree because it will help them help to retrain their brain to not to continue to be retraumatized but lowering allowed earnings from 125% to 100% and penalizing those earnings with a 12% and offsetting dollar for dollar instead of the current one dollar for every three dollar penalty is saying that by you trying to heal and also continue to support your family at the rate you were before your injury is a slap in the face and I promise if this new legislation passes it will do the opposite and keep first responders in the closet until it's too late. I agree with some of the provisions that were proposed like the mandatory mental health treatment paid by the employer so the first responder isn't the one that has another medical bill to worry about and we have to address mental health awareness in our academies and higher education schools so new first responders are aware this is a serious and possible debilitating career ending condition. It makes me so mad knowing this was never really anything g anybody educated or informed new recruits but PTSD has been an issue for many many years. I understand on a monetary aspect yes it is expensive but don't change the law to stop or deter responders who need help but won't with the worry that if they follow through they may not be able to fully support their families. Hundreds of first responders take their own lives each and every year from what they've seen, experienced and can't continue to be exposed to. One more point I would like to make is with the suggestions about education and more support from administrations it can be slowed. It'll never completely prevent traumas but with education we hope it will slow the impact it has on the cost it creates. If you have any questions or would like to discuss my story further please reach out to me. Thank you for listening. I would like to testify in this upcoming hearing if possible.

Kind regards,

Raymond Couture
18 Evelyn St.
Esko, MN 55733
218-269-2900

April 17, 2023

To the Honorable members of the House Ways and Means Committee,

My name is Timothy Fletcher and I am a duty disabled Detective from the Dakota County Sheriff's Office. I am writing today about HR 1234 which I oppose in its current wording.

I started as a Police Explorer with the Dakota County Sheriff's Office (DCSO) when I was 15 (2002). When I was 18 (2006), I was hired by DCSO as a Park Ranger. At 21 (2009) I was hired as a Correctional Deputy in the Dakota County Jail and at 24 (2011) I was hired as a Deputy Sheriff. During my time with DCSO I was exposed to many critical incidents which resulted in my duty related disability. I worked in the following areas: Court Security and Prisoner Transport, School Resource Officer, Water Patrol Deputy, Patrol, 4 year assignment to the US Drug Enforcement Administration Task Force (DEA), and as a General Detective investigating persons and property crimes. I am a highly decorated Deputy with two Commendations of Merit, an Award of Merit, a Letter of Recognition for contributions to the field of drug enforcement delivered by the Special Agent in Charge of the DEA Chicago Field Office, and many other letters of recognition for my work. At age 32 (2019) I was diagnosed with a duty related injury, however I continued to work while receiving medical treatment.

The pain from my duty related injury prevents me from being able to fall asleep at night, causes nightmares and waking up in panic, flashbacks of crime scenes, and seeing the images of dead bodies throughout the day. As a result I turned to alcohol to numb what I was feeling and experiencing on a daily basis. To this day I cannot drive at night without having flashbacks of fatal car accidents, and I suffer from severe and debilitating panic attacks as a result. I avoid crowds, cannot watch movies or TV shows that have any death scene in them as they also trigger flashbacks. To this day I cannot hold small children/infants or be around them without having instant flashbacks of an infant death prior to leaving the career I loved. As a result, I have been unable to hold or be around my nephews and my friend's babies. Seeing car accidents on the road or hearing anything in the news relating to crime scenes or fatalities additionally will trigger my symptoms caused by my duty related injury.

At my worst I contemplated suicide several times and almost acted on it twice. The second time I had to call a friend with a local police department to come collect my firearms.

In 2021 I could not do the job I loved anymore. I remember talking to my bosses when I went on FMLA. I was devastated by the loss of my career, the loss of my family of coworkers, and the inability to continue helping my community. I remember sobbing on the phone.

When I went on leave due to my duty related injury, I was denied workers compensation and short-term disability. I did hire another law firm to fight to get my short-term disability. I had to rely on my savings, family and a line of credit on my house to cover my cost-of-living expense for my family. I have not been able to recapture those losses because of the lower income.

The PERA approval process was extremely difficult. I had to wait 9 months before I was approved. Two reports were submitted on my behalf from my PA and her supervising Doctor and a Psychologist. In addition, I had statements and reports submitted from other medical providers. Even with that overwhelming evidence, I was required to attend an independent medical evaluation by one of PERA's doctors. He agreed with the rest of my medical team that I was suffering and continue to suffer from a duty related disability.

My first area of concern is the new offset proposal and how it will dramatically impact my income and the ability for my family to live our current life. I decided to become a contributing member of the community and have obtained full time employment. However, in a high demand job market, having a bachelor's degree, and having a highly decorated 14+ years of work experience, it took me months to obtain a job. Many times, I would get no response when my resume showed duty related injury retirement or noted I suffered from a disability listed during the application process. My new employer has been very flexible with me when I have nightmares, which cause severe panic attacks. They allow me to start work late or take the day off. If I did not have an understanding, new employer, I would probably be without a job once again.

My new job pays \$41,000 per year before taxes. I have a bachelor's degree and years of experience but I was not able to match my past salary. When I add in my PERA payment, my annual income is \$96,500. This is still short of my income as a Deputy Sheriff where I was making \$98,000-\$100,000 annually. The duty disability benefit I continue to receive does not take into account any overtime I would have worked or any promotions I would have earned if I had been able to continue my career in law enforcement, which would have greatly increased my high 5 earnings. The new proposed offsets, based on documentation on the PERA website will reduce my yearly income by between \$12,000 and \$14,000. This will reduce my annual income to between \$82,500 and \$84,500.

Last year, Dakota County Deputies received a 5% increase in pay, and the currently employed deputies will continue to receive pay increases every several years based off of contract negotiations. The only cost of living increase I will receive with my PERA duty disability income will be 1% after 3 years of receiving my duty disability, and will continue to be 1% every year afterwards. This is stated in the statute. This does not take into consideration inflation or changes in the economy. My understanding is that based on internal documents from PERA that people receiving a standard PERA pension will be receiving an 8% increase in their PERA pension monthly payments. This increase was proposed by PERA.

Currently I am the sole income provider in my home. Even though I'm married, my spouse was affected mentally by what occurred and continues to occur related to my overall mental health. As a result, he is afraid of going back to work because he is worried about leaving me alone at home for more than 30 minutes to an hour for fear that I might commit suicide. As a result, he has to seek out his own mental health treatment. The members of the House and Senate need to know that duty related disabilities not only affect the disabled member but their family as a whole.

The next area of concern I have is related to the re-application process. While PERA says nothing will change, the language of the re-application process can be interpreted in many different ways by a new PERA administrator or by a court. I feel there needs to be a clear definition in any statute that might be passed defining what the re-application would entail and what my rights to appeal if denied after re-application would be. My concerns are, what will be my legal fees, will my health insurance be impacted, or will I lose my disability pension. I am concerned how I will support my family on a \$41,000 a year salary. If that is the case I will lose my house, cars, insurance and quite frankly the ability to survive. When I factor in my disability income with my current rate of pay, I am able to support my family, however even some months are difficult. My family has had to change our spending habits to include shopping at lower cost grocery stores and finding cheaper gas.

Currently, I am on six different psychiatric medications, see a therapist once a week, see a psychiatric nurse practitioner once a month, and an internal medicine doctor every 2-3 months. Even with health insurance, my out of pocket expenses through copayments average between \$500-\$1000 a month, which about equals one paycheck from my new job. These monthly medical expenses alone over the course of the year come close to the amount the offsets being proposed will reduce my annual income by.

My understanding from a conversation with a member of the PERA board is that there are only about 1200-1300 first responders that are receiving a duty disability pension. As for the loss of solvency the PERA administrator reported, it is primarily related to the recent decline in the stock market (a risk they took over less riskier investments) and is not associated with the amount being paid to those who are receiving a duty disability related retirement. I encourage all of you to review with the PERA administrator their financials.

Regarding Representative Her's statements during the pension committee hearing on this Bill, she indicated that the pension received by duty disabled first responders in MN is more generous than the benefits VA disabled Veterans receive. My Cousin served 22 years in the US Marine Corps before becoming disabled. During her time in the Marine Corps, she either lived on base or received a generous housing allowance. She now receives a VA monthly benefit of \$4500 in addition to her pension due to a duty related injury of major depressive disorder, anxiety and PTSD. Currently VA disability recipients only have to apply once, and once approved, there is never a reapplication process. There is also no cap on her re-employment income. She currently works in the private sector and makes \$180,000 annually, none of which is penalized. Individuals receiving federal social security disability benefits also only have to apply once in their lifetime. Once approved, they never have to reapply.

With the respect to all stakeholders being involved, it is my understanding that only the following organizations were involved; PERA, the Minnesota Chief of Police Association, the State Sheriff's Association, the St. Paul Firefighter Association, MMPOA, The League of Minnesota Cities, and LELS. To the best of my knowledge, no duty disabled

first responder had a seat at the table. This proposed statute was only shared with us over the past several weeks even though this Bill has been ongoing for two years. Those same organizations supported me when I was an active peace officer, but as soon as I was no longer a contributing member, they no longer cared about me.

I served my community for 14 years in many different roles and I feel it is wrong to penalize me and my family for the injury I sustained while working as a Deputy Sheriff.

Suicide is already an issue within the first responder community. My friend, and fellow first responder, Corey Slifko committed suicide a few years ago. As a result, US Representative Angie Craig created a Bill which passed in the US Congress that recognized suicide as a line of duty death. I believe that if this Bill passes, even more first responders will not seek help, and as a result, will commit suicide.

The current climate in the nation is a focus on diversity, equity and inclusion. I believe this Bill does not address any of those issues, and as a result, punishes those that are injured in the line of duty. There is a quote from Nkem Elvis that states, "Disability is not a choice, but discrimination is. Attacking such persons is the lowest display of Power." I respectfully ask that you make significant amendments to this proposed bill or vote NO.

Thank you for your time.

Respectfully,

Tim Fletcher, a duty disabled Detective formerly with the Dakota County Sheriff's Office

I believe as a result of this Bill

Dear Committee Members,

I write to you today as one last attempt to slow the passing of HF1234/SF1959. I have laid out my concerns and frustrations regarding this bill possibly passing and becoming law in four emails to my representative, Senator Seeberger, but have gotten no response. I still firmly believe that when this process began PERA did not present everything accurately and has been less than transparent and they have not laid out the **REAL** consequences its passing will have on disabled members for years to come. I also still believe myself and several others have been cheated when we were not allowed a seat at the table. Those that were allowed at the table make annual salaries in the mid \$150,000 plus and are set to have their high fives at nearly \$200,000 factoring in overtime when they retire, far more than anyone currently receiving disability benefits.

On April 17th, 2023, I was able to speak with someone at PERA to better understand how the offsets would affect me.

-Offset 1 would not apply to me as I had 26 ½ years of service

-Offset 2, as it is proposed, reemployment earnings to not exceed 100% of an active member's salary in a similar position. With that, I have been looking at a job that would pay me \$50,000 annually. With my salary at the time of my leaving employment, **my PERA benefit would be reduced by \$2,196 monthly, or \$26,352 annually.** That being said, I would work a full time job and only be able to take home \$23,648 of a \$50,000 salary. My question to you is, **how is giving back to PERA over 50% of what I would be making fair and equitable?**

PERA would be capping and not allowing me to make a penny over what my base salary was when I had to leave work due to my disability. If I did it would all go to PERA. What I'm sure they didn't present either is this does not allow me to factor in overtime I used to work and can no longer get, contract raises, or cost of living expenses/increases. Also, troubling to me is when I asked if as the salary for someone in a similar position as I was, continues to have their salary go up, would that factor into my offset. They couldn't give me an answer. How can you ethically pass something into law without knowing all of the final details?

I would welcome an opportunity to speak with any or all of you regarding this proposed bill and the negative effects it would have if passed.

Respectfully,
Greg Bakken
6072 Inskip Ave S
Cottage Grove, MN 55016
651-503-1640



April 21, 2023

Chair Liz Olson
Members of the House Ways and Means Committee

RE: HF 1234 (Her) - Peace officer and firefighter disability provisions modifications and appropriations

Dear Chair Olson and Members of the Ways and Means Committee,

We are writing to express our support for HF 1234, a bill related to public safety posttraumatic stress disorder (PTSD) duty disabilities. We support HF 1234 because it would help curb current trends by implementing policies and funding to increase mental injury prevention and treatment initiatives so first responders will stay healthy on the job and so those who become injured can recover from mental injuries and potentially return to work. It is essential that the legislature implement ongoing (base) funding for all the provisions in the bill.

Public safety employees face situations in the line of duty that put them at risk for mental injuries. In recent years, Minnesota has seen troubling trends around public safety duty disabilities related to PTSD. Fortunately, according to experts, the risk of a mental injury can be lowered by implementing preventive measures, such as robust wellness programs, normalizing conversations about mental health and providing access to tools like peer support. Medical experts, including the Mayo Clinic, agree most people diagnosed with PTSD can be successfully treated if they receive timely and appropriate professional help.

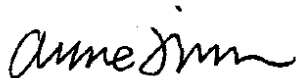
When an employee becomes eligible for a Public Employees Retirement Association-Police and Fire (PERA-P&F) duty disability, the employee also becomes eligible for continued health insurance under Minn. Stat. § 299A.465. The statute, known as the Public Safety Officer Benefit (PSOB), provides that the employer at the time of injury is responsible for the continued payment of the employer's contribution for coverage of the officer or firefighter — and in some cases, the employee's dependents — until the employee reaches age 65.

When the PSOB law was enacted, the state was fully reimbursing employers for the cost of complying with the continued health insurance mandate. In the early 2000s, the Legislature stopped fully funding the reimbursement account and passed an amendment to the statute that said employers would only be reimbursed on a prorated basis. As of the end of fiscal year 2021, the state was only reimbursing \$1.367 million of the \$10.691 million requested by employers.

The members of our organizations believe there is a role for the state in helping employers and employees address the trends and costs pertaining to PTSD duty disability claims. SF 1959 contains provisions intended to help prevent mental injuries and funds treatment for first responders who suffer from mental injuries. The bill requires treatment for injured employees before a duty disability can be granted by PERA and provides state funding to keep employees on payroll while they are being treated. The bill also provides full state funding for the mandate that requires employers to continue health insurance benefits for employees who are approved for a PERA duty disability. The full reimbursement to cities contained in HF 1234 is a critical element in securing the support of cities across the state.

We respectfully request your support for this important legislation.

Sincerely,



Anne Finn,
Intergovernmental Relations Director
League of Minnesota Cities



Patricia Nauman
Executive Director
Metro Cities



James Hovland,
Mayor of Edina
President
Municipal Legislative Commission



Cap O'Rourke
Executive Director
Minnesota Association of Small Cities



Minnesota Professional Fire Fighters

8100 Wayzata Blvd, St Louis Park, MN 55426

April 21, 2023

Representative Liz Olson

479 State Office Building
St. Paul, MN 55155

Chair Olson, my name is Scott Vadnais. I represent the Minnesota Professional Fire Fighters ("MPFF"). The MPFF represents over 2000 full-time Firefighters, Paramedics, EMTs, and Dispatchers throughout Minnesota.

I'm writing to you today to give our full and complete support to HF1234. Throughout the process, we have worked with Representative Her to address any concerns with HF1234 language. Our concerns have been addressed with the language in the draft 7A amendment. The proposed 7A amendment makes technical changes to HF 1234, proposed by Ann Lenczewski.

We support these technical changes Representative Her will propose to the bill when HF 1234 is heard next week. Again, the MPFF supports HF1234.

Sincerely,

Scott C Vadnais

Scott Vadnais

President

Minnesota Professional Firefighters

April 21, 2023

Dear Chair Olson and Members of the House Ways and Means Committee,

The Association of Minnesota Counties and Minnesota Inter-County Association thank Representative Her for her work on HF1234 and write today in support of the bill's underlying provisions. Importantly, we also note the need to work to identify an ongoing funding source for this most critical provision.

Minnesota, like other states across the nation, has dealt with a historic increase in the amount of duty disability departures due to post traumatic stress disorder (PTSD). In the last three years alone, PERA Police and Fire Plan disability applications for duty disability pension benefits due to mental health issues have increased from 118 in 2019 to 241 in 2020 to 307 in 2021 with a nearly 100% approval rate. More recently, PERA has also identified that ongoing disability trends is having real and significant costs to the sustainability of the Police and Fire Pension Plan. While much of the media attention has been on the dramatic increase of PTSD-related departures in the metropolitan area, we have heard an equal level of concern from elected county commissioners and sheriffs across the state. These heightened departure rates combined with already evident workforce shortages and smaller-than-average academy class sizes point to a serious endemic of an availability of public safety personnel. **Simply put, there are and will continue to be insufficient numbers of public safety personnel and recruits to replace those leaving if we do not fix this system.** Moreover, with departure trends and less availability of workforce, employers have serious concerns about adding even more workplace and emotional burdens to existing staff—all of which will lead to further workplace exhaustion, lower retention rates, and poorer outcomes for all those involved. All told, it is incumbent on the Legislature to act on this critical and timely issue.

For over two years, counties have had the privilege of being part of a Public Safety Duty Disability Stakeholder Group. This group has been composed of a multitude of local government employers as well as law enforcement and union representatives. While this broad group represents various, and at times divergent, stakeholder interests it has been clear that all agree the status quo is unacceptable. Equally so, all members of the work group have stressed the importance of making sure there are readily available resources for mental health support and treatment and that employers are sharing best practices to provide upstream services that can alleviate some of the systemic pressure points. There is no doubt that the current duty disability process is unsustainable and resulting in less-than-ideal outcomes with increasing numbers of employees never returning to work and leaving their profession permanently.

As counties approach solutions to this serious issue, we center our priority on getting employees the mental health support they need with the primary goal of recovery and safely returning people back to the profession. As several mental health professionals have pointed out (both in our work group and before the Workers Compensation Advisory Council), PTSD is treatable. Stakeholders are unified in agreeing that the primary objective should be not the litigation of benefits or a decision to depart from the field, but rather to make sure individuals have the support they need to get treatment and hopefully return back to the career they invested so much to be in. In fact, with the proper treatment and support, the work return rate can be very high. For cases where return is not possible, AMC and MICA continue to support access to current duty disability benefit structures.

HF 1234 inverts the current duty disability by first prioritizing mental health treatment and making certain that the individuals receiving treatment are compensated for their time off and have their medical service needs reimbursed. **As currently drafted, however, HF 1234 appropriates \$100 million of one-time funding for health insurance, duty disability and mental health treatment expenses that will be ongoing. Ensuring these costs are fully reimbursed by the state has been a key expectation throughout development of the legislation. We appreciate the inclusion of annual reporting language on depletion of the one-time appropriation but are greatly concerned that the costs of this extensive new treatment program will ultimately be paid by local governments.** Reasonably so, local governments are concerned about this precedent and the potential to cause extreme stress on local budgets and abilities to fund public safety personnel and responses long term. We would ask the Legislature to work to identify resources to make this new program funded long term.

In summary, we believe HF 1234 represents a comprehensive approach hope to reduce the number of PTSD claims altogether by providing employees with better tools to diagnose mental health stresses earlier on and providing protected and compensated leave for employees to truly get the care the need in the hope of return to their profession.

We thank Rep. Her, Senator Frentz, and the vast array of public employer and employee groups for their work on this legislation. We look forward to continuing work together to bring lasting solutions forward that provide the help and support our public safety responders deserve.

Sincerely,



Matt Hilgart
Association of Minnesota Counties



Matt Massman, Executive Director
Minnesota Inter-County Association

April 20, 2023,

Leah Kilian

200 State Office Building

100 Rev. Dr. Martin Luther King Jr. Blvd.

Saint Paul, MN 55155

RE: HF1234 testimony

I would say good morning to you, but it hasn't been a very good month for me. I am one of the 800 and some duty disabled officers that left law enforcement in January of 2017 after being diagnosed with PTSD, anxiety, and depression. I was a Deputy Sheriff for almost 24 years and during those years, I was involved in 3 Officer Involved Shootings (OIS), witnessed 2 suicides right in front of me, investigated numerous suicides, was involved in numerous fatal car accidents along with too many other types of incidents to sit and write about.

What is taking place is a total injustice to me along with all the other first responders that had to leave their careers because of some type of injury.

I was the type of officer that would just bottle everything up after these types of incidents and finally after my last OIS, it was too much for me, and I broke. I at first went and tried to get help with counselling but after another tragic accident, I broke completely. I went and met with Dr. Michael Keller, who diagnosed me with PTSD, anxiety, and depression, which ended my career as a police officer. I loved doing my job day in and day out but loving that job took a huge toll on me and my family, I was divorced from my first wife back in 2005. I met an awesome person about 12 years ago while I was still an officer and we got married. On March 10th, 2023, my divorce from this wonderful person was finalized. I asked her why she wanted the divorce, and she told me that I am not the same person she met 12 years ago. Right now, my whole world has been turned upside. I just lost the person who I wanted to spend the rest of my life with and now, I am probably going to lose most of my duty disability pay because of what has been proposed in HF1234.

After leaving law enforcement, I started my own business of upfitting emergency vehicles because I still wanted to be a part of the law enforcement world. I could have been that person to just sit at home and draw my duty disability pay but that is not me. I went back to work to try and better myself.

What is being proposed is going to cost me over \$30,000 a year which due to my recent divorce will cause me some major issues in my life. I very well may have to sell my house because of these changes because I am not going to be able to afford my mortgage payment along with all my other bills and obligations.

The stress of my divorce and now all the stress from hearing about this bill and how bad it is going to affect me along with so many others has caused me so many sleepless nights and long days trying to

work to keep my home and my sanity. I have recently gone back and started counselling again because I feel like I am losing control.

Just this last week, a former Zumbrota Police Officer who went out with PTSD committed suicide. I can only imagine what was going through his mind at the time. How many other injured first responders are going to take this route if HF1234 is passed because they will not be able to take how bad the effects of this bill will cause them. Please remember that while working on the bill.

If you have time, please call me at 507-236-0566 to discuss this.

Sincerely,

Terry Boltjes

Duty Disabled Mille Lacs County Sheriff's Deputy

Hello I'm David Blackstock, a disabled police officer. I am writing today to oppose HF1234 which will financially punish currently disabled officers, further stigmatize mental health issues and put public safety at risk.

In October 2007, I was sworn in as a new police officer for the city of Mankato. Less than 7 weeks later, I responded to a home invasion where an intruder was trying rape and murder two college women. I didn't hesitate to try and save them as I was just promised I'd be taken care of if anything happened to me. A few minutes later, I'd be kneeling over a growing pool of blood, the suspect killed, the women were saved but I was battered.

I would physically heal in a few weeks and would return to duty. I received the medal

of honor and the medal of valor for bravery.

I saw a therapist recommended by the police department, as I was having issues. This therapist told me I was fine and to go back to work.

Three years later, I'd be holding my duty pistol to my head with my partners begging me not to pull the trigger. I couldn't live anymore with what we had to do that day. I spent the next few months working with the best doctors in the industry and eventually would clear the psychological evaluation and was back at work.

Even with continued therapy and medication, I made it another 2 years before I was standing in front of a wanted man who was reaching for a shotgun on

the wall. I didn't try to stop him, I was hoping he'd kill me.

In August 2013 the doctors forces me to retire, I didn't have a choice.

I have struggled for the past 10 years to rebuild my life. Only just now am I getting close to earning what I would be as a police officer.

This bill would completely strip me of my disability benefit due to proposed reduction of allowed income and offset penalties. \$26,000 in take home income would be slashed over night. Losing \$2,200 a month would cripple my family financially and may even cost us our home.

For officers who are disabled and can go

back to work, they will take home less than what they did as a police officer as their earnings will now be subject to social security and taxes vs non taxed disability income.

This will cause current officers to hide their PTSD in fear of being financially punished should they be forced to retire. This would clearly put public safety at risk.

This financial punishment would cause disabled members to not seek re-employment. It will stop their ability to improve their lives and rob our communities of people who love to serve and still have something to give.

This bill will break the promise that was made to me and thousands of other disabled officers who nearly paid the

ultimate price. Please protect us and stop this bill.

My name is Tim Smith and I severely injured my back in the line of duty as a St Paul Firefighter and EMT. I live with daily pain and have had significant hardships due to my injury. What is being proposed for HF1234 doesn't make any sense and could be detrimental to my family, others like mine and even businesses in the state. The proposed bill will not significantly help the PERA fund and would reduce payments dollar for dollar of nearly \$12k (or more) for any re-employment which would significantly de-incentivize those like myself trying to find other ways to contribute to our communities. It will bring into question reapplication worries and questions for families. If the bill passed I would lose over \$20,000 annually. My family and I can not afford this. My disability amount was agreed upon long ago and is what I have built my life around. I'm on a fixed income, I don't get promotions, raises or anything else and have tried to supplement in meaningful ways that don't aggravate my injury. This bill would only apply to duty disabled members and is immediately retroactive which seems extremely unfair and not right. Why are disabled members the only ones be targeted? Duty disabled members make up a *very* small portion of the PERA fund and they are the **ONLY** ones being targeted with this bill. It is also proposed as retroactive. We have planned our lives and families around this and HF1234 would completely turn things upside down for those like myself and my family. I fear there would be a LOT of backlash, bad press and members having to deal with more issues who gave up their lives and body for the job. This bill does not pass the 'smell' test when you start looking into it.

This does not seem like a viable solution as proposed. With this bill, I would have no incentive to continue training people in CPR which is what I've done since being injured on duty. Most of the disc in my back was taken out, I am in constant pain and battled depression from being forced to leave the job I love and now I am told my pension will be significantly reduced out of nowhere, that reapplication requirements are changing which no doubt PERA will try to use to deny people which will then lead to cessation of healthcare. This makes **NO** sense and needs more thought.

Tim Smith

651-262-4272

I am a 26-year veteran of Law Enforcement who was FORCED to retire with a Duty Disability. I did not want to leave. This bill will negatively impact me in numerous ways if passed.

I will start with the mental health harm of this bill. I previously emailed all house members of this committee, in part: "I understand the mental health issues myself and other disabled members have. I do not mean to sound alarmist, but I can guarantee there will be members who take their own life because of the stress and hopelessness for the future that this one issue will bring to bear on people who are simply trying to work to support their family."

IN THE PAST WEEK, WE HAVE HAD A DUTY DISABLED MEMBER TAKE HIS OWN LIFE AND ANOTHER WHO ALMOST DID THE SAME AND WENT TO THE HOSPITAL. IF YOU VOTE YES, YOU WILL CAUSE REAL HARM TO DUTY DISABLED INDIVIDUALS!

I want to highlight the fact that while PTSD is a "hidden" disorder for many, there are others who have physical problems and physical medical diagnosis as a result of PTSD. I am one of those people. I had to go to the ER via ambulance during the 2020 riots. The medics thought I had or was having a heart attack. I also had a sudden onset of dizziness that would not go away. I was tested for stroke as well. After months of tests with different doctors and specialists, I was diagnosed with a rare form of vertigo that is caused by migraine. This vertigo is permanent as far as anyone currently knows, and it impacts me daily. My heart problems the day during the riots, and the vertigo problems to this day, are both issues that are physical, measurable and identifiable. Both of the issues are attributed by doctors to my PTSD. This shows that PTSD can be much more than "simply" a mental health problem.

PERA claims disabled members CHOSE to be disabled for financial gain. THIS IS A LIE! First, DISABILITY IS NOT A CHOICE. Second, I HAVE LOST OVER HALF OF MY PENSION DUE TO BEING DISABLED. I have returned to the workforce to make up a SMALL portion of what I have lost, NOT for financial gain! There are provisions of this bill that will have significant financial impacts on those of us who have returned to the workforce.

I am in the workforce, paying taxes and contributing to our state. I am currently losing about \$8,000 per year of my disability benefit because my combined wage is "too much." Currently, PERA allows a re-employed member to earn 125% of the positional wage they left. This 125% cap is my disability benefit and my new income combined. Once I pass the 125% threshold, PERA penalizes me by taking \$1 for every \$3 I earn. Despite this current penalty, there is enough of a benefit remaining to continue working.

What I pay back to PERA each year is more than what many current members pay into the fund! PERA has lied about the numbers and you should ask why!

PERA is proposing to move the wage cap to 100% of the positional wage AND THEN take EVERY dollar I make above that. Currently, that would make my penalty about \$47,000 per year. This means I would work for free for more than half the year. Because of this, myself and others will leave the workforce. It means no more \$8,000 going back to PERA (and no more taxes paid). In the end, the offset increase will mean that PERA will receive less offset dollars because people like me will simply no longer work. PERA funding is at a sustainable level, and these new offsets are ADMITTEDLY not needed for the health of the fund.

Please vote NO!

John Grove