

Addendum:

Adequacy of Disability Benefits for Minnesota Police Officers

Interviews with police officers and their family members

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CHAPTER 1: INTERVIEWS WITH POLICE OFFICERS AND THEIR FAMILY MEMBERS

This addendum provides a summary of the findings from interviews the research team conducted with injured police officers and their family members. The main report is available at the website of the Department of Labor and Industry (DLI) via this [link](#).¹ During these interviews, the research team learned additional information about the advantages and limitations of workers' compensation and Public Employees Retirement Association (PERA) benefits available to police officers in Minnesota from the perspective of direct recipients.

1.1 METHODOLOGY

The research team conducted semi-structured interviews with injured police officers, deputy sheriffs, and their family members to capture their perspectives on the advantages and limitations of current disability benefits. The research team underwent an institutional review board (IRB) process with the University of Minnesota to ensure the processes used to conduct the interviews met ethical research standards.

After the IRB review and approval of the study, the research team launched a recruitment process for police officers injured in the line of duty and their family members. Researchers created a recruitment form in Qualtrics, an online survey tool, where interested eligible individuals signed up to participate in the interviews. The research team shared the form through the DLI website, and emails to PERA and other previously interviewed stakeholders for them to share with their contacts. The Qualtrics form was available from December 23rd, 2022 to January 13th, 2023. A copy of the Qualtrics form is available in Appendix A. Six individuals signed up and participated in the interviews. Researchers used Zoom to complete all the online interviews in January 2023. The research team took the necessary steps to ensure the data was stored securely in a high-security, password-protected folder, and no personally identifiable information is included in the report.

Injured police officers and their family members were asked about the current disability benefits available to them. The questionnaire included questions about their injury, whether they were able to return to employment, the advantages and limitations of workers' compensation and PERA disability and pension benefits, the adequacy of these benefits, and the availability of any other benefits. The interview questionnaire is available in Appendix B.

1.2 ADDITIONAL FINDINGS ABOUT CURRENT BENEFITS AVAILABLE TO MINNESOTA POLICE OFFICERS

This section presents the findings from the interviews conducted with police officers injured in the line of duty and their family members. As in the previous report, the research team discusses the factors

¹ If the hyperlink does not work, copy and paste "https://www.dli.mn.gov/sites/default/files/pdf/police_benefit_adequacy_study.pdf" to your browser.

that enhance or limit the adequacy of workers' compensation benefits, PERA duty disability benefits, PERA total and permanent duty disability benefits, and when these benefits are received together. Some of the factors discussed were already identified from previous interviews and others emerged from the interviews we conducted with injured police officers and their family members. The former is organized as in the previous report and are shown first, while the latter are shown after. Interviewees referred to workers' compensation as an entity or system, which is reflected in this report. The system includes the claim administrators and system overseers.

1.2.1 Disability Benefits from Workers' Compensation

Consistent with the findings from previous interviews, police officers injured in the line of duty and their family members brought up the tax advantages of workers' compensation as a positive aspect that enhances the adequacy of the disability benefits.

Tax advantages: An injured officer noted that benefits from workers' compensation are tax-free. This interviewee also expressed that the benefit amount they received was similar to their net pre-injury wage.

Interviewees also brought up factors that may negatively affect the adequacy of workers' compensation benefits that police officers receive in Minnesota. Some of the factors were already highlighted in the previous report, including accommodations for returning to work, and settlements; other factors emerged during the interviews, such as the additional hidden costs injured officers bear.

Accommodations for returning to work: Similar to previous findings, an injured officer highlighted that the lack of light-duty positions in police departments limits police officers who receive temporary partial disability (TPD) benefits. This interviewee noted that despite their injuries and restrictions on the type of work they could perform, the workers' compensation system determined that they should return to work in a light-duty position. However, they could not return to work at their department because it did not have light-duty positions, and therefore, the workers' compensation system discontinued their benefits.

Settlements: Consistent with previous interviews, several interviewees remarked on the inadequacy of the settlement amounts paid to injured officers. For instance, one interviewee noted that the settlement amount they received was less than three years of their pre-injury salary. Another interviewee also highlighted that they had to negotiate with the workers' compensation system for the settlement amount. According to this interviewee, they are responsible for bearing the cost of their treatment after the settlement was finalized. In addition, they noted that they were not offered any vocational retraining and were not able to secure employment that would pay well.² In a settlement, the

² This stakeholder noted that they were "able-bodied" and could have started a different career after their disability, but were not offered any vocational retraining.

injured officer may relinquish their right to future medical treatment for the injury and other benefits paid by workers' compensation benefits. Another interviewee noted they would have been better off if they had continued receiving periodic benefits instead of a settlement. Lastly, one interviewee noted that their workers' compensation system tries to pay as little as possible to injured officers.

Injured officers also highlighted some factors in the process pushing them to settle their workers' compensation benefits. According to one interviewee, after battling with the workers' compensation system for three and half years, they ended up in a settlement out of desperation as they had filed for bankruptcy, sold their house, and had unpaid bills and children in college. Another interviewee noted that they accepted a settlement offer because they felt pressured by their attorney.

Additional hidden costs borne by injured officers: Injured officers also brought up issues related to the process that can affect the adequacy of workers' compensation disability benefits due to the injured officers bearing additional costs. One interviewee noted that they were required to meet with workers' compensation psychologists and psychiatrists under the workers' compensation system. The latter denied that they had PTSD, which led them to hire an attorney and get evaluated multiple times at their own cost to obtain the benefits.

Similar to the interviews completed with other stakeholders, officers mentioned factors related to the workers' compensation process for injuries other than straightforward physical injuries that also bring additional costs. Some interviewees highlighted the difficulty of establishing certain types of injuries, particularly those that are not straightforward physical injuries (stakeholders refer to them as "invisible" injuries). For instance, according to one interviewee, the process of establishing a traumatic brain injury (TBI) in workers' compensation system is laborious and takes time (in some cases taking several months). In their case, establishing their family member's TBI took several months. Another interviewee remarked that workers' compensation system denies all claims related to psychological issues and force those individuals to either remain fully on duty or quit.³

Another interviewee brought up factors related to the benefits' disbursement process. They mentioned the process was slow and disorganized, and they did not receive their checks in a timely manner while they were entirely dependent on the benefits.

Medical Coverage and Vocational Rehabilitation Benefits

Injured police officers also brought up workers' compensation medical coverage benefits.

³ According to this interviewee, the workers' compensation system made no attempt to offer treatment to those with PTSD to enable them to return to work. This interviewee believes that similar to the treatment component for physical injuries, there should also be a commitment to provide treatment for PTSD disabilities.

Medical coverage for injury: Similar to previous interview findings from other stakeholders, an injured officer noted that all their medical expenses, including magnetic resonance imaging (MRI) and therapy, were covered by workers' compensation.

However, two other interviewees indicated some limitations related to the process. An interviewee noted that they initially had a positive experience with the medical coverage offered through workers' compensation, but the process became laborious later on. This interviewee noted that they received qualified rehabilitation consultant (QRC) services and had an adjuster who helped with the process, but lost these services once it was clear that their injury was total and permanent. This interviewee also stated that independent medical examinations (IMEs) are one-sided and do not use due diligence to assess injuries, which results in the workers' compensation system denying treatments. Similarly, another interviewee mentioned that workers' compensation initially denied the necessary treatments (such as MRIs) and allowed those only after several court litigations.

1.2.2 Duty Disability Benefits from PERA P&F Plan

Consistent with previous interview findings, injured police officers emphasized that the availability of PERA disability benefits is an important safety net for them.

Three injured officers noted that their earnings were severely reduced after the injury because they are limited to engage in employment that pays less than their previous jobs as police officers due to their injury restrictions. One officer noted they suffered a 70 percent pay cut initially after the injury, and are currently receiving around 50 percent less than their pre-injury wage. Another officer -who was working night shifts before the injury but returned to a light duty daytime position after their injury- noted that while their hourly wage remained the same, they lost the opportunity to get wage differential and overtime salary. This highlights the importance of these benefits for injured police officers even when they are able to engage in employment after the injury.

Interviewees also highlighted factors contributing to the adequacy of PERA duty disability and total and permanent duty disability benefits. Factors identified in the previous stakeholder interviews that also came up in these interviews include tax advantage, and new factors include disability benefits similar to retirement benefits.⁴

Tax advantage: Several interviewees highlighted that one of the benefits of the PERA duty disability benefits is that it is tax-free until retirement age. In addition, one interviewee noted that having several

⁴ Some interviewees highlighted the positive aspects of the process for accessing PERA disability benefits. According to one interviewee, the process for them was smooth as they hired an attorney to process the claim and they started receiving the benefits in a timely manner. Similarly, another interviewee highlighted that the process was smooth back in 2011 at the time of the claim because there was institutional knowledge within PERA. Lastly, one interviewee indicated that the PERA application process took a relatively short amount of time, and they started receiving benefits soon after the approval.

years of tax-free benefits (e.g., 10 years) allows officers to plan for retirement when they are able to return to work.

Disability benefits similar to retirement benefits: An injured officer that was not able to return to work highlighted that the disability benefit makes up for the fact that they cannot work anymore. In addition, they highlighted that the disability benefits they received are similar to those benefits of a regular retiree,⁵ even though they did not meet the regular age requirement (55 years). This is an advantage of the PERA disability benefits because if they had decided on early retirement, they would have been penalized.

Conversely, factors that hinder the adequacy of PERA disability benefits identified in previous stakeholder interviews include inadequate cost-of-living adjustments (COLA) and the lack of income while waiting for determination. New factors identified by injured police officers and their family members include offsets, and additional hidden costs borne by injured officers.

Cost-of-Living-Adjustments: One interviewee noted that the current amount of COLA hinders the adequacy of PERA disability benefits. They mentioned that the increase does not keep up with inflation and that the one percent COLA is unfair, as active employees get an annual salary increase typically higher than one percent. The interviewee acknowledged increasing COLA might be difficult due to the increasing number of disability claims.

Lack of income while waiting for a determination: Some interviewees brought up lack of income while waiting for a determination as a factor that hinders the adequacy of PERA benefits. One interviewee said they used their paid time off (PTO) while their application was pending and received retroactive benefits. However, those with no PTO may experience financial hardship while waiting for their claim to be processed. Similarly, another interviewee noted it took PERA around three months to process their application while they were experiencing financial hardship.

Offsets: While acknowledging the rationale for the offsets, one officer emphasized that these reduced the amount officers receive as disability benefits. According to this interviewee, they have to pay back some annual amount because of them.

Additional hidden costs borne by injured officers: Injured officers also brought up issues related to the processes to continue receiving disability benefits, which can affect their adequacy. For instance, an interviewee mentioned the annual medical examination to meet the PERA requirement for proof of disability is required even for officers with a total and permanent disability and no potential for improvement. These medical examinations may entail time, transportation costs, in some cases co-payments, and other costs that injured officers bear.

⁵ An officer that would have retired at age 55 with the required retirement age.

1.2.3 Adequacy of Workers' Compensation and PERA P&F benefits combined

One officer receiving workers' compensation and PERA duty disability benefits noted that the current benefit levels are sufficient for them given that they were able to return to employment. According to this stakeholder, the benefits would not have been adequate if they had sustained a different type of injury that had severely restricted their employment opportunities or left them unemployed. The stakeholder believes it would not be possible to live on benefits alone for injured officers who are the sole providers for their families and cannot return to employment after their injuries.

1.2.4 Additional factors affecting the adequacy of disability benefits perceived by injured police officers

Interviewees highlighted several other factors that affect the adequacy of disability benefits for police officers. One factor identified in the previous stakeholder interviews is the additional burden due to the disability. New factors include the lack of awareness and guidance about the benefits available, and the dearth of treatment available for those with mental health issues.

Additional burdens to the family: Some interviewed officers and their family members highlighted the additional burdens of a disability on the injured officers' families. Two interviewees noted that their injured family members went from capable individuals to ending up entirely dependent on others for the most basic day-to-day functions or having to re-learn them. One interviewee said they relied on their social safety nets to care for their disabled family member as the workers' compensation system denied payment for in-home care.⁶ In addition, this interviewee noted that due to their family member's disability, they are now solely responsible for raising their child and other added responsibilities such as house chores, which bring about additional costs whether they are performed by the family or outsourced to a third party.

Officers and their family members also mentioned having to adjust long-term plans, which also brings additional burdens. For instance, an officer mentioned that they had to adjust to a lower pension due to their injury, even though they were planning to work until age 55, which would have allowed them to have a more financially comfortable retirement benefit. Similarly, a family member of an officer with a degenerative injury mentioned that they lost their life insurance after the injury,⁷ which also adds to the costs the family bears.

Lack of awareness and guidance about the disability benefits available to police officers: Several interviewees highlighted the lack of awareness and guidance with regard to workers' compensation and

⁶ Minnesota Statutes, section 176.135, subdivision 1, paragraph (a) requires an employer to furnish medical treatment, including nursing, "as may reasonably be required at the time of the injury and any time thereafter to cure and relieve from the effects of the injury." Paragraph (b) of the same subdivision requires the employer, in cases of permanent total disability, to "pay for the reasonable value of nursing services provided by a member of the employee's family."

⁷ It is possible that this happens due to the extent of the injuries or their degenerative nature.

the PERA benefit system. Additionally, the culture of silence and sexism in their field makes benefits less accessible for women. According to an officer, male officers do not share information about benefits, and there are inequities in how the system treats women. According to one stakeholder, injured female police officers get less recognition from the police department and their peers.

In terms of awareness, one injured officer mentioned not being aware of the temporary partial disability benefits available through workers' compensation. They found out about these benefits, through a Minnesota Association for Injured Peace Officers (MAIPO) brochure, one year after the injury and were able to apply and receive them. The officer also mentioned MAIPO as an important resource that provided injured officers with a mentor who explained the benefits available and provided guidance.

In terms of guidance, several interviewees highlighted the lack of support from benefits administrators and employers in navigating the benefits system and emphasized the need for someone to help them understand it. An interviewee mentioned they would like to see an ombudsman⁸ at the state level to provide guidance and advocate for their rights in the legislature. Similarly, another officer emphasized that there should be a dedicated staff at PERA that would guide injured officers to apply for the benefits.

Lastly, one interviewee highlighted the importance of injured officers (and their families) conducting their own research to learn about the benefits they are entitled to and advocate more effectively to access those resources. For instance, the interviewee noted that they conducted a thorough investigation into the medical coverage, the type of doctors their family member could go to, and the treatment they could receive; they then ensured they could access those resources. In addition, the interviewee noted that they worked with a reputable attorney who was well-versed in the topic to advocate for them and help them with the workers' compensation settlement process.⁹

Lack of treatment available for those with mental health issues: Some interviews highlighted the lack of treatment for mental health issues as a factor related to the disability benefits. One officer noted that those with mental health issues do not seek help even though these affect a majority of police officers and other first responders. This officer believes that if employers offered the help and support officers need, those with mental health issues would be able to return to work, which would benefit the individual, the benefits systems, and the society as a whole.¹⁰

1.3 OTHER BENEFITS AVAILABLE TO MINNESOTA POLICE OFFICERS

In addition to workers' compensation and PERA disability benefits, there are other benefits that may be available to injured police officers. These benefits were also mentioned in the previous stakeholder

⁸ Workers' compensation has an ombudsman to assist injured employees in navigating their benefits. More information available at <https://www.dli.mn.gov/business/workers-compensation/work-comp-ombudsman>

⁹ This interviewee similarly emphasized the importance of financial literacy.

¹⁰ One interviewee mentioned that the organization *Across All Lines* provides mental health support for first responders. For more information, please consult <https://acrossalllines.org/>.

interviews including Public Safety Officers' Benefits (PSOB), Social Security, continued healthcare coverage, benefits from the injured police officers' Police Departments, and other voluntary benefits from employers.

Public Safety Officers' Benefit (PSOB): In previous interviews, stakeholders highlighted the availability of PSOB for injured police officers. However, the interviews with two injured officers and their family members highlighted the inaccessibility of these benefits. One interviewee noted that they were unaware of these benefits until four years after their family member's injury. According to them, after contacting the officer's former employer, the employer put a package together for them, hoping it would get approved. Another interviewee noted that while they knew about this benefit, they did not apply for it as it was not worth the effort and time as most of the claims get denied.

Social Security Benefits: Social Security benefits might be available to injured police officers who have worked in other jobs outside of a police department. However, one interviewee noted their claim got denied after litigation even though they were eligible. According to them, only a small number of Social Security claims get approved.¹¹

Continued health coverage: Two interviewees highlighted that the continued health insurance they receive is an important benefit. Continued health insurance coverage is provided for injured officers in the line of duty in Minn. Stat. § 299A.465. According to one interviewee, while they are still responsible for paying for their employee portion of the premium, they have this benefit for their family and dependents. They highlighted that without this benefit, they would have been without coverage or had to purchase it from the market.

Benefits from Police Departments: Some previously interviewed stakeholders brought up benefits available to officers who return to work. Some employers offer these benefits depending on the collective bargaining agreement. One injured officer noted that with these benefits in combination with workers' compensation benefits, they received a full wage after their injury.

Voluntary benefits from employers: There are some voluntary benefits that injured officers may receive if they sign up for them prior to their injuries, such as a long-term disability benefit. One interviewee noted that their family member receives a small amount from this benefit.

¹¹ Researchers could not find information on the percentage of social security claims approved for injured officers.

APPENDIX A: QUALTRICS FORM FOR RECRUITMENT

The legislature of the State of Minnesota required a study of police disability benefit adequacy from the Department of Labor and Industry (DLI) in the 2022 bill SF 1547, codified at Laws of Minnesota 2022, chapter 65, article 7. Researchers at the Institute for Urban and Regional Infrastructure Finance from the Humphrey School of Public Affairs, University of Minnesota, worked together with DLI and Public Employees Retirement Association (PERA) staff to complete the study.

If you are a police officer or deputy sheriff who was injured in the line of duty between 2004 to 2019 and:

- received workers' compensation, duty disability benefits, total and permanent duty disability benefits, or disability retirement benefits from PERA;
- you are above 18 years of age;
- you are not pregnant;
- you are not an active member of the military;
- you can speak English;
- and you do not need permission to participate or supervision during an interview;
- Or if you are a family member of a police officer or deputy sheriff who was injured in the line of duty between 2004 to 2019 who received a workers' compensation, duty disability benefits, total and permanent duty disability benefits, or disability retirement benefits from PERA;

you are invited to participate in a study on the adequacy of disability benefits for police officers.

The outcome of this study will be shared with the Department of Labor and Industry, the public, and the legislature in a de-identified format. Your insights during this interview will support the Minnesota Legislature's decision-making on potential changes to such benefits.

1. If you wish to participate in this study, please provide your email address.
 - a. Email address: [\(jump to Q2\)](#) _____
 - b. I do not wish to participate [\(end the survey\)](#)
2. Please select which benefits have you or your family member received due to injury in the line of duty. (Select all that apply):
 - a. Workers' compensation
 - b. PERA Duty disability benefits
 - c. PERA Total and permanent duty disability benefits
 - d. PERA Disability retirement benefits
 - e. Other (please specify): _____

3. Are you above 18 years of age?
 - a. Yes
 - b. No
4. Are you pregnant?
 - a. Yes
 - b. No
5. Are you an active member of the military?
 - a. Yes
 - b. No
6. Do you speak English?
 - a. Yes
 - b. No
7. Do you need permission or supervision during an interview?
 - a. Yes
 - b. No

APPENDIX B: QUESTIONNAIRE

1. Could you please tell me your name, what your (or your family member's) role was and how many years of service did you (or they) have at the time of injury?
2. Were you (or they) engaged in any outside employment at the time of injury?
3. Can you please tell me what type of injury did you (or they) have?
4. Did you (or they) return to work after the injury?
 - a. If yes, can you please describe the position and salary compared to your (or their) preinjury salary?

The following questions are related to **PERA duty disability** and **retirement benefits** and **workers' compensation** benefits.

5. In your experience (or from what you have heard), what are the positive aspects of the **PERA duty disability and retirement benefits**?
6. In your experience (or from what you have heard), what are the positive aspects of the **workers' compensation** that police officers receive?
7. In your experience (or from what you have heard), what are some issues police officers face with their **PERA duty disability benefits and retirement benefits**? *Wait a couple of seconds and then provide examples in the parenthesis: (related to age, amount, length of service, type of injury, etc.)* What about retirement benefits?
 - a. Probe: Why?
 - b. ***If not mentioned*** - Have you heard of or experienced any issues related to the adequacy of the benefits?
 - i. Probe: How do you define adequacy?
 - c. Probe: To what extent did your (or your family member's) age affect your benefits? What about the length of your (or their) service?
 - d. Probe: What would benefits look like to meet what you define as adequate?
8. In your experience (or from what you have heard), what are some issues police officers face with their **workers' compensation benefits**? *Wait a couple of seconds and then provide examples in the parenthesis: (related to age, amount, length of service, type of injury, etc.)*
 - a. Probe: Why?
 - b. ***If not mentioned*** - Have you heard of or experienced any issues related to the adequacy of the benefits?
 - i. Probe: How do you define adequacy?
 - c. Probe: To what extent did your (or your family member's) age affect your benefits? What about the length of your (or their) service?

Probe: What would benefits look like to meet what you define as adequate?

9. What other benefits do injured police officers receive besides PERA, worker compensation, and medical benefits? (if applicable)
 - a. Probe: How does this impact the PERA or work comp the police officer receives?
10. Are there any documents or sources you'd like to share that give us more insight into disability and retirement benefits for police?
11. Is there anything else you'd like to share with us that I haven't asked yet?

Those are all our questions for now. Thank you so much for your time and your insights during our conversation. Please feel free to contact us if you have any questions or want to share more information.