

April 11, 2022

Dear Commissioner Robertson and Members of the Workers' Compensation Advisory Committee,

The Association of Minnesota Counties (AMC), Minnesota Inter-County Association (MICA), and Minnesota Sheriffs Association (MSA) write today to support HF4026 and the bill's underlying provisions. While this bill has been heard several times throughout session, it is important to note that discussions with police and fire personnel groups and employers have continued throughout the last five weeks and have changed the bill significantly to address employee group concerns.

We thank the authors (Representative Long and Senator Howe) for engaging with all stakeholders to push this extremely timely and critical issue forward.

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. 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 will 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, we believe it is incumbent on stakeholders and the Legislature to act on this critical and timely issue.

For over a year, AMC, MSA, and MICA 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 current 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. We believe the current system is not achieving those outcomes. 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, counties continue to support access to current duty disability benefit structures.

While this bill will likely have future considerations and changes, counties specifically appreciate that HF 4026 flips the current duty disability process upside down **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.** Likewise, counties appreciate the bill's mechanisms to provide public employers with resources to identify and prioritize mental health supports as well as the requirement for more pre-service and in-services wellness trainings. These comprehensive approaches hope to reduce the number of PTSD claims altogether by providing employees with better tools to diagnose mental health stresses earlier on and requiring employers to provide support throughout their career via Employee Assistance Programs or other informal settings such as peer support groups—which counties have reported high level of success already.

Once again, we thank Rep. Long, Senator Howe, and the vast array of public employer and employee groups for their feedback and input 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 and hope the Worker's Compensation Advisory Council considers these points while weighing the urgency of this issue as well as consequences of keeping the status quo.

Sincerely,



Todd Patzer
Lac qui Parle County Commissioner
President, Association of Minnesota Counties



Matt Massman
Executive Director
Minnesota Inter-County Association



William Hutton
Executive Director
Minnesota Sheriffs Association