

## CHAPTER 352B

## STATE TROOPERS, RETIREMENT

352B.01 Definitions.  
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352B.101 Application for disability benefit.

**352B.01 DEFINITIONS.**

*[For text of subd 1, see M.S.2000]*

Subd. 2. **Member.** "Member" means:

(1) a state patrol member currently employed after June 30, 1943, under section 299D.03 by the state, who is a peace officer under section 626.84, and whose salary or compensation is paid out of state funds;

(2) a conservation officer employed under section 97A.201, currently employed by the state, whose salary or compensation is paid out of state funds;

(3) a crime bureau officer who was employed by the crime bureau and was a member of the highway patrolmen's retirement fund on July 1, 1978, whether or not that person has the power of arrest by warrant after that date, or who is employed as police personnel, with powers of arrest by warrant under section 299C.04, and who is currently employed by the state, and whose salary or compensation is paid out of state funds;

(4) a person who is employed by the state in the department of public safety in a data processing management position with salary or compensation paid from state funds, who was a crime bureau officer covered by the state patrol retirement plan on August 15, 1987, and who was initially hired in the data processing management position within the department during September 1987, or January 1988, with membership continuing for the duration of the person's employment in that position, whether or not the person has the power of arrest by warrant after August 15, 1987;

(5) a public safety employee defined as a peace officer in section 626.84, subdivision 1, paragraph (c), and employed with the division of alcohol and gambling enforcement under section 299L.01; and

(6) a fugitive apprehension unit officer after October 31, 2000, employed by the office of special investigations of the department of corrections who is a peace officer under section 626.84.

Subd. 3. **Allowable service.** (a) "Allowable service" means:

(1) for members defined in subdivision 2, clause (a), monthly service is granted for any month for which payments have been made to the state patrol retirement fund, and

(2) for members defined in subdivision 2, clauses (b) and (c), service for which payments have been made to the state patrol retirement fund, service for which payments were made to the state police officers retirement fund after June 30, 1961, and all prior service which was credited to a member for service on or before June 30, 1961.

(b) Allowable service also includes any period of absence from duty by a member who, by reason of injury incurred in the performance of duty, is temporarily disabled and for which disability the state is liable under the workers' compensation law, until the date authorized by the executive director for commencement of payment of a disability benefit or return to employment.

(c) Allowable service also includes a period purchased under section 356.555.

*[For text of subds 3a to 10, see M.S.2000]*

Subd. 11. **Average monthly salary.** "Average monthly salary" means the average of the highest monthly salaries for five years of service as a member. Average monthly salary must be based upon all allowable service if this service is less than five years. It

does not include any lump-sum annual leave payments and overtime payments made at the time of separation from state service, any amounts of severance pay, or any reduced salary paid during the period the person is entitled to workers' compensation benefit payments for temporary disability. A member on leave of absence receiving temporary workers' compensation payments and a reduced salary or no salary from the employer who is entitled to allowable service credit for the period of absence may make payment to the fund for the difference between salary received, if any, and the salary the member would normally receive if not on leave of absence during the period. The member shall pay an amount equal to the member and employer contribution rate under section 352B.02, subdivisions 1b and 1c, on the differential salary amount for the period of the leave of absence. The employing department, at its option, may pay the employer amount on behalf of the member. Payment made under this subdivision must include interest at the rate of 8.5 percent per year, and must be completed within one year of the return from the leave of absence.

**History:** *1Sp2001 c 10 art 3 s 14; art 6 s 2; art 8 s 2*

**NOTE:** The amendment to subdivision 3 by Laws 2001, First Special Session chapter 10, article 6, section 2, expires May 16, 2003. Laws 2001, First Special Session chapter 10, article 6, section 21.

### **352B.10 DISABILITY BENEFITS.**

*[For text of subs 1 and 2, see M.S.2000]*

Subd. 3. **Annual and sick leave; work at lower pay.** No member shall receive any disability benefit payment when the member has unused annual leave or sick leave or under any other circumstances, when during the period of disability there has been no impairment of salary. Should the member or former member resume gainful work, the disability benefit must be continued in an amount which when added to current earnings does not exceed the salary rate received of the person at the date of disability as adjusted by the same percentage increase in United States average wages used by social security in calculating average indexed monthly earnings for the same period.

*[For text of subs 4 and 5, see M.S.2000]*

**History:** *1Sp2001 c 10 art 3 s 15*

### **352B.101 APPLICATION FOR DISABILITY BENEFIT.**

A member claiming a disability benefit must file a written application for benefits in the office of the system in a form and manner prescribed by the executive director. The member shall provide medical or psychological evidence to support the application. The benefit begins to accrue the day following the start of disability or the day following the last day for which the member was paid, whichever is later, but not earlier than 180 days before the date the application is filed with the executive director.

**History:** *1Sp2001 c 10 art 3 s 16*