

352.881 SUBPLAN COVERAGE CHANGES.

Subdivision 1. **Standing review committees.** (a) The commissioner of corrections must appoint a standing review committee to review and determine positions or employees of the Department of Corrections that should be covered by section 352.88. The commissioner of public safety must appoint a standing review committee to review and determine positions or employees of the Department of Public Safety that should be covered by section 352.88. The Metro Transit general manager must appoint a standing review committee to review and determine positions or employees of the Metropolitan Council that should be covered by section 352.88.

(b) The Department of Corrections, Department of Public Safety, and Metropolitan Council must each establish a procedure for the department's or agency's respective committee to evaluate coverage by section 352.88. Each committee must follow:

(1) subdivision 2 when evaluating a change in the title of an employment position listed in section 352.88, subdivision 2, paragraph (i), clause (1), or (j), clause (1); and

(2) subdivision 3 when evaluating requests for starting or ceasing coverage by section 352.88.

(c) If a committee has received one or more requests for changes to the title of an employment position or the commencement or cessation of coverage of an employee by section 352.88, the committee must convene at least as frequently as once every three months. If a committee has not received any requests during a three-month period, the review committee is not required to convene a meeting.

(d) Each committee must retain each request to the committee and the related documentation and final determination for an employee or employment position in the committee's respective department or agency.

(e) Meetings of a standing review committee are not subject to chapter 13D.

(f) A standing review committee is not an agency for the purposes of sections 15.0597 and 15.0599.

Subd. 2. **Procedures for changing employment titles.** (a) The applicable standing review committee must review a change in the title of an employment position listed in section 352.88, subdivision 2, paragraph (i), clause (1), or (j), clause (1), and determine whether the responsibilities of the employment position satisfy the requirements under section 352.88, subdivision 2, paragraph (i) or (j).

(b) If the committee determines that the responsibilities of the employment position have not changed, or the responsibilities of the employment position have changed but the changes do not affect the eligibility of the employment position for coverage by section 352.88, the department or agency affected by the determination must:

(1) submit the title change to the executive director of the Legislative Commission on Pensions and Retirement before the start of the next legislative session and request legislation to replace the title in section 352.88, subdivision 2, paragraph (i) or (j), as applicable, with the new title; and

(2) notify each employee in the employment position no later than 30 days after the effective date of the title change that the title change will not affect the continued coverage of the employee by section 352.88 and that the department or agency, as applicable, has submitted a request to the legislature to change the title in section 352.88, subdivision 2, paragraph (i) or (j), as applicable.

(c) If the committee determines that the responsibilities of the employment position have changed and the changes result in the employment position no longer being qualified for coverage by section 352.88, the department or agency affected by the determination must communicate the committee's determination to all

affected employees no later than ten days after the date of the meeting at which the determination was made and inform the employees of the right to appeal the determination under subdivision 4.

(d) The department or agency affected by the determination to remove a title must contact the executive director of the Legislative Commission on Pensions and Retirement before the start of the next legislative session and request legislation to remove the title in section 352.88, subdivision 2, paragraph (i) or (j), as applicable, if:

- (1) an employee appeals the determination and the determination is upheld; or
- (2) an employee does not appeal the determination.

(e) The committee must include an effective date in any determination to change or remove an employment position from the lists in section 352.88, subdivision 2, paragraph (i) or (j). The effective date may be retroactive for a determination to change an employment position.

Subd. 3. Procedures for starting or ceasing coverage. (a) The applicable standing review committee must consider requests to provide coverage by section 352.88 to an employee who satisfies the requirements of section 352.88, subdivision 2, paragraph (i), clause (2), or (j), clause (2), or to cease coverage of an employee who does not satisfy the requirements of section 352.88, subdivision 2, paragraph (i), clause (2), or (j), clause (2).

(b) An employee, an employee's employee organization, or an employee's manager may submit a request to the committee to provide coverage to an employee who satisfies the requirements of section 352.88, subdivision 2, paragraph (i), clause (2), or (j), clause (2). The request must include:

- (1) a signed and dated position description for the employee's position; and
- (2) a statement signed by the employee that describes the extent to which the employee's job duties meet the requirements of section 352.88, subdivision 2, paragraph (i), clause (2), or (j), clause (2).

(c) An employer may submit a request to the committee to cease coverage of an employee who no longer satisfies the requirements of section 352.88, subdivision 2, paragraph (i), clause (2), or (j), clause (2). The request must include:

- (1) a signed and dated position description for the employee's position; and
- (2) a statement signed by the employee's employer describing how the employee no longer meets the requirements of section 352.88, subdivision 2, paragraph (i), clause (2), or (j), clause (2).

(d) After making a determination of coverage or no coverage for an employee, the department or agency affected by the determination must communicate the committee's determination to the affected employee no later than ten days after the date of the meeting at which the determination was made and inform the employee of the right to appeal the determination under subdivision 4.

(e) If after making a determination of coverage, the committee determines that an employment position should be added to the list of employment positions in section 352.88, subdivision 2, paragraph (i) or (j), as applicable, the department or agency affected by the determination must submit the employment position addition to the executive director of the Legislative Commission on Pensions and Retirement before the start of the next legislative session and request legislation to make the change.

(f) The committee must include an effective date in any determination that an employee must begin to receive coverage under section 352.88 or that coverage must cease. The effective date may be retroactive to the date on which the coverage requirements were first satisfied or were no longer met.

Subd. 4. **Right to appeal.** (a) No later than 30 days after receiving a determination under subdivision 2 or 3, the affected employee may appeal the determination from a standing review committee by filing an appeal with the human resources director or the chief human resources director of the department or agency, as applicable, in which the employee is employed. The appeal must include:

(1) the reasons for the appeal, including the reasons the determination should be reversed; and

(2) new or additional information, if any, not previously submitted or considered by the committee, including a new or revised position description.

(b) The appeal must be decided by the commissioner of corrections if the employee is an employee of the Department of Corrections, by the commissioner of public safety if the employee is an employee of the Department of Public Safety, or by the Metro Transit general manager if the employee is an employee of the Metropolitan Council. The decision of the commissioners or general manager, as applicable, is final.

(c) A determination not timely appealed under paragraph (a) is not entitled to further administrative or judicial review. A determination under subdivision 2 or 3 or an appeal decided under paragraph (b) may not be appealed under section 356.96.

History: 2026 c 106 art 4 s 3