



President LeDoux called the October 5th, 2021, meeting to order at 0800 hours.

Present were: President LeDoux, Vice President Beasley, North Carlson, Secretary Harjes, Treasurer Orpen, 2000 Phillips, 2100 Zynda, 2200 Dellwo, 2300 Alternate Larsen, 2400 Cederstrom, 2500 Hanson, 2600 McClure, 2700 McGrew, 2800 Weinrich, 2900 Hanson, 3100 Pearson, 3200 Danielson, Business Manager Baker.

Absent – South Theel

Motion to accept the July minutes: *Motion by North Carlson, seconded by 2900 Hanson: **CARRIED***

Chief's time:

0930: Colonel Langer joined via Microsoft Teams and Lt Col. Schrofer arrived in person.

We don't know when the backpay or contractual pay rate will be implemented. MMB had a rationale at the time for not implementing the pay increases back in August. We usually see a detailed memo from MMB that goes over the implementation of the pay increases, but we haven't seen that yet. I am looking forward to the next round of negotiations and hoping things will move faster with that round.

Vice president follow-up: I would like to know why MMB's rationale was to ignore the state law.

CHQ: I will see if I can find the e-mail.

President follow-up: We understand calculating the pay will take time but implementing the pay should be easy to do. We saw the implementation of the 8.4% quite rapidly after the law was passed in last year's special session.

CHQ: It is frustrating.

MMB update post-meeting: At this time, the plan is to pay retroactive pay for MLEA on pay period ending 11/9/2021 (11/19/21 paycheck date), so an employee would want to make the change 10/27/2021-11/9/2021.

The current academy is holding at 37 cadets. The next hiring process is ongoing, but the estimate will be around 25 in the first 2022 academy. Recruitment is going to be tough over the next few years – other states are dealing with the same issues.

The legislative tours we had at Camp Ripley a few weeks ago were fantastic. Numerous representatives from the public safety committee and criminal justice reform committee attended the tour. I think there will be some follow-up questions, but I think it will pay dividends in the future.

The State Fair was a huge success. I wouldn't be surprised if we're back next year.

Vice-president follow-up: Do we need to be directed to do that every year?

CHQ: If the Governor's office recognizes that event as a public safety issue that we could assist with, we would be directed. We follow 299D until we're directed otherwise.

The next challenge for us will be the Potter trial. We don't know what to expect. We do know a jury will be selected, then the trial will be conducted in December.

Body worn camera deployment starts in December with the metro. Testing will begin in November with 20 users. Every Trooper will receive a new fleet camera and body camera. About a month after a Trooper receives that equipment, they will receive a Taser 7 and Signal Sidearm. Full rollout should be done around May 2022.



We've addressed the POST mandated reporting at CIST this year. The original law was passed two sessions ago. The law was amended last year, which received lots of attention from chiefs around the state. We have sent up one compliant to the POST Board since July 1, 2021. The process is cumbersome, and the POST Board is working the process. Most of our low-level discipline is pursuit related that hasn't been sent up to the POST board. Make sure everyone understands the pursuit policy fully and the risk vs reward on pursuits.

2500 follow-up: What level of discipline does it need to arise to report to POST?

CHQ: I'm viewing pursuit discipline (examples provided such as not discontinuing when flight is overhead, continuing at speeds above the speed limit as discontinuation, etc) as a training or performance issue instead of a misconduct issue. There is no black and white with this. We've had no clarification from POST on where to determine where the line is to report to POST Board.

2500 follow-up: Let's say an anonymous complaint comes in regarding misconduct, does that get reported immediately to the POST board or until after the internal affairs investigation is completed?

CHQ: Complaints should be reported in real-time, but we are looking at videos first to see if it needs to get escalated to the POST Board.

2500 follow-up: Would the Trooper be notified?

CHQ: It depends on the situation.

President follow-up: Another concern is the belief that the POST Board is all of a sudden be stacked with non-law enforcement professionals to circumvent the legislature.

CHQ: I don't see that in my experiences, and hopefully the board remains balanced.

President follow-up: The one area of concern for me was the board meeting on civil unrest, and it appeared we weren't invited. When I looked at the attendees, that's what caused concern for me. It was unacceptable for us as an agency to not be invited when we are typically the ones managing the event.

CHQ: Nothing resulted from the meeting yet. We don't want to be contributing to writing policy or putting policies down with litigation outstanding.

Regarding COVID-19 testing, we are being told that we will start testing this week however we don't have test kits yet. Employees have two choices, disclose your vaccination status, or don't disclose it. This will cause issues for members as the form is required for everyone to fill out. Failure to fill out the form can lead to consequences. If you have chosen to not disclose or not share your vaccination card (but still filled out the form), you will have to submit to the weekly test. 4 tests should be in each shipment to your house (Troopers & CVI). Test kit will need to be brought with them on the day of their test and will have to be proctored and administered in front of someone. Test will be taken over a Zoom call and then shipped back via UPS. I don't have the answers for everything right now – but we are working through them.

ScheduleAnywhere adjusted shifts are disappearing. There is no audit history currently in ScheduleAnywhere, and adjusted shifts pose an issue when there are shift changes due to a deployment or something like that.

President: From a Station Sergeant perspective the biggest challenge I see is from instructor hours since we're not aware of what they are being requested for as far as hours. I would like to know what those hours are for scheduling when we're creating those schedules.

CHQ: I'll look into that.

Questions for the Chief

3200: No questions



3100: I've brought this up before, but I think it would be a big benefit to us to hold an incumbent school. Our pay has increased, and I believe more lateral moves would happen if we held a shortened incumbent school.

CHQ: Thank you.

2800 follow-up: Do we openly seek out talent that includes current officers?

CHQ: Yes, we do advertise that.

2900: Is there any plan or follow-up on the dispatch situation?

CHQ: We're in a process right now and looking to hire 12. We know it's an issue, but we're dealing with the same issues every other employer is dealing with in finding people.

2800: No questions

2700: No questions

2600: No questions

2500: If I test positive with this weekly testing process, will I still have to notify the agency, or will the agency be notified of a positive or negative test?

CHQ: HR will be notified of the result. We (command staff) will most likely be notified of a positive result.

Vice-President follow-up: Will the Trooper be notified directly, or will it pass through the chain of command first?

CHQ: I think the Trooper will be notified directly, but not 100% sure.

2400: No questions

2300: There is an expectation that we're supposed to use our personal phones to communicate within our squads on deployments for communication.

CHQ: There's a ton of usage applications in issuing a smart phone to Troopers.

Vice-President: It's a great concept, but with litigation today, it's unacceptable to open our personal phones to possible litigation issues down the road.

CHQ: We shouldn't be texting everyone's personal phones on a deployment. The more state cell phones we put out there, the more data we are creating that is open to being discovered.

2200: What is the total number of applications for this last process and how many applications didn't pass the online personality assessment?

CHQ: I can follow up with TDS on the test details.

President: We all have concerns about being able to fill vacancies. I think times have changed and maybe we do need to vet the personality assessment again.

CHQ: Good question. We'll look at it.

2100: If a Trooper tested positive for COVID with this new testing process, what would happen to them?

CHQ: In terms of what kind of leave, it would be sick time. There is no COVID leave anymore, that program expired with the ending of emergency powers.



2000: No questions

North: With the Troopers going to the Capitol, is there an organizational structure for that assignment yet? Is there talk about putting a fulltime investigator spot there?

CHQ: Yes, there is. There should be 2 additional lieutenants. Let me verify that though. There is talk about assigning a district investigator there as well.

North: Someone heard there was a 3 million dollar grant that was offered to us to assist with fixing squads from damage from pursuits or pit maneuvers and was declined.

CHQ: I am not aware of such grant.

South: Absent

Secretary: No Questions

Treasurer: No Questions

Vice-President: With the SER (Subcommittee of Employee Relations) approval of our contract and the effective date of the law back in August, I have a question on the backpay and the current pay adjustment. We have been fielding numerous questions regarding backpay and when the contractual rate of pay will increase. I have been communicating to members that MMB is working on it, but I'm beginning to learn that MMB hasn't been doing any preparation for this pay adjustment and when the backpay will come. We need a date from MMB to provide to our members, on when they can expect to see their backpay and their contractual rate of pay increase. Our membership is extremely frustrated.

CHQ: I think there is some work being done, but it's obviously not being done quickly. I wish I had a better answer.

President: Have we considered having an open application period for people to apply for our agency.

CHQ: I don't know exactly how it would work. It's worth looking into.

President: With the Ramsey County Attorney announcement of that office not prosecuting the higher-level crimes that stem from a low-level traffic stop, is it business as usual there?

CHQ: We will keep doing our job as usual in Ramsey County.

President: With recent training we have attended, it's a common and good practice that when a supervisor arrives on scene, and the trooper(s) provide a public safety statement. This would then be the conclusion of the event for the trooper(s) involved in a critical incident for body worn camera recording purposes. We don't have something like this in the policy being developed for our body worn camera program.

President: It seems like we're in a perpetual state of negotiations. It would seem like if we had an informal meeting prior to negotiations about ideas, items or changes both sides would like to see in the contract it might be beneficial.



President: Scott Mueller from the BCA, put on a great presentation on what to expect from the BCA response if someone is involved in a critical incident or officer involved shooting. I bring it up because it's a good idea for everyone to know what to expect if they find themselves in a situation like that.

Presidents Time

Do not use your personal phone or make it readily available at a critical incident. Do not turn over your personal phone without a search warrant. Smart watches, with the ability to monitor biometrics of the wearer or text messages, could potentially be used as evidence in the future.

Do not use your personal phone for state related business.

Witness representation for law enforcement has changed due to the George Floyd incident. It will be handled on a case-by-case basis if an attorney is needed. We don't want a witness officer to turn into a defendant officer.

The yearly 3-hour MSPTA vacation draw will happen the pay period ending 10/26/21.

As a reminder, the state will match up to \$400 to your deferred compensation (before tax or after-tax Roth contributions). Contact your delegate if you need assistance in getting this setup or changing contributions to after tax (Roth). Over a 30-year career, this amounts to \$12,000 (not including interest earned on that money) that is contributed to your deferred compensation account.

President LeDoux and 2100 Delegate Zynda will be attending NTC in Rhode Island mid-October.

Treasurer's report: Motion to approve budget report. *Motion by North Carlson, seconded by 2000 Phillips:*
CARRIED

- Budget report was presented to the board. We are in good standing.
- MSPTA hourly rate was increased per the approved SER contract.

Magazine:

- Reminder to all delegates and members to continue submitting magazine articles.
- If a member wants to submit an article, feel free to send it to Mark Baker.
- Due date for Winter magazine is December 31st.

Grievance: Deployment related grievances filed.

Pension/Retirement:

The pension information below is provided for those that have MSRS service only and combined service with PERA.



Here is some information on the State Patrol High-Five: The State Patrol High-Five calculation can be non-consecutive 60 months, but it must start and stop at the same date each year. For example, the dates for a high-five for a trooper might be the following,

- February 15, 2001- February 14, 2002
- February 15, 2005- February 14, 2006
- February 15, 2010- February 14, 2011
- February 15, 2011- February 14, 2012
- February 15, 2018- February 14-2019

Here is the statute:

352B.01, Subd. 4. Average monthly salary.

(a) Subject to the limitations of section 356.611, "average monthly salary" means the average of the **highest monthly salaries for five years of service** as a member upon which contributions were deducted from pay under section 352B.02, or upon which appropriate contributions or payments were made to the fund to receive allowable service and salary credit as specified under the applicable law. Average monthly salary must be based upon all allowable service if this service is less than five years.

(b) The salary used for the calculation of "average monthly salary" means the salary of the member as defined in section 352.01, subdivision 13. "Average monthly salary" includes the salary of the member during the period of covered employment rendered after reaching the allowable service credit limit of section 352B.08, subdivision 2, paragraph (b). The salary used for the calculation of "average monthly salary" 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.

The governing statute for other plans requires that the highest monthly salary be successive 60 months.

State Patrol Plan with a CSA (other plans): To take advantage of the Combined Service Annuity, the law requires that the high-five average salary be successive 60 months. This means that if a trooper wants to collect a CSA, they have to use the highest consecutive 60 months.

Here is the part of the relevant statute:

356.30 COMBINED SERVICE ANNUITY.

Subdivision 1. Eligibility; computation of annuity.

(a) Notwithstanding any provisions of the laws governing the covered retirement plans listed in subdivision 3, a person may elect to receive, upon retirement, a retirement annuity from each covered retirement plan, subject to the provisions of paragraph (b), if the person has:



- (1) allowable service in any two or more of the covered plans;
 - (2) at least one-half year of allowable service in each covered plan, based on the allowable service in each plan;
 - (3) total allowable service that equals or exceeds the longest service credit vesting requirement of the applicable retirement plan; and
 - (4) not begun to receive an annuity from any covered plan or made application for benefits from each applicable plan and the retirement annuity effective dates of each plan are within a one-year period.
- (b) If all requirements in paragraph (a) have been satisfied, the retirement annuity from each plan must be based upon the allowable service, accrual rates, and average salary in the applicable plan except as further specified or modified in the following clauses:
- (1) the laws governing annuities must be the law in effect on the date of termination from the last period of public service under a covered retirement plan with which the person earned a minimum of one-half year of allowable service credit during that employment;
 - (2) the average salary used to calculate the annuity for each formula plan must be based on the employee's highest five successive years of covered salary during the entire service in covered plans;
 - (3) the accrual rates under each plan must be the percentages prescribed by each plan's formula in effect for the respective years of allowable service from one plan to the next, recognizing all previous allowable service with the other covered plans;
 - (4) the allowable service in all the covered plans must be combined in determining eligibility for and the application of each plan's provisions with respect to reduction in the annuity amount for retirement prior to normal retirement age; and
 - (5) the annuity amount payable for any allowable service under a nonformula plan that is a covered plan must not be affected, but such service and covered salary must be used in the above calculation.
- (c) If a person eligible for an annuity under paragraph (a) from each covered plan terminates all public service, the deferred annuity must be augmented from the date of termination until the earlier of:

Administratively, MSRS can calculate both versions of the high-five and help the member of the plan determine if CSA is more advantageous or if it is better not to collect the CSA.

The MSRS State Patrol Plan is a non-consecutive 60 months. It does need to start and end the same month, but the 5-year period does not need to be consecutive.

PERA does require a consecutive 60 months if there is a CSA. PERA P & F is also consecutive 60 months. We calculate both the consecutive to give to PERA and the non-consecutive for the State Patrol Final calculation. PERA didn't realize that the State Patrol Plan was non-consecutive until a few years ago. That is when we started providing them both. The decision to take the PERA CSA can be made within a year of starting the State Patrol Plan.

Equipment Committee:



- Axon Body 3, Fleet 3 and Taser 7s are coming. Deployment starts in December.
- UltraStinger LED Flashlights being issued to the next rookie school
- 180 Dodge Chargers (marked and unmarked), 95 Durango, looking at F150 for some roles.
- Ballistic helmet complaints, 3M said no issues with the helmet.
- Class C uniform, will most likely place another order. Post-CIST survey coming as well for feedback on them.

Legislative Committee:

MSPTA donated \$1000 to Senator Paul Gazelka's campaign due to his strong support of us during the last session. It was presented to him at a recent LELS (Law Enforcement Labor Services) event.

Essential worker COVID pay is still being debated at the state level. No word on if we're included in that or not.

Reminder of the Political Contribution Refund program. Once per year you can donate up to \$50 as an individual or \$100 as a couple to a registered legislative member's campaign (one that has signed up for the program) and receive that \$50 or \$100 back as a refund. Support the candidates that support the Trooper's Association legislative initiatives such as increasing pay, improving benefits or stopping anti-cop legislation.

- To check if your representatives have signed up for the program visit this website.
<https://cfb.mn.gov/reports/#/public-subsidy-agreement/17027/>
- Additional information and the refund form can be found at
<https://www.revenue.state.mn.us/political-contribution-refund>

Negotiations Committee:

- SER approved our contract on October 1st. No information on backpay or implementation on the pay increases. Discussion on any legal options to force the state into paying our increases.
- We have yet to set a date for opening negotiations for the next contract
- MSPTA will have the chair position for MLEA this bargaining period
- We are not sure when our first meeting date will be with MMB
 - Any proposals can be routed to your district delegate

Home Association:

- Primary elections will go live Wednesday October 6th.
 - If only one candidate after primary, white ballot will be declared for that position.
- Mobile app has new feature for submitting your delegate expenses
- Updated group photo was taken

New Business:



3200: None

3100: Has there been any discipline regarding not responding to ORT deployments?

2900: None

2800: Motion for any MSPTA board member to receive a mileage reimbursement for business related events or training events. *Motion by 2800 Weinrich, seconded by North Carlson: **CARRIED***

2700: None

2600: None

2500: None

2400: None

2300: None

2200: None

2100: None

2000: Discussion on issues at TDS.

North: None

South: None

V.P.: None

Secretary: Order for polo shirts for 2022-2023 Executive Council. Once election process is finalized, I'll collect the sizing information. Will also place an order for 250 more badge shaped challenge coins.

Treasurer: None

President: Political event with Senator Jeff Howe we attended last year is going on again this year. Cost is \$1000. *Motion to contribute to the event by 3100 Pearson, seconded by 2800 Weinrich: **CARRIED***

On October 21st, the Suburban Law Enforcement Association is hosting an event for Senator Paul Gazelka.

Motion to donate \$1000 to the MN 100 Club and receive the Gala sponsorship level. *Motion by 2000 Phillips seconded by 2900 Hanson: **CARRIED***



Motion to adjourn at 1540 hours. *Motion by 2900 Hanson, seconded by 2000 Phillips: CARRIED*

Upcoming Dates:

- Winter Executive Council Meeting - Jan 4-5th, 2022 - Duluth
- Spring Executive Council Meeting - April 5th, 2022- Waite Park
- Summer Executive Council Meeting - July 12th, 2022 – Metro
- Trooper Golf Tournament – July 14th & 15th – Benson, MN
- Retired Troopers Day - August 2nd, 2022 - St. Cloud
- Fall Executive Council Meeting - October 4th, 2022 – Waite Park

MSPTA Mobile App



Google Play Store

<https://play.google.com/store/apps/details?id=lrismobileapp.mspta>



Apple App Store

<https://apps.apple.com/app/id1578844689>