

RETIREMENT COMMISSION MINUTES

The Retirement Commission met on Wednesday, February 24, 2021. The following members were present: Chris Cullinan, Joe Hatter, Heather Hill, David Hughes, Jason Vandever, Scott Hendrix, Al Elias, Markell Henderson. Absent: Charles Boyles, Michele Vineyard. Others present: Brian Wheeler, Sara Butler, Lisa Burch, Krisy Hammill, Jackie Brady, James Glen.

Call to Order

Jason Vandever called the meeting to order at 8:33AM.

Approval of Minutes

A motion was made to accept the minutes from the January 2021 meeting, and the motion passed unanimously.

Portfolio Update

Jackie Brady and James Glen from PGIM reviewed the performance of Retirement Fund's real estate investments in the Core Fund and answered questions from the Commission members.

Disability Retirement Discussion

Lisa Burch recapped prior discussions of the City's disability retirement process. A motion was made to contract with an independent medical examiner to perform examinations of applicants for disability retirement. The motion passed unanimously. A motion was made that beneficiaries of a disability retirement allowance be required to undergo an independent medical examination as determined by the Commission. The motion passed unanimously. A motion was made to require beneficiaries of a disability retirement allowance be required to provide their complete tax returns each year. The motion passed unanimously. Additional information was requested for the March meeting regarding establishing an appeals process.

Other Business

Jason Vandever reviewed the fiscal year to date performance of the Retirement Fund. Chris Cullinan updated the Commission members on the fiduciary liability insurance renewal.

Adjournment

The meeting adjourned at 9:27 AM.

Draft SOP for:

Appealing a Denial of Public Safety Disability Benefits

I. **Notice of Denial:**

If a Disability Retirement claim is denied, the Retirement Commission will notify the employee in writing within 30 calendar days of the Commission Meeting where the claim was reviewed. For any claims denied due to insufficient information, the written notice will include a description of any additional material or information necessary for the Commission to decide. The employee will have up to 60 calendar days to respond. If the employee does not respond, the claim is deemed denied.

II. **Retirement Commission Appeal Procedures:**

If the employee wishes to appeal the denial of benefits, the following steps apply:

- A. **Written Request for Appeal/Timeline:** An employee's written request for appeal must be received by the Retirement Commission no more than 60 calendar days after the employee's receipt of a notice that a claim has been denied.
- B. **Requirement to Submit Requested or New Information:** The Retirement Commission will consider any appeal where the applicant for disability provides all the information requested by the Commission in the denial of benefits letter and/or provides new information or evidence regarding the employee's medical condition.
- C. **Appeals to be Exclusively Written Appeals:** The Retirement Commission Meeting shall go into a closed session to consider requests for Disability Retirement. The appeal will be exclusively based on the written records provided by the applicant for benefits and may include additional documentation from the Employee's personnel file. There will not be oral presentations or argument during an appeal. The Employee shall be entitled to a complete copy of their personnel file including but not limited to all information provided to the Commission upon request of the Employee thirty calendar days prior to the scheduled Retirement Commission meeting date.
- D. **Submission Deadline for Retirement Commission Consideration:** The party appealing a decision, upon submission of a request for Appeal of the Retirement Commission decision to deny public safety retirement benefits, shall have up to fifteen (15) business days prior to the scheduled Retirement Commission meeting at

which the appeal is to be heard to provide any new information for consideration. This new material should be provided in order to give the Commission the option to have the new medical evidence reviewed by an independent medical advisor. A reconsideration of the decision on Appeal shall be de novo and may include any and all written evidence the employee deems relevant and has provided within 15 business days of the Commission meeting.

- E. **Request for Continuance by Employee Applicant:** Upon request of the Employee and with the consent of the Chair of the Retirement Commission, the employee may ask to continue the appeal to the next regularly scheduled Retirement Commission Meeting. The Commission's consent will not be unreasonably withheld and the Commission shall state in writing the basis for any denial of a continuance.

- F. **Retirement Commission Consultation:** The Commission, at its discretion, may seek assistance of legal counsel and an independent medical advisor in reviewing the appeal for reconsideration prior to making a final decision.

- G. **Appeal Review Deadline:** The Commission will meet in closed session to review the new information within 30 days of the written request for Appeal. Once a determination is made regarding the appeal, the employee will be notified in writing by the Human Resources Department.

- H. **Retirement Commission Decisions' Final.** The City has a self-administered retirement plan subject to the governance of the City Council and their appointed Retirement Commission. All good-faith determinations by the Retirement Commission are conclusive and binding on benefit eligible employees.

III. **Applicability:**

Subject to applicable federal, state and local Charter or ordinances, the decisions of the Retirement Commission are binding on all retirement eligible personnel. This procedure will apply to all appeals filed after this SOP's adoption by the Retirement Commission on _____ (date).