

## **RETIREMENT COMMISSION MINUTES**

The Retirement Commission met on Wednesday, March 24, 2021. The following members were present: Chip Boyles, Ben Cullop, Chris Cullinan, Jason Vandever, Scott Hendrix, Joe Hatter, Al Elias, Markell Henderson, Heather Hill, David Hughes. Absent: none. Others present: Sara Butler, Lisa Burch, Allyson Davies, Lachen Parks, Krisy Hammill.

### **Call to Order**

Jason Vandever called the meeting to order at 8:34 AM.

### **Approval of Minutes**

The minutes from the February 2021 meeting were approved unanimously.

### **Closed Session**

Pursuant to section 2.2-3712 of the Virginia Code, Heather Hill made a motion that the Charlottesville Retirement Commission should close the meeting and convene in a closed session to discuss Disability Retirement claims.

On a motion by David Hughes, the Retirement Commission certified by a unanimous recorded vote that to the best of each Commissioner's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

### **Disability Retirement Claim**

The Retirement Commission voted unanimously to approve the first Disability Retirement claim that was presented in closed session.

### **Sustainable Investing Update**

Jason Vandever updated the members on the ESG investment efforts made to date.

### **Disability Retirement Appeal Process**

Lisa Burch presented a draft of procedures for appealing a denial of Public Safety Disability Benefits to the Retirement Commission. No changes were suggested. The Commission will vote on it at the April meeting.

### **Adjournment**

The meeting adjourned at 9:36 AM.

**Draft SOP Procedures 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).

Sample Motion:

I move that the Retirement Commission accept the Standard Operating Procedure for the Public Safety Disability Appeal process as presented.