

MINUTES  
OF THE MEETING OF  
THE EXECUTIVE COMMITTEE  
STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

January 11, 2024

A meeting of the Executive Committee of the State Employees' Retirement System of Illinois was held on Thursday, January 11, 2024, at 8:45 a.m. in the System's Springfield office at 2101 S. Veterans Parkway.

Committee Members Present:

Marvin Becker, Chairperson  
David Morris, Vice-Chairperson  
Timothy Blair, Executive Secretary

Others Present:

Jeff Houch, Associate Executive Secretary  
Jessica Blood, Recording Secretary  
Jerry Bauer, Attorney, Sorling Northrup  
Love Moore, Claimant (via Teleconference)

Minutes of the Previous Meeting

The minutes of the Executive Committee's meeting on December 14, 2023, were presented by Chairperson Becker for approval. Copies of the minutes were previously emailed to Committee members for review. Chairperson Becker moved to approve the minutes as submitted. The motion was seconded by Executive Secretary Blair and passed unanimously.

Routine Claims Report

The Routine Claims Report for December 2023 was presented. Following a brief discussion, the Routine Claims Report for December 2023 as prepared by staff was received by the Committee.

Old Business

Charlotte Kauffman – Appeal Correction of FAC Calculation due to Back Wages Adjustment – Recommendation

Charlotte Kauffman retired effective February 1, 2017, and her Final Average Compensation (PAC) period was February 1, 2013 through January 31, 2017. Like thousands of other SERS members, the contractual pay raises that were due between July 1, 2011 and June 30, 2012 were initially frozen, but were eventually paid in the

form of back wages. Such back wages were issued over multiple years, which include 2013, 2014 and 2018.

The back wages issued to Ms. Kauffman in August 2018 were never included in her original FAC calculation because she had already retired. Her original "inflated" monthly FAC calculation component included the full amount of the back wages issued in 2013 and 2014. However, after staff adjusted the earnings records by assigning the back wages to the pay periods they were earned, her true FAC slightly decreased.

40 ILCS 5/1-109, 40 ILCS 5/14-103.10(b), and Title 80, Section 1540.190 c) of the Illinois Administrative Code provide that compensation is assigned to the periods of service in which it was earned. 40 ILCS 5/14-148.1 requires the plan administrators to adjust the benefit to the correct level if the benefit was calculated at an incorrect level. Ms. Kauffman is not required to repay the overpayment because the mistake was not identified within three years.

Ms. Kauffman has requested an informal personal hearing to appeal the correction of her FAC calculation, which also impacted her proportional annuity payable from SURS.

After hearing Ms. Kauffman present her case at their December 2023 meeting, the Committee decided to refer to external counsel for a recommendation.

Attorney Bauer presented Recommendation No. 2023-23, to deny Ms. Kauffman's appeal. After a brief discussion, Executive Secretary Blair moved to adopt Recommendation No. 2023-23. The motion was seconded by Vice-Chairperson Morris and passed unanimously.

### New Business

#### Love Moore – Appeal of Temporary Disability Benefit Claim Denial – Personal Hearing – Teleconference – 9:00 a.m.

Love Moore works for the Department of Children and Family Services as a Child Protection Specialist. She last worked July 14, 2020. She reports a history of multiple work-related injuries but is not currently receiving any Workers' Compensation benefits.

Ms. Moore applied for SERS' Temporary disability benefit in September 2021. She was not timely in submitting Form 19(b) and she did not submit sufficient medical evidence to support her claim. In 2023, Ms. Moore submitted medical records and several CMS-95s that she had been submitting to her agency. Ms. Moore's file was then sent to MMRO, who denied her claim. Ms. Moore has been trying to obtain additional medical evidence to support her claim and states that the VA has found her unemployable and disabled since 2020.

Ms. Moore is requesting a personal appeal via teleconference.

After hearing Ms. Moore present her appeal, the Committee decided to refer to external counsel for a recommendation.

Howard Witkus – Appeal Suspension of Disabled Adult Survivor Benefit – Gainful Activity

Howard Witkus began receiving survivors benefits from SERS as a disabled surviving son on November 1, 2011. Given his status, he is subject to the gainful-activity limitation, which occurs when the survivor receives employment wages in a calendar quarter that exceed \$3,660.00. 40 ILCS 5/14-120(d)(2) and Title 80, Section 1540.85 c) of the Illinois Administrative code provide that the survivor benefit is to be suspended when a disabled, unmarried son or daughter over age 18 engages in gainful activity.

Mr. Witkus did not submit his annual small rolls questionnaire (SRQ) before the deadline, so his survivor's annuity was suspended effective with the payment that was to be issued on July 1, 2023. He has since returned this document, but his tax returns document that his employment wages exceeded the gainful activity limitation for the third consecutive year. His survivor's annuity was not reinstated.

Mr. Witkus is appealing the suspension of his benefit.

After discussing the information provided, Executive Secretary Blair moved to deny Mr. Witkus's appeal. The motion was seconded by Chairperson Becker and passed unanimously.

There being no further business to be brought before the Committee, the meeting was adjourned at 9:49a.m.

The next meeting of the Executive Committee is scheduled for February 8, 2024, in the System's Springfield office.

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Marvin Becker, Chairperson

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David Morris, Vice-Chairperson

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Timothy Blair, Executive Secretary