

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

September 14, 2023

A meeting of the Executive Committee of the State Employees' Retirement System of Illinois was held on Thursday, September 14, 2023, 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:

Eric Glaub, Manager, Claims Division
Karen Brown, Supervisor, Disability Section
Samantha Goetz, General Counsel
Aaron Evans, Attorney, Sorling Northrup
Jessica Blood, Recording Secretary
Elia Sall, Claimant
Vera Jackson, Claimant (via Teleconference)
Edna Metcalf, Claimant (via Teleconference)
Randall Gold, Claimant's Attorney (via Teleconference)

Minutes of the Previous Meeting

The minutes of the Executive Committee's meeting on August 10, 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 August 2023 was presented. Following a brief discussion, the Routine Claims Report for August 2023 as prepared by staff, was received by the Committee.

Old Business

Sandy Brown – Appeal of Temporary Disability Benefit Claim Denial – Deferred

Sandy Brown works as a Police Sergeant/Investigator. She last worked on April 26, 2021. According to the notice of injury, she was a passenger in a vehicle involved in a traffic accident. Ms. Brown received occupational disability benefits until February 28, 2022. Workers' Compensation subsequently found Ms. Brown to be medically capable of returning to work without restrictions.

Ms. Brown applied for SERS' temporary benefit when her TTD benefits were terminated. Her file was sent to SERS' medical consultants for review, and they found her impairments did not render her incapacitated from performing her job duties. Ms. Brown called SERS to appeal her claim. She was given directions on how to file an appeal to the Executive Committee. This appeal was not received within 30 days of her denial.

Ms. Brown has now sent in a formal appeal letter along with some additional medical evidence. She indicates in her email that she had good cause for not sending the appeal sooner. She is requesting that her application for temporary disability benefits be approved.

After hearing Ms. Brown present her case at their August 2023 meeting, the Committee decided to defer a decision pending review of her additional medical documentation by MMRO.

Eric Glaub, Claims Division Manager, presented the MMRO report to the Committee from their additional review and their decision was to deny Ms. Brown's claim. After reviewing the new information provided and some discussion, the Committee decided to refer to external counsel for a recommendation.

New Business

Elia Sall – Appeal of Temporary Disability Benefit Conversion Overpayment – Personal Hearing – Springfield – 9:00 a.m.

Ms. Sall works for the Department of Public Health and was on a SERS temporary benefit for two periods. First, from October 26, 2018, through January 20, 2020, and a second time from March 29, 2021, through June 26, 2022. She returned to work June 27, 2022. She recently received a Workers' Compensation (WC) settlement and SERS converted her Temporary benefit to an Occupational benefit. This created an overpayment.

Ms. Sall is appealing the overpayment of benefits. She did receive TTD benefits and an Occupational benefit from SERS. She is indicating that the State's hired IME physician decided she didn't need surgery and that her TTD and SERS benefits were stopped. That is when she applied for a SERS temporary benefit.

Ms. Sall states she continues to be in severe pain from her WC injury and that it does not seem right that the State is expecting repayment, when it was the State's negligence that put her in this predicament. She is appealing the entire overpayment, as she feels it is cruel and unfair.

After discussing the facts of the case, the Committee decided to refer to external counsel for a recommendation.

Vera Jackson – Appeal of Nonoccupational Disability Benefit Overpayment – Personal Hearing via Teleconference – 9:45 a.m.

Ms. Jackson was on SERS' nonoccupational disability benefit beginning in July 2021. In May 2023, SERS learned from the IDES report that Ms. Jackson had exceeded the quarterly earnings limitation of \$3,660 in the first quarter of 2023. According to the IDES report, Ms. Jackson worked for Special Education Services, Inc., and earned \$4,250.10 in the first quarter. This is \$590.10 over the earnings limitation.

On May 10th, 2023, the Disability Section sent Ms. Jackson a letter informing her of the overpayment and a copy of the Earnings Limitation Agreement she was to sign and return within 30 days. This letter indicated she would soon be receiving a billing letter with instructions on how to remit her payment. On May 17th, Benefit Support sent Ms. Jackson her billing letter.

Ms. Jackson failed to pay her overpayment and did not sign and return her Earnings Limit Agreement. Therefore, according to SERS' policy, her benefit was terminated effective March 31, 2023, the end of the quarter in which she exceeded the earnings limitation. In addition to the \$590.10 overpayment, Ms. Jackson was now responsible for paying back all disability benefits paid after March 31, 2023.

On July 17th, the Disability Section sent Ms. Jackson a letter stating that her failure to pay her ELQ overpayment and return a signed agreement resulted in the termination of her benefit March 31st. It also included the additional overpayment of all benefits paid in April and May. This increased her total overpayment to \$5,414.30.

On July 18th, her billing letter and copies of her original letters were mistakenly sent to another member. This member sent Ms. Jackson her letters along with a note stating SERS had violated HIPPA laws against Ms. Jackson.

Ms. Jackson is appealing her debt. She states she never received the May letters, or she would have paid the original debt of \$590.10. Ms. Jackson has not returned to work for the state. She is not requesting that her benefits be reinstated.

After reviewing the information presented and some discussion, the Committee decided to defer a decision pending further research into Ms. Jackson's second quarter 2023 earnings.

Ryan Moore – Appeal of Nonoccupational Disability Benefit Overpayment

Mr. Moore was on SERS' nonoccupational disability benefit beginning in December 2022. In July, SERS learned from the IDES report that Mr. Moore had exceeded the quarterly earnings limitation of \$3,660 in the second quarter of 2023. According to the IDES report, Mr. Moore worked for Carbondale Community High School and earned \$4,271.85 in the second quarter. This is \$611.85 over the earnings limitation.

Mr. Moore is appealing the overpayment for exceeding the quarterly earnings limitation. He states that he was unaware that SERS calculated earnings for the limitation by when earnings were paid and not by when they were earned.

Mr. Moore contends that the School District pays 24 days behind and if SERS were to calculate his earnings by when he earned the money, he would not have exceeded the limitation.

He has submitted evidence including pay stubs and letter from the bookkeeper at the school outlining his earnings for the second quarter.

Mr. Moore is requesting that his overpayment be waived.

After reviewing the information presented, Chairperson Becker moved to approve Mr. Moore's appeal. The motion was seconded by Vice-Chairperson Morris and passed unanimously.

Randall Gold, Attorney – Appeal of Nonoccupational Disability Benefit Claim Denial – Mbr: Edna Metcalf – Personal Hearing via Teleconference – 10:30 a.m.

Edna Metcalf applied for nonoccupational disability benefits, but the medical evidence submitted with the application was insufficient to determine disability. Ms. Metcalf's examiner attempted to call to inform her that SERS needed more information to process her claim but was unsuccessful in reaching Ms. Metcalf.

The examiner then sent Ms. Metcalf a letter and a copy of the required assessment form. She requested that Ms. Metcalf have her treating physician complete the assessment and submit additional records. The form was never received, nor were additional records.

The claim was referred to the SERS' Medical Consultant, MMRO, who determined that the medical evidence did not support that Ms. Metcalf was incapacitated from performing her job duties.

Ms. Metcalf's attorney is filing an appeal of the denial of benefits. He submitted additional medical records along with a note from her doctor. They are requesting that her disability be approved and all back benefits due are paid.

After hearing Ms. Metcalf's attorney present her case, the Committee decided to defer a

decision pending a review of her additional medical documentation by MMRO.

Olline Brooks – Staff Direction for Nonoccupational Disability Benefit Claim

Ms. Brooks has been on a SERS nonoccupational disability benefit since March 2020.

During the current certification process, Ms. Brooks' file was sent to MMRO for review to see if the member's condition had improved enough that she could return to her past job.

On August 24, 2023, SERS was notified by Midwest Disability that Ms. Brooks had been approved for Social Security disability benefits by an Appellate Law Judge, who found her to be disabled since February 2020. This decision was rendered on August 7th, 2023. On August 28, 2023 SERS received the report from MMRO, which found that the medical evidence submitted did not find Ms. Brooks to be disabled from performing her job duties.

SERS staff would like direction from the Executive Committee on how to handle conflicts between a denial from the SERS Medical Consultant, MMRO, and a Social Security disability finding that the member is disabled from performing any job in the national economy.

After discussing the facts presented and some discussion, the Committee directed staff to process Ms. Brooks' SSA offset created by the retroactive SSA disability award, and deferred a decision to resolve the conflict so staff can contact Midwest Disability to see if additional evidence was provided to SSA that SERS does not have.

Shucooly Beecham – Request for Reappeal of Termination of Temporary Disability Benefit

Shucooly Beecham has been on SERS' Temporary benefit since July 2020. SERS received information that she had exceeded the quarterly earnings limitation during the 3rd and 4th quarters of 2022, working for Chicago Public Schools.

She was originally notified that she exceeded the limit in the 3rd quarter. She called SERS, concerned about signing the agreement because she felt she had exceeded it in the 4th quarter as well. When all the information was received, she had exceeded the limit in both quarters by a total of \$5,153.60. She was sent another letter about her overpayment along with a revised Earnings Agreement. The Earnings Agreement was to be signed and returned within 30 days. She was also sent a collection letter by Benefit Support.

Ms. Beecham failed to pay her overpayment and did not return her Earnings Agreement. Because she did not comply, her benefit was terminated effective December 31, 2022. This created an additional overpayment of disability benefits paid after her termination date.

Ms. Beecham appealed the decision to terminate her benefits and asked that her overpayment be reversed back to the original \$5,153.60 and she be given a repayment plan on this amount at the Executive Committee's June 2023 meeting. Her appeal was denied.

Ms. Beecham is requesting a reappeal of her case. She states she has problems with receiving her mail and was never intentionally negligent in responding to SERS. She would ultimately like her benefits reinstated and a payment plan set up for her original overpayment.

After discussing the information provided, Chairperson Becker moved to allow Ms. Beecham to present her reappeal. The motion was seconded by Executive Secretary Blair and passed unanimously.

Jennifer Keith – Appeal of Nonoccupational Disability Benefit Overpayment Repayment Terms

Jennifer Keith worked as a Disability Claims Adjudicator at DHS, Disability Determination Services. She went on a medical leave of absence and started a nonoccupational disability benefit in January 2020. Ms. Keith was required to file for Social Security disability benefits in 2021.

SERS was informed that Ms. Keith was denied Social Security disability benefits at the initial level. Ms. Keith chose to appeal her denial and was eventually determined to be disabled with an onset of May 1, 2020. Ms. Keith informed SERS of her approval and provided SERS with a copy of her notice of award.

SERS calculated her overpayment from May 2020, through June 2023. Ms. Keith was notified of the overpayment amount by the Disability Section in a letter dated July 26, 2023. She was sent an initial billing notice from Benefit Support on August 3, 2023, notifying her that her overpayment was due 30 days from the date of the letter.

Ms. Keith is filing a written appeal, stating she has not received the backpay from SSA and cannot pay the overpayment in full by September 3, 2023. Ms. Keith disagrees with the assumption that SERS is owed money in advance of an actual debt situation being created. She feels SERS is violating the Federal Trade Commission Fair Debt Collection Act. She also disagrees with our Collection Policy and feels it is also not legal.

Ms. Keith is asking SERS to wait to receive payment for her arrearage until she has received her backpay from SSA. She is requesting that no deductions be taken from her monthly disability benefit.

After discussing the facts presented, Executive Secretary Blair moved to defer collection of Ms. Keith's overpayment until 30 days after the expected receipt of her SSA award back pay. The motion was seconded by Vice-Chairperson Morris and passed unanimously.

Kenneth Rexford – Request to Establish Service Credit for a Lay-Off Period

Kenneth Rexford is currently employed by the Illinois Department of Corrections and was temporarily laid off from State employment from September 1, 2002, through February 28, 2003. Public Act 94-1111 amended Section 14-104 of the Pension Code by creating a temporary window for members to purchase "lay-off periods." However, an eligible member was required to apply for such purchase no later than August 27, 2007. SERS notified the active membership of such Act in the April 2007 issue of the SERS-O-GRAM. It should also be noted that SERS directly notified Mr. Rexford on April 17, 2007 that he would need to apply to purchase such credit no later than August 27, 2007. Mr. Rexford never applied with SERS to purchase such credit, and therefore his recent request was denied.

On July 27, 2011, Public Act 96-1320 was created, which created another 6-month to establish service for periods of layoff. Such Act required that a member apply no later than January 27, 2011 in order to establish such credit under that Act. SERS notified the active membership of such Act in the August 2010 issue of the SERS-O-GRAM, but Mr. Rexford never applied with SERS to purchase such credit.

Mr. Rexford has submitted a written appeal to purchase such credit despite not applying before either of these statutory deadlines.

After reviewing the facts of the case, Vice-Chairperson Morris moved to deny Mr. Rexford's request. The motion was seconded by Chairperson Becker. Executive Secretary Blair recused himself from voting due to prior communications with Mr. Rexford and the motion passed.

There being no further business to be brought before the Committee, the meeting was adjourned at 11:06 a.m.

The next meeting of the Executive Committee is scheduled for October 12, 2023, in the System's Springfield office.

Marvin Becker, Chairperson

David Morris, Vice-Chairperson

Timothy Blair, Executive Secretary