

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

March 11, 2021

A meeting of the Executive Committee of the State Employees' Retirement System of Illinois was held on Thursday, March 11, 2021 at 8:45 a.m. in the System's Springfield office at 2101 S. Veterans Parkway and by videoconference as allowed under Section 7(e) of the Open Meetings Act (5 ILCS 120/7(e)) and Executive Order 2020-7, as amended and reissued by Executive Orders 2020-33, 2020-44, and 2021-5.

Committee Members Present:

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

Others Present:

Jeff Houch, Assistant to the Executive Secretary
James Stivers, General Counsel
Eric Glaub, Manager, Claims Division
Karen Brown, Supervisor, Disability Section
Aaron Evans, Attorney, Sorling Northrup
Jessica Blood, Recording Secretary
TiJuana Williams, Claimant
Ashley Wilhold, Claimant

Minutes of the Previous Meeting

The minutes of the February 11, 2020, meeting of the Executive Committee were presented by Chairperson Becker for approval. Copies of the minutes were previously e-mailed to Committee members for review. Executive Secretary Blair moved to approve the minutes as submitted. The motion was seconded by Vice-Chairperson Morris and by unanimous vote, the minutes were approved.

Routine Claims Report

The Routine Claims Report for February 2021 was presented. Following review and discussion, the Routine Claims Report for February 2021, as prepared by staff, was received by the Committee.

New Business

TiJuana Williams – Appeal to Begin Converted Occupational Disability Benefit Effective April 1, 2021 – Personal Hearing via Videoconference – 9:00am

TiJuana Williams was working for the Illinois State Toll Highway Authority as an equipment operator and loader when she injured her back while picking up a concrete sewer pipe. Ms. Williams filed a workers' compensation claim, which was approved, and she began receiving Total Temporary Disability (TTD) benefits, along with her SERS occupational disability benefit, on July 25, 2017.

Ms. Williams' TTD benefits ended on October 19, 2020, and she subsequently received a Permanent Partial Disability (PPD) settlement due to permanent lifting restrictions that the Toll Highway Authority could not accommodate. SERS did not receive a copy of the PPD settlement in a timely manner. Consequently, it believed that Ms. Williams' disability and her SERS occupational disability benefit had ceased on October 19, 2020. When the PPD settlement eventually arrived, it became clear that Ms. Williams' occupational disability benefit was to continue after being recalculated to account for the PPD payment. As soon as Ms. Williams received the first recalculated occupational disability check in January 2021, which covered back to October 20, 2020, she contacted SERS. She was confused about how the SERS occupational disability benefit worked and did not realize she was eligible to remain on the occupational disability benefit even though the benefit had appeared to stop. Because Ms. Williams did not realize that she was eligible to remain on the SERS occupational disability benefit and because she had not received her PPD settlement, she took a seasonal job to pay her bills. As she described the situation, Ms. Williams informed SERS that she would likely earn through her seasonal employment more than is allowed under the gainful employment threshold set out in the Board's administrative rules (80 Ill. Adm. Code 1540.80(e)(2)). However, she had acquired that job only because she believed her SERS benefit had ceased. After she realized what had happened, Ms. Williams returned the January occupational disability check she received and has also agreed to repay SERS for the benefits paid from October 21, 2020 through December 31, 2020. Ms. Williams is requesting that her converted SERS occupational disability benefit commence on April 1, 2021.

After discussing the facts presented, a motion was made by Executive Secretary Blair to approve Ms. Williams' request to make her SERS occupational disability benefit effective April 1, 2021, contingent on Ms. Williams repaying the sum paid to her for the period of October 21, 2020 through December 31, 2020. The motion was seconded by Vice-Chairperson Morris and all were in favor.

Nancy Burklow – Appeal to Accept Proof of Dependency for Disabled Adult

Keith Burklow, an active State employee, died on August 27, 2020. Mr. Burklow is survived by his spouse, Nancy Burklow, and a disabled adult child.

To qualify as a "survivor annuity beneficiary" under Section 14-120 of the Illinois

Pension Code (40 ILCS 5/14-120), a disabled adult child of a SERS member must have been dependent on the deceased member by reason of the child's disability. To satisfy this requirement, the Board's administrative rules (80 Ill. Adm. Code 1540.150) require acceptable proof to be submitted that the deceased member was contributing at least one-half of the dependent's support at the time of the member's death. This requirement is typically proven by providing a copy of the deceased member's income tax filing for the year of his or her death, which indicates that the child was being claimed as a dependent of the deceased member.

At the time of Mr. Burklow's death, he and Ms. Burklow lived in separate homes to accommodate the needs of their adult disabled child. In addition, there was a question about whether the adult disabled child had been claimed as a dependent on Mr. Burklow's previous tax returns.

Ms. Burklow is appealing to have SERS accept certain bank records, tax records, and other documents to prove Mr. Burklow's child was financially dependent upon Mr. Burklow at the time of his death.

After review of the case and some discussion, a motion was made by Chairperson Becker to approve Ms. Burklow's request for SERS to accept the documentation provided by Ms. Burklow to prove the dependency of the disabled child on Mr. Burklow. The motion was seconded by Vice-Chairperson Morris, and all were in favor.

Ashley Wilhold – Appeal of Nonoccupational Disability Denial – Personal Hearing via Teleconference – 9:00am

Ms. Wilhold works as a Public Service Administrator for the Secretary of State. She last worked on November 4, 2020, and began a medical leave of absence on November 5, 2020, due to a chronic cough. Her medical report indicates she is unable to work due to the guidelines of her place of employment stating she cannot report to work with a chronic cough.

Ms. Wilhold applied for a nonoccupational disability benefit from SERS. SERS received her "Nonoccupational Disability Benefit Application" forms on November 22, 2020. SERS retained a physician to examine the medical information supplied by Ms. Wilhold. Based on the report of the consulting physician, SERS sent a denial letter to Ms. Wilhold on February 23, 2021. Ms. Wilhold's claim was denied under Section 14-124(2) of the Illinois Pension Code (40 ILCS 5/14-124(2)), which states a member may be granted a nonoccupational disability benefit if the member, among other things, ". . . is found upon medical examination to be mentally or physically incapacitated to perform the duties of the member's position[.]"

Ms. Wilhold is appealing the denial of her claim.

After hearing Ms. Wilhold present her case and a brief discussion, the Committee decided to refer the case to outside counsel for a recommendation.

Kathy Brooks – Appeal to Reverse Decision to Decline Social Security Offset Removal Option

Lloyd Brooks, an annuitant, died on September 9, 2020. He left a surviving spouse, Kathy Brooks and a surviving disabled daughter, Leslie.

Mr. Brooks declined the Social Security offset removal option on his pension application. His surviving spouse Kathy contends that her husband did not understand the election and is appealing to have her survivor's benefit calculated as if the removal option had been elected.

Mr. Brooks was receiving a gross monthly benefit of \$4,324.19, whereas Mrs. Brooks will receive a gross monthly surviving benefit of \$573.05 with the offset applied. Had Mr. Brooks elected the offset removal, the total survivors' benefits payable to Mrs. Brooks and her daughter would have been \$2,162.09.

After reviewing the facts presented, Executive Secretary Blair moved to deny Mrs. Brooks' request. Chairperson Becker seconded the motion, and all were in favor.

There being no further business to be brought before the Committee, a motion was made by Chairperson Becker to adjourn the meeting. The motion was seconded by Vice-Chairperson Morris, and all were in favor. The meeting adjourned at 10:06 a.m.

The next meeting of the Executive Committee is scheduled for April 8, 2021, in the Springfield office.

Marvin Becker, Chairperson

David Morris, Vice-Chairperson

Timothy Blair, Executive Secretary