

A regular meeting of the State of Michigan Retirement Board was held at 1:30 p.m. on Thursday, March 24, 2022, at the Stevens T. Mason Building in Lansing, MI.

Members Present:

Dave Berridge, representing State Employees
Lauri Schmidt, representing State Retirees
Capt. Felipe Torres, representing Michigan National Guard
Craig Murray, representing the Auditor General
Lisa Geminick, representing the Attorney General
Ann Marie Storberg, representing the State Treasurer
Judge Leo Bowman, representing Judges
Kurt Weiss, representing the State Personnel Director

Staff Present: Meg Skelley, Executive Secretary
Nick Soucy, Recording Secretary

Others Present: Kathleen Markman of the Attorney General's Office, Chanda Donnan of ORS, Mary Pollock of SERA, Mita Drasilov and Lousie Gates of GRS Consulting

Call to Order

Chair Dave Berridge called the meeting to order at 1:30 p.m.

Roll Call

The Recording Secretary did roll call.

Excusing Absent Members, Approval of Agenda and Approval of Minutes

Craig Murray moved, and Lauri Schmidt supported, to excuse the absence of Phil Thompson, approve the agenda and approve the last meeting's minutes. The motion carried unanimously.

Informational Reports

- A. **Legislative Report.** No discussion on this item.
- B. **Duty and Non-Duty Disability Case Summary.** No discussion on these items.
- C. **New Pension Recipients.** Craig Murray asked staff to clarify a figure on one report.

New Business

A). Special Presentations

1. Mita Drazilov from GRS presented the JRS Pension Valuation Report for Board members and answered their questions.
2. Louise Gates from GRS presented the JRS Health Valuation Report for Board members and answered their questions.

B). Administrative HearingProposal for Decision—Docket No. 21-002744-ORS

The board considered the case materials. Craig Murray moved, and Lauri Schmidt supported, that the Board move to remand this matter to ORS to obtain a Supplemental Independent Medical Advisor (IMA) Report taking into account any medical and related information subsequent to the issuance of the March 16, 2020 IMA report and prior to today's date. The Board further stipulates that the case must go back to the same Administrative Law Judge. In the supplemental IMA report, the IMA will certify whether Petitioner has a total and permanent disability and will provide an opinion as to whether the alleged disability is the proximate result of the Petitioner's performance of State employment. In the event that the IMA determines both of these conditions have been met, the duty disability application is to be granted; if not, the matter will return to the Board for review and action. Lisa Geminick recused herself. The motion carried unanimously.

Proposal for Decision— Docket No. 21-002325-ORS

The board considered the case materials. Craig Murray moved, and Lauri Schmidt supported, that the board move to adopt as its own the recommendations of the Presiding Officer in the November 10, 2021 PFD, including the proposed Findings of Fact and Conclusions of Law, and deny Petitioner's application for duty disability retirement under MCL 38.67a. Lisa Geminick recused herself. The motion carried unanimously.

Proposal for Decision—Docket No. 21-001681-ORS

The board considered the case materials. Craig Murray moved, and Lisa Geminick supported, that the board move to adopt as its own the recommendations of the Presiding Officer in the December 17, 2021 PFD, including the proposed Findings of Fact and Conclusions of Law, and deny Petitioner's application for duty disability retirement under MCL 38.21. The motion carried unanimously.

Proposal for Decision— Docket No. 21-002009-ORS

The board considered the case materials. Craig Murray moved, and Judge Bowman supported, that the board move to adopt as its own the recommendation of the Presiding Officer as set forth in the Amended Proposal for Decision dated November 17, 2021, including the proposed Findings of Fact and Conclusions of Law, along with clarifying amendments requested in Respondent's Exceptions. The Petitioner's request for two retirement benefits attributable to her DC time is denied. The following underlined language be added to page 6 paragraph 5 of the Findings of Fact of the Amended PFD: 5. Due to an error by Petitioner's employer, Petitioner was inadvertently misclassified....The following underlined language will be added to page 7 paragraph 17 of the Findings of Fact of the Amended PFD:17. In February 2021, Petitioner retired from state employment and began receiving a pension attributable to the more than 10 years of service she accrued in the DB Plan after ORS transferred her to that Plan in 2010. (EX A 1.18) The Amended PFD will include the following paragraph under Findings of Fact as paragraph 18: 18. Other employees who were mistakenly classified as DC participants upon rehire by the State when they should have been classified as DB members, and who borrowed or otherwise withdrew funds from their State 401(k) account but repaid the employer contributions, were granted DB service credit for their DC time. (Tr. 36). The motion carried unanimously.

Proposal for Decision—Docket No. 21-000274 -ORS

The board considered the case materials. Craig Murray moved, and Anne Storberg supported, that the board move to adopt as its own the recommendations of the Presiding Officer in the January 13, 2022, PFD, including the proposed Findings of Fact and Conclusions of Law, and deny Petitioner’s application for non-duty disability retirement under MCL 38.67a. The motion failed. Lisa Geminick moved and Craig Murray seconded, to table the case.

Executive Secretary Comments

Meg Skelley welcomed the new members of the SOMRB.

Board Comments

Board members welcomed new members to the SOMRB. Board members also requested a list of case laws for reference.

Public Comments

Mary Pollock commented on a pending legislative item.

Adjournment

Judge Bowman moved and Capt. Torres supported that the meeting be adjourned. The motion carried unanimously. The Chair adjourned the meeting at 3:55 p.m.

OFFICIAL MINUTES

Signature on file
Chair

Signature on file
Executive Secretary