



WAYNE COUNTY RETIREE SUB-CHAPTER 38

WE MAKE MICHIGAN HAPPEN

Executive Board Meeting

Ronald Yee
President

December 11, 2018

Gilbert J. Cox
Vice-President

The meeting was called to order at 11:30 AM by President Yee, and was opened with the Pledge of Allegiance.

Hugh S. Macdonald
Secretary Treasurer

PRESENT: Cairgle, Kreklau, Macdonald, McCall, Noelke, Parker, Sockolosky, Smith, Wadlin and Yee

Mary Etta Kreklau
Recording Secretary

EXCUSED: Parker and Smith

Douglas Wadlin
Sergeant-At-Arms

ABSENT: None

Richard Noelke
John McCall
James Sockolosky
Executive Board

ROLL CALL OF OFFICERS: Brother Macdonald made the motion, properly supported by Sister Cairgle, to accept the roll call of officers. The motion carried.

Faith Cairgle
Charles Parker
Jerry Smith
Trustees

Sub-Chapter 38 minutes for the Executive and Membership meetings are recorded to help the Recording Secretary to produce minutes for each meeting. Pursuant to the previous direction of the membership these recordings shall be disposed of as soon as reasonably possible after the Sub-Chapter 38 membership has approved the minutes. The minutes are not or intended to be an actual verbatim record of the proceedings but are summarized notes of the agenda items, motions maker of the motion, votes and lengthy discussions.

CORRESPONDENCE

MiARA November 2018 newsletter discussing the recent mid-term election results and warning about the Michigan Legislature in "Lame Duck" session. This Edition also includes a spotlight on Sub-Chapter member Douglas Wadlin The next membership meeting was not announced. Receive and File

Genesis/TASC An email dated December 1, 2018 advising participants on how to access the website and their account at [www//mybenefitsportal.tasconline.com](http://www/mybenefitsportal.tasconline.com). The email also states that claims may be filed by email to an **unsecure** website claims@tasconline.com. Receive and File

Motion by Brother Macdonald, properly supported by Brother Sockolosky, to receive and file all items. Motion carried.

Motion by Brother Macdonald, properly supported by Brother Wadlin, to go into Executive Session at 11:32 am. Motion carried.

Motion by Brother Wadlin, properly supported by Brother Sockolosky, to exit Executive Session at 11:47 am. Motion carried.

Motion by Brother Macdonald, properly supported by Brother Wadlin, to receive and file the report of the Secretary-Treasurer on Executive Pension Enhancements and to consider the matter closed. The motion carried.

READING OF MINUTES

Brother Macdonald made the motion, properly supported by Sister Cairgle, to waive the reading and approve the minutes of the Executive Board meeting of November 13, 2018, leaving the record open to the end of the meeting for corrections, additions, or deletions and adopt as corrected. The motion carried.

Brother Macdonald made the motion, properly supported by Brother Sockolosky, to waive the reading and approve the minutes of the Executive Board meeting of November 13, 2018, leaving the record open to the end of the meeting for corrections, additions, or deletions and adopt as corrected. The motion carried.

REPORT OF OFFICERS

PRESIDENT:

President Yee informed the Board they are hoping to meet with the County in early January to begin discussions regarding development of the Health Care Retirement Savings Account document. There is a current document however it does not appear to ever have been signed by the Wayne County Board of Commissioners which is required by the County Charter prior to the CEO entering into a contract. Our concern is that the document agreement allows for amendments to the agreement so we have no idea what the current agreement terms are. We are trying to meet with the County representative in early January and start getting a plan document and adoption agreement.

Secondly, there was an Executive Board meeting of AFSCME Chapter 255 on December 4, 2018, at Council 25 offices in Detroit. Brother Henry Lykes is President of that group, and Brother John McCall represents Sub-chapter 38 on that Executive Board. There were 21 people in attendance at the meeting; ten (10) of them were Sub-chapter 38 members, primarily members of the Executive Board. President Yee was astonished that Chapter 255 officers refused to provide copies of the agenda, minutes, and financial report to anyone but Chapter 255 Executive Board members. When they got to those items on the agenda, the Chapter 255 Executive Board members were told to read those items silently and then vote on them, without reading the items out loud. Someone asked what was in those items and was told that it was none of their business. The Treasurer of Chapter 255 thanked the visitors for attending at the end of the meeting, but said they would not be allowed to address the Executive Board at any time during the meeting to ask questions. It's unknown why we were invited to the meeting since we were not allowed to address anyone during the meeting regarding information presented to the Executive Board.

We have not paid our 2018 dues yet since we have asked for an approved budget and that has not been provided. The Treasurer has been asked on several occasions to provide that information. The Sub-chapter 38 membership has taken a position that until that information is provided, we are not going to pay our dues.

President Yee then brought up actions being taken at this time by the Republican legislature in Lansing. They are doing their best to take apart legislation on the minimum wage and sick leave that was passed earlier this year to keep those items off the ballot in November 2018. They are also attempting to pass a series of bills that will take away some of the powers of the Governor, Attorney General, and Secretary of State, all positions that will be held by Democratic women beginning January 2019. They are going after unions by making it illegal for employers to allow time off with pay by employee representatives to investigate grievances and negotiate contracts and by making unions recertify every two years by a majority vote – not of the employees voting, but by a majority of the employees covered by the contract. In addition, they are changing the requirements for ballot petitions which will make it almost impossible for ballot initiatives to happen. They want to limit to a maximum of 10% signatures from any one voting district. All signatures must be collected by individuals that show whether they are being paid or not paid. A big issue is that they will disqualify all signatures collected by an individual if one signatory says they were “misled” into signing the petition.

The Governor has said he will look at each of these issues individually and he will “do what’s best for the State”. We are encouraging everyone to contact their legislators and the Governor’s office and put in their approval or disapproval of what’s going on.

Finally, I would like to take this opportunity to thank all the members that have supported the leadership and made calls, wrote letters, and appeared at court hearings and meetings showing our solidarity for the things we are fighting for. I wish everyone a Merry Christmas and Happy Holidays and a Happy New Years.

Motion by Brother Macdonald, properly supported by Sister Cairgle to accept the President’s report. The motion carried.

Motion by Brother Macdonald, properly supported by Brother Cox, to amend our position not pay any dues to Chapter 255 until the Chapter 255 Constitution, which was adopted in October 2017 at the Constitutional Convention, signed by AFSCME International is received by this Sub-chapter and the documents provided for in that Constitution are provided to this Sub-chapter. The motion carried.

Vice-President: The Labor Coalition meeting in December has been cancelled but the January meeting will be Wednesday, January 23, 2019, at noon in Council 25 offices. The December 2018 WCERS Executive Board meeting will be Monday, December 17, 2018, at 9:15 am in the Retirement Commission offices.

Motion by Sister Cairgle, properly supported by Brother Sockolosky, to accept the Vice-President report. The motion carried.

SECRETARY TREASURER

Financial Report

Brother Macdonald reported that the Sub-Chapter has \$121,115.92 in cash and investments as of November 30, 2018. There are 1,387 current members with 202 participating in the PEOPLE Plan and (89) members were lost this calendar year due either death or cancellation.

Motion by Brother Macdonald, properly supported by Sister Cairgle, to accept the Treasurer report as presented. The motion carried.

Secretary-Treasurer Report, Comments and Announcements

Three (3) Retiree Grievances

There are three (3) grievances filed by AFSCME and its Local Unions relating to pension issues. The three (3) grievances deal with the following issues:

1. **Pension Funding:** AFSCME takes the position that the retirement ordinance is incorporated into the various CBAs and that the Union has a right to arbitrate the fact that Wayne County has not funded the pension plan.
2. **Elimination of 13th Check:** The second grievance dealt with the changes Evans and the County Commission to eliminate the funding of the 13th check, taking that money (\$32+ million) away from retirees and using the thirty-two + million dollars, in the "13th check account, as a required County contribution to the pension system.
3. **Medical Insurance for Disability Retirees:** For (30) years, the County had a practice which was supported by the various CBAs and the pension ordinance which provided that people who retired on a duty or non-duty disability pension were entitled to medical insurance as part of their retirement. In 2010, CEO Ficano eliminated this program and the Union filed an unfair labor practice and prevailed. The County then filed a challenge in the Michigan Court of Appeals and the Court of Appeals ruled that the matter must be resolved by way of grievance arbitration.

On September 20, 2018 the Michigan Court of Appeals issued a decision ruling that the Pension Funding issue was not subject to arbitration, affirmed that the Disability Retiree Health Care Benefits issue had previously been ruled as subject to arbitration and lastly that the elimination of the 13th Check was subject to arbitration. Arbitration on the open matters has not been scheduled.

RETIREE COALITION TO PROTECT PUBLIC SECTOR BENEFITS

The Michigan legislature is currently in "Lame Duck" session. No doubt you have heard and read about proposed legislation coming out of the legislature intended to severally cripple public employee unions. There is also proposed legislation to subvert the will of the voters concerning minimum wages and family time off plus attempting to re-write the constitution amendments adopted by the voters. During the legislative process there was little or no debate and if testimony was allowed, only testimony in support of the proposed bill was permitted. We can only hope that Snyder does not sign these bills otherwise it will take us years to undo the damage done.

WAYNE COUNTY LAWSUIT TO SEAT EVAN'S BOARD

Wayne County CEO Evans filed a lawsuit against the Wayne County Employees' Retirement System Commissioners (WCERS) demanding the ability to seat his handpicked WCERS Board by expanding the Board to ten (10) members while eliminating one (1) active employee Commissioner and one (1) retired

member Commissioner. As a direct result of an intense lobbying effort by your Retiree leadership the Wayne County Commission intervened on our behalf. Judge Leslie Kim Smith issued an opinion on July 31, 2017 denying Evans the ability to seat his WCERS Board. Wayne County has filed an appeal with the Michigan Court of Appeals and the briefing period ended on May 30, 2018. We are now waiting on the court to schedule oral arguments which will not occur until 2019. (Case No. 339714).

PRESCRIPTION CO-PAY SETTLEMENT

This Sub-Chapter continues to reconcile stipends for the Non-Medicare eligible retirees. The latest reconciliation is through the December 1, 2018, pension payment finding that there are still seven (7) account balances remain incorrect of which one (1) is an underpayment and six (6) are overpayments. Since December 12, 2017 six (6) grievances have filed with Wayne County demanding resolution of Non-Medicare stipend issues. One (1) of the overpayments is part of Grievance #1 which is otherwise resolved, pending an acceptable settlement agreement from Wayne County. Grievances #2, #4 and #5 have been withdrawn due to retiree ineligibility or lack of cooperation from the retiree. Grievance #3 is still open and addresses the many problems with TASC (formerly Genesis). The Sub-Chapter is attempting to gather information about the Medicare eligible stipend administrative process at TASC. It is becoming clear that the only resolution to Grievance #3 is a mutually acceptable Health Reimbursement Account (HRA) Plan so that every Medicare eligible class member will know their rights and responsibilities under the plan. The Sub-Chapter is demanding that every Medicare eligible retiree receive a copy of the mutually agreed upon HRA or at least a summary plan document.

Non-Medicare retirees within the settlement class are reminded of the letter dated August 8, 2018 reminding them to file the annual stipend determination paperwork. All of those that filed the paperwork should have received a confirmation that included their 2019 stipend amount.

Under the date of October 29, 2018 AmWins sent a letter to Medicare eligible retirees within the settlement advising them about what AmWins offers. Included with that mailing was information from TASC (formerly Genesis) with commonly asked questions and answers about participation in a Retiree HRA also included were claims forms. That letter was followed up with another letter at the demand of this Sub-Chapter, making it clear that the plan B and Plan D deductions from Social Security checks are a reimbursable medical expense from the TASC (Genesis) HRA account. Please be aware that Medicare eligible retirees with an HRA account must file a new "RECURRING INDIVIDUAL PREMIUM REIMBURSEMENT REQUEST" with TASC to receive reimbursements during 2019. The Sub-Chapter has been advised that TASC will accept the old (2015 form) "RECURRING INDIVIDUAL PREMIUM REIMBURSEMENT REQUEST" for 2019. The new website for TASC is <https://mybenefitsportal.tasconline.com>. The unsecure TASC website for claims is claims@tasconline.com. The telephone call center is (866) 678-8322 and the website is svchelp@tasconline.com.

ANNOUNCEMENTS

The annual luncheon sponsored by the Sub-Chapter for WCERS staff is scheduled for December 12, 2018 starting 12:00 PM in the WCERS Board Room.

Motion by Brother Wadlin, properly supported by Brother Sockolosky, to accept the Secretary's Report. The motion carried.