

## Executive Board Meeting

October 13, 2020

The meeting was called to order at 11:32 AM **via Zoom** by President Yee, and was opened with the Pledge of Allegiance.

**PRESENT:** Bauman, Kreklau, Macdonald, McCall, Noelke, Smith, Sockolosky, Wadlin, and Yee

**EXCUSED:** Cairgle and Cox

**ABSENT:** None

**ROLL CALL OF OFFICERS:** Brother Sockolosky made the motion, properly supported by Brother Smith, to accept the roll call of officers. The motion carried.

**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

1. MiARA – The September 2020 newsletter urging retiree voting on November 3, 2020, with MiARA recommendations plus a tribute to Supreme Court Justice Ginsburg. There is no membership meetings scheduled. Receive and File
2. Chapter 255 – Agenda and financial report for the October 6, 2020 virtual Executive Board meeting. Receive and File
3. Sec-Treasurer – Email reporting on the Michigan Supreme Court denying the CEO Evan’s petition to hear an appeal of the ruling rejecting his attempt to change the members of the Wayne County Employees’ Retirement System Board. Receive and File
4. Trustees – Report of the results of the September 16, 2020, review of the Sub-Chapter financial records finding those records to be in order. Committee Rpts
5. Sec-Treasurer – The Financial Report for the period ending September 30, 2020, with a balance in the two (2) accounts of \$122,390.28. Officer Rpt.
6. Sec-Treasurer – the proposed 2021 budget based upon an average membership estimate of 1,225 and expenses exceeding revenues by \$794.00 Officer Rpt.
7. W.C.E.R.S. – The August 2020 Messenger reporting on retirement system issues, new retirees, deceased retirees, and a spotlight article on John Sebastian. Receive and File

Motion by Brother Macdonald, properly supported by Sister Bauman to receive and file Items 1, 2, 3, and 7 referring Item 4 to Committee Reports, and Items 5 and 6, to the Secretary-Treasurer report..The motion carried.

## **READING OF MINUTES**

Motion by Brother Pendracki, properly supported by Sister Bauman, to waive the reading and approve the minutes of the Executive Board meeting of September 8, 2020, leaving the record open to the end of the meeting for corrections, additions, or deletions. The motion carried.

Brother Macdonald made the motion, properly supported by Sister Bauman, to waive the reading and approve the minutes of the March 10, 2020 Executive Board meeting, leaving the record open to the end of the meeting for corrections, additions, or deletions. The motion carried.

Motion by Brother Macdonald, properly supported by Sister Bauman, to waive the reading and approve the minutes of the Membership meeting of March 10, 2020. Leaving the record open to the end of the meeting for corrections, additions, or deletions. The motion carried.

## **REPORT OF OFFICERS**

### **PRESIDENT:**

The Michigan Supreme Court declined to hear the appeal of the Wayne County CEO on the change in the makeup of the WCERS Board. His only other option now will be to put it before the voters in the County for a Charter change. We don't know that he'll do that; the WC Board of Commissioners would have to approve that and there doesn't appear to be support for the change among the Commissioners.

Motion by Brother Noelke, properly supported by Brother Sockolosky, to accept the President's report as submitted. The motion carried.

**VICE-PRESIDENT:** - None

### **SECRETARY TREASURER**

#### **Financial Report**

Brother Macdonald reported that the Sub-Chapter has \$122,774.45 in cash and investments as of September 30, 2020. There are 1,248 current members with 180 participating in the PEOPLE Plan and (64) members were lost this calendar year.

Motion by Brother Sockolosky, properly supported by Brother Wadlin, to accept the Treasurer report as presented. The motion carried.

Motion by Brother Sockolosky, properly supported by Brother Noelke, to adopt the 2020-21 budget as presented based on a membership of 1,225, with proposed expenditures exceeding proposed income by \$794.00. The motion carried.

## **Secretary-Treasurer Report, Comments and Announcements**

### **Two Pending Arbitration Cases**

There were three (3) grievances filed by AFSCME and its Local Unions relating to pension issues of which two (2) survived various court hearings and were remanded for arbitration. They are:

1. **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. Briefs on this grievance have been submitted and arguments before the arbitrator completed. The arbitrator is expected to issue a decision soon.

### **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. Wayne County Circuit Judge Leslie Kim Smith issued an opinion on July 31, 2017 denying Evans the ability to seat his WCERS Board. Wayne County filed an appeal with the Michigan Court of Appeals (Case No. 339714) and an appellate court decision, dated May 9, 2019, confirmed the ruling of Judge Smith. Wayne County has filed an application to appeal to the Michigan Supreme Court in October 2019 and that was **denied** on September 30, 2020. The Supreme Court order ends that matter for now. A Wayne County charter amendment would be required to change the representative membership of the retirement system board.

### **PRESCRIPTION CO-PAY SETTLEMENT**

Payments by Wayne County of Medicare eligible stipends appear to be consistent with the settlement agreement and the inclusion of an enhancement for those below the Federal poverty level. The exception is the late payment date for the October payment.

The Sub-Chapter has identified a number of incorrect or omitted payments pre-Medicare stipend payments. The October 2020 reconciliation found fourteen (14) overpayments. Legal counsel and your representatives assigned the task of monitoring the stipend programs are communicating with Wayne County to resolve these payments. In spite of our continuing inquiries, Wayne County has not advised as to how they propose to deal with the overpayments. Wayne County has advised that a review of the stipend program is "almost" complete..

The Sub-Chapter filed Grievance #8 on April 15, 2019, about the many problems with the Health Reimbursement Accounts at TASC (formerly Genesis). Arbitration on the Grievance was held on February 7, 2020, with the arbitrator granting the grievance and ordering Wayne County to (1) meet with us “on a regular and meaningful basis to develop a stipend plan”; (2) Wayne County will provide all eligible with an agreed upon summary plan document”; (3) “upon implementation of the new stipend plan on or before March 10, 2021” “the unilateral HRA plan will be dissolved”, and; (4) Wayne County will compensate all Medicare-eligible class members that were harmed by the unilateral HRA implemented plan.” Legal counsel and your representatives assigned the task of monitoring the stipend programs have been participating in video conferences with Wayne County with the express purpose of resolving the inconsistencies of the current process with the settlement agreement. Progress is slow and tedious. Without committing to continuing the HRA type of arrangement for the stipends, the Wayne County TASC Basic Plan Document is being reviewed.

**ANNOUNCEMENTS :** None

**COMMITTEE REPORT(S):**

Trustee’s Report: Brother Macdonald reviewed the Trustee Report dated September 16, 2020, with the Board. The report was through August 31, 2020. Motion by Brother Wadlin, properly supported by Brother Sockolosky, to accept the Trustee report as submitted. The motion carried.

PEOPLE Committee: Sister Bauman gave an update for the PEOPLE Committee. AFSCME is providing *Swag* for members. Sister Bauman has sent out an email and the order should be coming in within the next week or two. Motion by Brother Macdonald, properly supported by Brother Noelke, to accept the PEOPLE Committee report. The motion carried.

Chapter 255: Brother McCall gave a report for Chapter 255. A virtual meeting was held on October 5, 2020, There were speakers available, Brenda Price, and Senator Gary Peters,

Motion by Sister Bauman, properly supported by Brother Sockolosky, to accept the Chapter 255 report. The motion carried.

**UNFINISHED BUSINESS:**

**Membership Drive:** Brother Macdonald will attempt to get an updated new retiree list.

**NEW BUSINESS:**

A special meeting will need to be scheduled to certify the election results. Motion by Brother Macdonald, properly supported by Brother Noelke, to authorize President Yee to call a special Meeting to certify the election results when the results are available. The motion carried.

President Yee brought up a discussion on how to handle a Membership meeting and could it be done utilizing Zoom because the Sub-Chapter does not have email addresses for all the members. It would require a host and co-host that would assist the President in handling the meeting. It was agreed that further research needs to be done with perhaps a notice being put on the website that email addresses are needed. Motion by Brother McCall, properly supported by Brother Sockolosky to table the matter until the next regular Executive Board meeting.

**GOOD AND WELFARE:**

The regular Executive Board meetings – whether Zoom or in person – will be held on the 2<sup>nd</sup> Tuesday of each month at 11:30 am as adopted by the Membership earlier in 2020.

There was a moment of silence for deceased members.

**ADJOURNMENT**

Motion by Sister Bauman, properly supported by Brother Smith, to adjourn the meeting at 12:10 pm. The motion carried.