



MINUTES

Meeting of the Executive Committee of the Board of Trustees of the State Universities Retirement System Friday, September 12, 2008 SURS Main Conference Room 1901 Fox Drive, Champaign, Illinois

Mr. Mitchell Vogel called the meeting to order at the time and location set forth in the notice of the meeting.

Roll call attendance was taken. Trustee Hilgenbrink, present; Trustee Palmer, absent; Trustee Vogel, present.

The following Trustees were present: Mr. Mark Donovan, Mr. Robert Hilgenbrink, and Mr. Mitchell Vogel.

Others present were: Mr. Dan M. Slack, Executive Director; Mr. Kelly A. Jenkins, General Counsel; Ms. Judy A. Parker, Associate Executive Director; Ms. Stacy Smith, Executive Assistant; Ms. Mary Pat Burns, Burke Burns & Pinelli.

REVIEW OF CLAIMS

Mr. Slack reviewed the Claims Committee cases brought by Mr. Donald R. Jenkins, Mr. Robert Kawalek, Ms. Maria Kotsoros, Ms. Amy Ralls, Ms. Anmol Satiani, Mr. Ray Switzer, and Ms. Barbara Wilson. Consideration of each of the cases followed.

Mr. Slack reviewed the claim brought forward by Donald Jenkins. After discussion, Mr. Hilgenbrink moved that the Findings of Fact and Conclusions of Law of the Claims Committee in the case of Donald Jenkins be adopted as the Findings of Fact and Conclusions of Law of the Executive Committee, and that the claim of Donald Jenkins be granted according to the terms of the Claims Committee decision. The motion was seconded and the motion carried.

Mr. Slack reviewed the claim brought by Robert Kawalek. Mr. Hilgenbrink moved that the Findings of Fact and Conclusions of Law of the Claims Committee in the cases of Robert Kawalek be adopted as the Findings of Fact and Conclusions of Law of the Executive Committee, and that the claims of Robert Kawalek be granted according to the

terms of the Claims Committee decision. The motion was seconded and the motion carried.

Mr. Slack reviewed the claim brought by Maria Kotsores. Mr. Hilgenbrink moved that the Findings of Fact and Conclusions of Law of the Claims Committee in the case of Maria Kotsores be adopted as the Findings of Fact and Conclusions of Law of the Executive Committee and that Maria Kotsores be granted disability benefits through July 27, 2005, but denied disability benefits after July 27, 2005. The motion was seconded and it carried.

Mr. Slack reviewed the claim brought by Amy Ralls. Mr. Hilgenbrink moved that the Findings of Fact and Conclusions of Law of the Claims Committee in the case of Amy Ralls be adopted as the Findings of Fact and Conclusions of Law of the Executive Committee and that the claim of Amy Ralls be denied. The motion was seconded and the motion carried.

Mr. Slack reviewed the claim brought by Anmol Satiani. Mr. Hilgenbrink moved that the Findings of Fact and Conclusions of Law of the Claims Committee in the case of Anmol Satiani be adopted as the Findings of Fact and Conclusions of Law of the Executive Committee, and that the claim of Anmol Satiani be denied. The motion was seconded and the motion carried.

Mr. Slack reviewed the claim brought by Ray Switzer IV. Mr. Hilgenbrink moved that the Findings of Fact and Conclusions of Law of the Claims Committee in the case of Ray Switzer IV be adopted as the Findings of Fact and Conclusions of Law of the Executive Committee, and that the claim of Ray Switzer IV be denied. The motion was seconded and the motion carried.

Mr. Slack reviewed the claim brought by Barbara Wilson. Mr. Hilgenbrink moved that the Findings of Fact and Conclusions of Law of the Claims Committee in the case of Barbara Wilson be adopted as the Findings of Fact and Conclusions of Law of the Executive Committee, and that the claim of Barbara Wilson be granted according to the terms of the Claims Committee decision. The motion was seconded and the motion carried.

Discussion was then held regarding a possible change in practice of the calculation of the 3% automatic annual increase on spousal survivor benefits after a child's dependency ends. Mr. Slack indicated that all members have the right to appeal the staff's interpretation of the statute, which supports that a change in policy going forward would be appropriate.

EMPLOYER REQUEST FOR REVIEW – 6% APPEAL

Mr. Slack reported that this is the first 6% appeal to be heard by the Executive Committee. The appeal is from Southern Illinois University at Edwardsville for their employee Bernard Waxman. Mr. Slack described the appeal process which includes

three levels: a review by the Director of Member Services, a review by the Executive Director, and a final administrative decision of the Executive Committee of the Board of Trustees.

Mr. Slack reported that the University's request for appeal includes two arguments. The first is a public policy argument describing the 6% legislation as a real problem in terms of the employer's hiring and promotion decisions, resulting in unintended consequences to the University. The second argument presented by the University is that Mr. Waxman's promotion qualifies as an exception since it was within the tenure track. Staff's position is that a move from professor to dean is not a tenure promotion but is a move from faculty to administration and therefore does not qualify as an exception regarding tenure track promotions.

After discussion, Mr. Hilgenbrink moved that the request of Southern Illinois University at Edwardsville for recalculation of employer costs in relation to SURS member Bernard Waxman be denied and that the decision of the Executive Director be upheld. The motion was seconded and it carried.

APPROVAL OF MINUTES

Mr. Robert Hilgenbrink moved that the closed session minutes of June 13, 2008, be approved as presented and that they be opened; that the closed session minutes of July 29, 2008, be approved and remain closed as they involve still pending litigation; and that the Executive Committee closed session minutes of December 14, 2007, remain closed as they involve still pending and imminent litigation. The motion was seconded and the motion carried.

There being no further business to come before the Committee, Mr. Hilgenbrink moved that the meeting adjourn. The motion was seconded and carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Dan M. Slack".

Mr. Dan M. Slack
Secretary, Board of Trustees

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