

Meeting Summary

MainePERS Consensus-Based Rulemaking

November 2, 2022, Meeting, 11:00 a.m. - 12:00 p.m., via Zoom

In attendance:

- Representative Group of Participants
 - Maine Education Association – Nate Williams
 - Maine Service Employees Association – Tom Feeley
 - Professional Fire Fighters of Maine – Michael Scott
 - Attorneys who Represent Appellants – Jerry Conley
- Interested Parties
 - Susan Hawes
- MainePERS Staff
 - Mike Colleran, Chief Operating Officer and General Counsel, Chair
 - Chip Gavin, Chief Services Officer
 - Kathy Morin, Director of Actuarial and Legislative Affairs
 - Annie Gregori, Associate General Counsel

Mike presented and explained the revised draft amended Rule 511 (Actively Seeking Work). Before asking for consensus, Mike noted that the participants and their organizations are free to make comments during formal rulemaking opposing any proposed rules developed in this process or to make any otherwise-available challenge to any such rule in an administrative or legal proceeding. The group then reached consensus on MainePERS moving forward with the draft.

Mike presented and explained the revised draft amended Rule 702 (Appeals). The group reached consensus on MainePERS moving forward with the draft.

Mike reviewed the Sections 2 and 3 of the draft disability rule and noted that Section 3 is yet to be drafted. Jerry asked whether the definition of “consistent with the person’s training, education, or experience” reflected a change to apply this concept to initial eligibility. Mike explained that no change was intended here – the definition will come into play for Section 3 of the proposed rule, which will address reviews for continued eligibility. He also noted that it comes into play on initial eligibility in those cases where there is a substantially gainful activity analysis because the incapacity has existed for at least two years. Mike informed the group that MainePERS is still considering the existed before membership language in §1(5)(d) and has identified different language for the “permanent” definition since the draft was sent to the group. The new definition will be included in the next version. With respect to the reasonable commuting distance definition, Nate asked whether a member’s inability to drive would be considered. Mike responded that it would be a consideration. Mike said that we would have an updated draft for the next meeting and hoped to reach consensus over the next two meetings.

The group did not have any other proposals to discuss at this time. Mike encouraged bringing any forward soon as we are completing our work. The group agreed to schedule meetings for 11:00 a.m.-noon on November 16 and November 29.

Takeaway:

- MainePERS will provide a more advanced draft of the disability retirement rule.