



**City of Cincinnati Retirement System  
Benefits Committee Meeting  
Minutes  
September 22, 2022/ 12:00 P.M.  
City Hall – Council Chambers and remote**

**Board Members Present**

Tom Gamel, Chair  
Mark Menkhaus, Jr.  
John Juech

**Administration**

Mike Barnhill  
Ann Schooley

**Call to Order**

The meeting was called to order at 12:01 p.m. by Chair Gamel and a roll call of attendance was taken. Committee members Gamel, Menkhaus, and Juech were present. Committee member Moller was absent. Trustee Rahtz was present.

**Approval of Minutes**

Trustee Menkhaus moved, and Trustee Juech seconded, to approve the minutes of the meeting of July 14, 2022. The motion was approved by unanimous roll call vote.

**Unfinished Business**

**Disabled Adult Children Insurance Coverage**

Cary Woodruff from Horan Consulting made a presentation of slides related to Disabled Adult Dependent Coverage. The slides were circulated in the committee's meeting packet. Highlights:

- Coverage for disabled adult children is the same as for other covered members.
- Costs vary widely, from \$0 up to \$97k/year.
- Residential treatment facility costs are excluded by both the active and the retiree plans.
- SS provides benefits only for total disability (5 part test); 3-5 months to get decision.
- SS disability definition: can't work and earn \$1,350/mo. + condition expected to last 12 mos. or result in death. Trustee Gamel asked whether trust income counts as earnings; only employment earnings count.
- Comparison of two programs: Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI). SSI is means-tested; SSDI is not. SSDI requires Social Security work credits. SSI leads to Medicaid coverage; SSDI leads to Medicare coverage after 24 mo. waiting period.

- Coordination between retiree plan and Medicaid, Medicare and Federal Marketplace. There is no coordination with Medicaid—the retiree plan would always be primary.
- Alternative insurance options: Federal Marketplace (est. cost: \$15,400/yr); Medicaid is standard insurance option for disabled adults.
- Differences between active and retiree plans; in active plan physician certifies disability; in retiree plan, SSA determines disability. Retiree plan requires disability to be before age 19.
- Child eligible for Medicare would be enrolled in retiree Medicare Advantage plan.
- Standard approach: disabled adult children covered like any other covered person.
- Impact of trust funds: SSDI—no impact; SSI—considered unless special needs trust (with clawback provision)

At a couple points during the Horan presentation, an attorney for a retiree with a disabled adult child (Dan Spraul) sought to ask questions of Horan. Chair Gamel requested that Mr. Spraul stop asking questions during the presentation. Ultimately, following an at ease, the Law Department (Ann Schooley) advised Mr. Spraul that this was a Benefits Committee meeting, not an opportunity to conduct a cross-examination while the Benefits Committee was seeking to get answers to its questions.

Trustee Rahtz asked how the CRS plan compares to other plans in terms of eligibility requirements for disabled adult children. Director Barnhill explained that in 2009 when the Benefits Committee took this issue up, they looked at the OPERS eligibility requirements, which did not have enhanced eligibility requirements that are now in the CRS plan.

### **Public Comment**

Attorney Dan Spraul was given an opportunity to provide public comment. Mr. Spraul then read a letter into the record. The letter is attached to these minutes.

Trustee Gamel and Mr. Spraul discussed whether there was a change in the plan in 2009 or 2022. Mr. Spraul asked what notice was given to active employees of the 2009 changes. Director Barnhill responded that the notice was only sent to retirees.

Trustee Gamel advised Mr. Spraul the CRS does not have a role in extending his client's COBRA healthcare, and that they would need to contact the City's Risk Management division to discuss this matter. Mr. McCarthy provided comment that his COBRA extension was for 27 months.

Mr. Spraul's final comment was that he is seeking CRS to help, otherwise they will be seeking relief through an action in court.

### **Committee Action**

Trustee Menkhaus asked if the issue was being driven by an internal policy and how it could be changed. Ms. Schooley responded that the issue was not a Board policy, but rather an issue with the City's Municipal Code. Ms. Schooley advised that the Board could seek a change to the CMC, and propose that to the Administration and City Council.

Mr. Spraul then sought to engage Ms. Schooley and Trustee Gamel in a colloquy regarding interpretation of CMC 203-48, with both declining to engage.

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Trustee Menkhaus moved, and Trustee Juech seconded, a motion to amend CMC 203-48 to remove the requirement that only the Social Security Administration can make the determination of disability for purposes of healthcare eligibility for disabled adult children. The motion passed unanimously on roll call vote.

Trustee Menkhaus moved, and Trustee Juech seconded, a motion to amend CMC 203-48 to remove the residence requirement from the eligibility requirements for disabled adult children. The motion passed unanimously on roll call vote.

Draft language implementing these motions is attached.

Mr. Spraul asked about how to find out about COBRA. Trustee Gamel again directed Mr. Spraul to the Risk Management division. Mr. Spraul asked about an appeal process. Director Barnhill advised that the Board had requested Law advice and assistance with drafting an eligibility appeal process. Mr. Spraul requested notice of the appeal process when it is completed.

### **Adjournment**

Following a motion to adjourn by Trustee Gamel, the Benefits Committee approved the motion by unanimous roll call vote. The meeting adjourned at 1:07 P.M.

Meeting video link: <https://archive.org/details/crs-benefits-comm-9-22-22>

Next Meeting: TBD



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Secretary