



Public Employee Retirement System of Idaho

PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO
607 NORTH 8TH STREET
BOISE, IDAHO 83702

MINUTES OF
SPECIAL MEETING OF RETIREMENT BOARD

The Board of the Public Employee Retirement System of Idaho met at the PERSI Administration Building, 607 North Eighth Street in Boise, Idaho at 10:00 a.m., November 29, 2017. The following members were present:

Kirk Sullivan
Jeff Cilek
Joy Fisher (via telephone)
Celia Gould

Trustee Park Price was absent. Others in attendance were: Executive Director Don Drum, Deputy Attorney General Cheryl George, Deputy Attorney General Roger Gable, Investment Manager Bob Maynard, Investment Officer Richelle Sugiyama, Deputy Attorney General Scott Zanzig and Management Assistant Elizabeth Conner.

REGULAR SESSION

Chairman Cilek called the Special Meeting to order at 10:00 a.m. Chairman Cilek asked Deputy Attorney General Roger Gabel, who was present to advise the board on this matter, to begin. Mr. Gabel reviewed a summary of appellant Amy Wittmuss' case. Mr. Gabel stated the Board had two options: uphold the determination of the Hearing Officer that Ms. Wittmuss' was permanently disabled and should be granted disability retirement or the Board could deny Ms. Wittmuss' claim of permanent disability.

The trustees had numerous discussion topics including:

- If Ms. Wittmuss is able to take the prescribed medication and gets better, would she still be considered disabled?
- Does PERSI disability law allow for the Board to request a reassessment?
- Has the reassessment process been used by PERSI before?
- How much time was allowed before the Board must make a final decision?
- The PERSI law defining disability: 1) the appellant is prevented from engaging in any occupation or employment for remuneration or profit as a result of bodily injury or disease and 2) the appellant will likely to remain so disabled permanently and continuously during the remainder of their life.

- If Ms. Wittmuss meets both requirements as stated by PERSI definitions in Idaho Code (IC § 50 1302).

Decision by the Board: Trustee Gould, seconded by Trustee Sullivan, moved to reverse the Hearing Officer's ruling and deny applicant's disability claim.

Discussion followed and questions remain for the Board as to if the appellant will remain disabled forever.

Motion approved unanimously.

Mr. Gabel will draft the order of denial for Chairman Cilek to sign.

Chairman Cilek announced that the Board would go into Executive Session next and then hear the IDOC presentation by Executive Director Drum after returning to Regular Session.

EXECUTIVE SESSION

At 10:42 a.m., Trustee Gould made a motion to move into Executive Session in accordance with Idaho Code section 74-206(1)(f). The motion was seconded by Trustee Fisher and approved unanimously via roll call vote.

Upon conclusion of the Executive Session, Trustee Sullivan made a motion to return to regular session. Trustee Fisher seconded the motion, which passed unanimously.

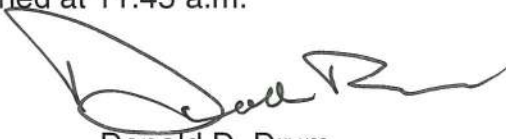
REGULAR SESSION

The Board returned to regular session at 11:30 a.m. and members of the public were invited into the boardroom (none were present). Chairman Cilek stated that during the Executive Session the Board discussed possible litigation with legal counsel. The Board did not make any decisions after returning to regular session.

ATTORNEY GENERAL'S OPINION REGARDING RULE OF 80 AS APPLIED TO IDAHO DEPARTMENT OF CORRECTIONS

Executive Director Drum updated the Board on the IDOC Rule of 80.

Adjournment: There being no further business to come before the Board, meeting adjourned at 11:45 a.m.



Donald D. Drum
Executive Director



Jeff Cilek
Chairman