

BIRMINGHAM EMPLOYEES RETIREMENT BOARD AGENDA  
THURSDAY, AUGUST 17, 2023 at 8:30 A.M.

- 1) Call to order by Chairman Conti
- 2) Roll Call
- 3) Announcements
- 4) Consent Agenda
- 5) Unfinished Business
  - A) Resolution to meet in closed session as permitted by Section 8(h) of the Open Meetings Act to consider a disability retirement application which contains protected health information under HIPAA that is exempt from discussion or disclosure by federal statute.

**A roll call vote is required and the vote must be approved by a 2/3 majority of the Board. The Board will adjourn to closed session after all other business has been addressed in open session and reconvene to open session, after the closed session, for purposes of taking formal action resulting from the closed session and for purposes of adjourning the meeting.**

- 6) New Business
- 7) Communications
- 8) Meeting Open to the Public for Items Not on the Agenda
- 9) Adjournment

Mark Gerber, Secretary/Treasurer  
Employees Retirement Board

Individuals requiring accommodations, such as interpreter services, for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 at least one day in advance of the public meeting.

Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al (248) 530-1880 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).

# MEMORANDUM

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DATE: August 17, 2023

TO: Birmingham Retirement Board

FROM: Mark Gerber, Secretary-Treasurer

SUBJECT: Application for Disability Retirement – Joseph Bunting

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At the December 9, 2022, board meeting, the Retirement Board reviewed Joseph Bunting's application on August 26, 2022 for a duty disability retirement from the Birmingham Employee Retirement System and the medical director's independent medical examination dated September 30, 2022.

Based on a review of his application and the medical director's report, the Board requested additional information be provided to the Board. This additional information has been provided to the Board under separate cover.

The Board also requested additional information regarding what other work options were available to him. Per the union contract, the only work the City may offer is work that is within the bargaining agreement. The City and labor counsel have informed Mr. Bunting that the City is willing to offer him a dispatch position. Mr. Bunting, through his union representative, has informed the City that he is refusing that position as is his right under the collective bargaining contract. There are no other positions available for him to work within the bargaining agreement.

## **SUGGESTED ACTION:**

Resolution to meet in closed session as permitted by Section 8(h) of the Open Meetings Act to consider a duty disability retirement application which contains protected health information under HIPAA that is exempt from discussion or disclosure by federal statute.

**A roll call vote is required and the vote must be approved by a 2/3 majority of the Board. The Board will adjourn to closed session after all other business has been addressed in open session and reconvene to open session, after the closed session, for purposes of taking formal action resulting from the closed session and for purposes of adjourning the meeting.**

**ATTACHMENTS ARE FOR RETIREMENT BOARD ONLY**