

CHICAGO TRANSIT AUTHORITY

EMPLOYEES' RETIREMENT PLAN - SURFACE DIVISION

The 95th Meeting of the Retirement Allowance Committee was held on March 21, 1949 at 11:00 A.M., in Room 406, 79 West Monroe Street. The following members of the Committee were in attendance:

Mr. S. D. Forsythe	Mr. L. S. Bernard
Mr. H. B. Storm	Mr. J. Devane
Mr. W. A. Hall	Mr. E. Bedore
Mr. J. McDonald	

Mr. P. N. Simmons was unable to attend.

Committee Meeting Minutes

The minutes of the 94th Meeting of the Retirement Allowance Committee held on February 21, 1949 were read. Mr. Devane made a motion, seconded by Mr. Bernard, that the minutes be accepted as read, to which the Committee agreed.

Deaths

The Secretary reported that the following retired employees had passed away since the last meeting:

<u>Name</u>	<u>Date Retired</u>	<u>Date of Death</u>	<u>Last Check Made Payable</u>
Julius J. Jarmer	9-1-42	2-19-49	Administrator
George L. Kaminsky	10-1-44	2-21-49	Administrator
Frank H. Taylor	11-1-41	2-19-49	Anna
Fred C. Jacobs	9-1-47	2-21-49	Emma
Michael J. McDermott	12-1-42	2-20-49	Administrator
Robert A. McGrath	11-1-42	2-23-49	Administrator
Henry W. Lundberg	5-1-42	2-24-49	Administrator
Edwin L. Kinney	10-1-43	2-26-49	Administrator
Axel Anderson	8-16-41	3-1-49	Nellie
John Cannon	1-1-44	3-1-49	Mary
Theron D. Carson	8-17-41	3-1-49	Katherine
William J. Fleming	8-1-48	3-2-49	Administrator
Christ Giagiani	11-1-46	2-10-49	Administrator
James Waters	8-1-43	3-4-49	Mary
John P. Hedman	9-1-44	3-5-49	Gerda
Anton P. Poch	2-1-45	3-8-49	Anna
Mathias Andorka	7-1-48	3-12-49	Rose
George Kapala	3-1-44	3-15-49	Agnes
John Riska	2-1-43	3-15-49	Cecelia

This makes a total of 637 deaths to date.

He also reported the death of the following employees who were receiving Total and Permanent Disability benefits:

<u>Name</u>	<u>Disability Benefits Started On:</u>	<u>Date of Death</u>	<u>Last Check Made Payable</u>
Patrick Duffy	3-1-49	3-9-49	Nora
George Gerig	2-1-49	3-4-49	Laura

This makes a total of 20 deaths to date.

New Applications

The following regular retirement applications were presented to the Committee at this meeting, as per attached List No. 90:

Five from the Transportation Department, two from the Shops and Equipment Department, and one from the Track Department. Mr. Devane made a motion, seconded by Mr. Bernard, that the eight applications be accepted. Motion passed. This makes a total of 2,221 applications approved to date.

Extension of Leave of Absence

Mr. Storm read a letter received from Patrick Brown, who is receiving Total and Permanent Disability benefits, requesting a six (6) month extension to the leave of absence granted him to visit Ireland. He also read a note forwarded from Mr. Brown's doctor in Ireland which stated that Patrick Brown will be unfit for work for an indefinite period. Mr. Devane made a motion, seconded by Mr. Bedore, that he be granted an additional six (6) month leave of absence. Motion passed.

Legal Interpretation

In response to the Committee's request for the legal opinion asked by them at their February 21, 1949 Meeting, Mr. Storm read a copy of his letter to Mr. Hellmuth, Chief Attorney for the Authority, in which he stated that the Arbitration Award of January-1947, granted disabled employees, both occupational and non-occupational, \$50.00 per month for life beginning June 1, 1946, if totally and permanently disabled for regular employment for hire. He quoted the broadened interpretation by the Management of the Total and Permanent Disability Provisions and requested whether or not a disabled employee when accepting a disability pension of \$50.00 per month for life disqualifies himself from applying for his regular pension when reaching age sixty-five (65) provided he has 20 or more years of continuous service.

He then read Mr. Hellmuth's reply, which stated that an employee receiving Disability Allowance cannot thereafter receive a retirement allowance for the following reasons:

1. The Disability Allowance is for life (article 8 of amendment of June 1, 1946).
2. In order to qualify for a Retirement Allowance, the employee shall have contributed a certain percent of his wages up to the time of his retirement. Therefore the employee under a Disability Allowance will not have been in a position to, and will not have contributed the required percent of his "wages or salary" (article 6 of amendment of June 1, 1946).
3. Articles 7, 8 and 9 as amended June 1, 1946 fixed who shall receive a Retirement Allowance, and under article 9, "Eligibility for Retirement" it is provided that "any employee who has twenty years, or longer, of continuous employment will be eligible for retirement on the date he becomes 65 years of age". It is apparent that the employee cannot be retired unless he is in the employ of the Company at the time he is retired. One on Disability Allowance at the time that he reaches such age (65) is obviously not in the employ of the Company.

Mr. McDonald asked if the Committee had the power to overrule a legal opinion. In reply Mr. Storm quoted the following from the June 1, 1941 Agreement. "The Retirement Allowance Committee shall have power to make and enforce such rules and regulations not inconsistent with provisions of this agreement." Mr. McDonald then stated that new applicants should be informed that they may have to stay on Total and Permanent Disability and made a motion, seconded by Mr. Bernard, that action on the eight (8) Total and Permanent Disability applications presented, be withheld until the next Committee meeting. Motion passed. Mr. McDonald and Mr. Devane requested copies of the two letters read, so that same could be presented to the Attorney for their respective Unions. Mr. Devane also requested that these letters be sent directly to Mr. Kehoe. Mr. Storm agreed to mail letters as requested.

Mr. Forsythe stated that the next meeting of the Retirement Allowance Committee would be held on April 18, 1949 at 11:00 A.M. The Meeting adjourned at 12:50 P.M.

Respectfully Submitted,

W. B. Storm
Secretary

W. Forsythe

Coastall

E. G. Redore

Wm. O'Brien

Jester S. Bernard

A. B. Storm

John Devane

EJD:bc