



Public Service Pension Board of Trustees

PUBLIC SERVICE PENSION BOARD OF TRUSTEES APPEALS PROCESS

Preamble

Article 8 of the Public Service Pension Plan Joint Trust Agreement (“Joint Trust Agreement”) provides that a person or organization directly affected by a decision of the Pension Corporation in the application of the Pension Plan Rules (“appellant”) may, by written notice to the Public Service Pension Board of Trustees (“Board”), appeal all or part of the decision in accordance with the process for appeals to the Board.

Information on the appeals process will be communicated to plan members on the Public Service Pension Plan website. The Pension Corporation will advise potential appellants of their appeal rights. This advice will normally be provided when the decision is confirmed in writing at the conclusion of an administrative review by the Pension Corporation.

The Appeals Registrar (“Registrar”) administers the appeals process on behalf of the Board. All notices and other communication concerning an appeal should be directed to the Registrar.

The Board must review and resolve the appeals made to it.

- Appeals will be reviewed at regularly scheduled Board meetings. If required, the Board will schedule additional meetings.
- As established below, the process is a written one. If an appellant requests an oral hearing, the appellant will be asked to provide a submission showing cause why an oral hearing is necessary. The Board will decide if an oral hearing is appropriate and if the appellant is to be reimbursed for any costs incurred in attending an oral hearing.
- In the case of an oral hearing, it is recognized that both the appellant and the Pension Corporation have a right to be present and to be represented as they see fit. It is further recognized that the Board may seek legal advice.

The Board will evaluate summary information on appeals activity quarterly.

- Statistical information on appeals is to be reported quarterly.
- Copies of the Pension Corporation’s appeal reports for resolved and abandoned appeals will be distributed with the quarterly report.
- Appeals for Board review will contain appellant correspondence and the Pension Corporation’s appeal report(s). The appeal files are returned to the Board Secretary at the conclusion of the appeal review.

Appeals Process

1. To appeal a decision an appellant must forward a written request to the Registrar. The written request must contain sufficient information to identify the issue and to locate the pertinent Pension Corporation files. The written request should include a copy of the decision confirmed in writing at the conclusion of an administrative review by the Pension Corporation.
2. The appeal must be initiated within six months of the decision being appealed. An appeal request may be delivered to the Registrar in person or sent by email, surface mail or fax.
3. If the appeal request does not include a copy of the decision confirmed in writing at the conclusion of an administrative review by the Pension Corporation, the Registrar will advise the appellant by letter that a request for a written decision has been made of the Pension Corporation and that the appeal request will be held in abeyance for 90 days.
4. On receipt of an appeal, the Registrar will send a letter of acknowledgement to the appellant. The letter will include an explanation of the process and the timelines to be followed. The Registrar will forward a copy of the appeal to the Pension Corporation.
5. The Pension Corporation must review the appeal and respond to the Registrar with a formalized report on the issue and clearly state the Pension Corporation's position on the appeal and reasons for this position.
6. The Registrar will forward a copy of the report to the appellant together with a covering letter. This response is to be sent within 30 days of receipt of the appeal. The covering letter will indicate that:
 - If the appellant is not satisfied with the explanation provided by the report, he or she can appeal directly to the Board by completing a "Notice of Appeal - Step 2" form.
 - The appellant can submit any additional material that the appellant considers necessary.
 - The Step 2 Appeal is to be submitted within 30 days of receipt of the report.
 - An appellant may request a time extension for extenuating circumstances.
7. To continue the appeal to the Board, the appellant must send the completed "Notice of Appeal - Step 2" form and any additional material that he or she considers necessary to the Registrar.
8. If the appellant sends additional material, the Registrar will forward a copy of the completed "Notice of Appeal - Step 2" form, together with the additional material to the

Pension Corporation for comment. The Pension Corporation will have 30 days to respond in a formalized report (as per item 4) or indicate that it has no further comment. The Pension Corporation report, if any, will be forwarded to the appellant who, again, will have the opportunity to comment within 30 days. This step will be repeated until no new information is forthcoming.

9. If the appellant does not submit any new information, the Registrar will notify the appellant that the appeal will be considered at the next regularly scheduled meeting of the Board.
10. The Registrar will prepare each appeal for Board review and decision. All correspondence and copies of the relevant legislative and procedural documents will be included.
11. The Board will decide the appeal after reviewing the information presented in the appeal file.
12. The appellant will be advised of the board's decision in writing within 15 days.

Approved: 2001

Revised: June 2009
June 21 and 22, 2016