

**Minutes of the Meeting of April 29, 2009**

of the

**MASSACHUSETTS TEACHERS' RETIREMENT BOARD**

**I. Regular Matters of Business**

Chairman Jeff Wulfson presided at this regular meeting of the Massachusetts Teachers' Retirement Board ("the Board"). Also in attendance were: Vice Chair Linda Ruberto, Ellen Hargraves, Karen A. Mitchell, John A.M. Dow, Jr., John W. Parsons, Nicola Favorito, Executive Director Joan Schloss, Deputy Executive Director Erika Glaster, Assistant Executive Director Sean Neilon, General Counsel James Salvie, Associate General Counsel Aaron Morrison, and Executive Assistant Virginia Hemeon.

The meeting was called to order at approximately 10:36 a.m. by Chairman Wulfson.

The minutes of the previous Board meeting, held on March 27, 2009, were reviewed and approved as submitted, on a motion by Ms. Ruberto and seconded by Mr. Dow. The motion carried 7 – 0.

**VOTED: The Open and Executive Session minutes of the Board meeting held on March 27, 2009, are hereby approved as submitted.**

A motion was made by Ms. Ruberto, and seconded by Ms. Hargraves, to bring matters relating to disability retirement into Executive Session. On a roll call, the vote was as follows:

<b>VOTED:</b> Vice Chair Linda Ruberto	Yes
Ellen Hargraves	Yes
Karen A. Mitchell	Yes
John W. Parsons	Yes
Nicola Favorito	Yes
John A.M. Dow, Jr.	Yes
Chairman Jeff Wulfson	Yes

**II. Executive Session**

At approximately 10:46 a.m., the Board went into Executive Session for the purpose of considering applications for disability retirement benefits. The Chairman stated that the Board would return to open session.

### III. Open Session

At approximately 12:52 p.m., the Board reconvened in Open Session and Chairman Wulfson announced the Board's actions during Executive Session on applications for ordinary and accidental disability retirement benefits.

#### **ORDINARY DISABILITY RETIREMENT**

##### **1. Kim O'Brien**

The application of Kim O'Brien for ordinary disability retirement benefits, including medical panel reports and other information, was reviewed. On a motion to approve the application of Kim O'Brien, made by Ms. Mitchell and seconded by Ms. Hargraves, the roll call vote was as follows:

<b>VOTED:</b> Vice Chair Linda Ruberto	Yes
Ellen Hargraves	Yes
Karen A. Mitchell	Yes
John W. Parsons	Yes
Nicola Favorito	Yes
John A.M. Dow, Jr.	Yes
Chairman Jeff Wulfson	Yes

**The application of Kim O'Brien for ordinary disability retirement benefits was APPROVED.**

##### **2. Rachel Geller-Kaplan**

The application of Rachel Geller-Kaplan for ordinary disability retirement benefits, including medical panel reports and other information, was reviewed. On a motion to approve the application of Rachel Geller-Kaplan, made by Mr. Dow and seconded by Ms. Hargraves, the roll call vote was as follows:

<b>VOTED:</b> Vice Chair Linda Ruberto	Yes
Ellen Hargraves	Yes
Karen A. Mitchell	Yes
John W. Parsons	Yes
Nicola Favorito	Yes
John A.M. Dow, Jr.	Yes
Chairman Jeff Wulfson	Yes

**The application of Rachel Geller-Kaplan for ordinary disability retirement benefits was APPROVED.**

**ACCIDENTAL DISABILITY RETIREMENT**

**1. Mary Campbell**

The application of Mary Campbell for accidental disability retirement benefits, including medical panel reports and other information, was reviewed. On a motion to remand the application of Mary Campbell back to the medical panel for clarification on additional medical questions, made by Ms. Ruberto and seconded by Mr. Dow, the roll call vote was as follows:

**VOTED:** Vice Chair Linda Ruberto      Yes  
Ellen Hargraves                              Yes  
Karen A. Mitchell                              Yes  
John W. Parsons                                Yes  
Nicola Favorito                                 Yes  
John A.M. Dow, Jr.                             Yes  
Chairman Jeff Wulfson                        Yes

**The application of Mary Campbell for accidental disability retirement benefits was remanded back to the medical panel for clarification on additional medical questions.**

**2. Deirdre Conant**

The application of Deirdre Conant for accidental disability retirement, together with medical panel reports and other information, was reviewed. On a motion made by Mr. Parsons and seconded by Mr. Favorito to table the application of Deirdre Conant in order to hear testimony from school personnel and for further information on the matter, the roll call vote was as follows:

**VOTED:** Vice Chair Linda Ruberto      Yes  
Ellen Hargraves                              Yes  
Karen A. Mitchell                              Yes  
John W. Parsons                                Yes  
Nicola Favorito                                 Yes  
John A.M. Dow, Jr.                             Yes  
Chairman Jeff Wulfson                        Yes

**The application of Deidre Conant for accidental disability retirement was tabled pending the receipt of further information.**

**OTHER MATTERS OF BUSINESS**

**1. Final Enactment of 807 CMR 17.00**

The Board next reviewed the memorandum from Associate General Counsel Rob Fabino on the enactment of 807 CMR 17.00, which deals with the verification and adjustment of members' workers' compensation offsets. After a brief discussion Ms. Hargraves moved to approve the proposed regulation seconded by Ms. Mitchell. The motion carried 7-0.

**VOTED: To approve regulation 807 CMR 17.00.**

## **2. Overpayments Recovery Policy**

The Board then discussed the draft memorandum of the overpayment policy presented by General Counsel James Salvie. Mr. Dow suggested changing the language in the second paragraph under "Purpose and Scope" in the policy to read as: "\$15,000 or less". Ms. Ruberto moved to adopt the overpayment recovery policy as amended, seconded by Ms. Hargraves. The motion carried 7-0.

**VOTED: To adopt the overpayments policy, as amended.**

AT 1:38 p.m. Ms. Hargraves left the meeting.

## **3. Proposed amendment to 807 CMR 3.04: Part-time Service Regulation**

After a preliminary discussion concerning the proposal to amend the part-time service regulation at the March 27<sup>th</sup> Board meeting, the Board directed the staff to contact the Massachusetts Teachers' Association (MTA) and American Federation of Teachers of Massachusetts (AFT) to inform them of the proposed amendment. As a result, MTA staff legal counsel Americo Salini joined the Board for their discussion on the proposed amendment to 807 CMR 3.04. The Board discussed the amending language and considered the potential impact the amendment could have on certain classes of members. The Board requested that staff research how other retirement systems credit part-time service and the impact the proposed amendment could have on vesting, and present their results at a future meeting.

At 2:03 p.m. Ms. Mitchell left the meeting.

## **EXECUTIVE DIRECTOR'S REPORT**

### **Proposed FY2010 Operational and Project Budgets**

1. Due to time considerations, it was decided to postpone discussion on the proposed budgets to the May meeting.
2. The Executive Director directed the Board's attention to the PERAC follow-up audit report included in the Board materials and noted the excellent effort of Assistant Executive Director Sean Neilon and his staff's hard work. The report showed that all findings have been resolved.
3. The Executive Director and the Board expressed their congratulations to Associate General Counsel Aaron Morrison on having completed his first Boston Marathon run in less than 5 hours.

### CONCLUDING REMARKS

Chairman Wulfson noted that the process for evaluating the Executive Director's performance would soon begin, and since Board members have not forwarded to him any comments or suggestions on revisions to the process from last year he will be using the same form. Members should expect to receive these shortly. Also noted was that the May 29<sup>th</sup> meeting will be scheduled to commence at 9:00 a.m. and run through to 2:00 p.m.

At approximately 2:14 p.m., with the Board having no further business to conduct, a motion was made by Ms. Ruberto, and seconded by Ms. Hargraves, to adjourn the meeting. The motion carried unanimously.

Respectfully submitted,

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Joan Schloss, Executive Director

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Date