

Minutes of the Meeting of December 18, 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, Emily D. Cousens, John A.M. Dow, Jr., Nicola Favorito, Ellen Hargraves, Executive Director Joan Schloss, Deputy Executive Director Erika Glaster, Assistant Executive Director Sean Neilon, General Counsel James Salvie, and Executive Assistant Helen Petruzzello.

The meeting was called to order at approximately 10:09 a.m. by Chairman Wulfson.

The minutes of the previous Board meeting, held on November 20, 2009, were reviewed and approved as submitted, on a motion by Ms. Ruberto, and seconded by Ms. Hargraves. The motion carried 6-0.

VOTED: The Open and Executive Session minutes of the Board meeting held on November 20, 2009, are hereby approved as submitted.

II. Executive Session

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

VOTED:	Vice Chair Linda Ruberto	Yes
	Emily D. Cousens	Yes
	John A.M. Dow, Jr.	Yes
	Nicola Favorito	Yes
	Ellen Hargraves	Yes
	Chairman Jeff Wulfson	Yes

At approximately 10:10 a.m. the Board went into Executive Session. The Chairman stated that the Board would return to Open Session.

At approximately 10:14 a.m., the Board reconvened in Open Session and Chairman Wulfson announced the Board's actions during Executive Session on the applications for disability retirement benefits.

ORDINARY DISABILITY RETIREMENT

1. Janine Getek

The application of Janine Getek for ordinary disability retirement benefits was reviewed, together with the medical panel reports and other information. On a motion to approve the application, made by Mr. Favorito and seconded by Mr. Dow, the roll call vote was as follows:

VOTED:	Vice Chair Linda Ruberto	Yes
	Emily D. Cousens	Yes
	John A.M. Dow, Jr.	Yes
	Nicola Favorito	Yes
	Ellen Hargraves	Yes
	Chairman Jeff Wulfson	Yes

VOTED: The application of Janine Getek for ordinary disability retirement benefits was approved.

2. Sally O’Neill

The application of Sally O’Neill for ordinary disability retirement benefits was reviewed, together with the medical panel reports and other information. On a motion to approve the application, made by Ms. Hargraves and seconded by Mr. Dow, the roll call vote was as follows:

VOTED:	Vice Chair Linda Ruberto	Yes
	Emily D. Cousens	Yes
	John A.M. Dow, Jr.	Yes
	Nicola Favorito	Yes
	Ellen Hargraves	Yes
	Chairman Jeff Wulfson	Yes

VOTED: The application of Sally O’Neill for ordinary disability retirement benefits was approved.

III. Open Session

A. FINAL ENACTMENT OF 807 CMR 3.04-PART TIME SERVICE REGULATION

General Counsel Salvie presented the final version of 807 CMR 3.04, the Part-Time Service Regulation, which was put out for public comment, for the Board’s action. The Board expressed its concern with the proration of service and its desire to change the formula, similar to what exists for dual membership, through a legislative change. Attorney Americo “Sal” Salini joined the meeting and expressed the opinion of the MTA, specifically focusing on the “grandfather”

provision and their suggestion that it extend to all members enrolled in RetirementPlus (whether mandatory or voluntarily electing to participate).

After a lengthy discussion, the Board suggested that a significant effort be made to communicate the effects of this amendment to the membership. The Chairman commented that this regulation supersedes the Board's 2003 policy on kindergarten teachers and that, in his opinion, the consistency it brings in that regard is good. The Board agreed to pursue a legislative change to address the inconsistencies involving proration but in the meantime, agreed to this amendment. On a motion made by Ms. Hargraves and seconded by Mr. Favorito, the Board voted to adopt this amendment to the regulation. The motion carried 6-0.

B. AMENDMENT OF HEARING OFFICER AND SUBPOENA POLICY

General Counsel Salvie reviewed proposed amendments to the Board's Hearing Officer Procedures and Subpoena Authorization policy. This amendment will allow for a hearing officer to be appointed by the Executive Director in cases pursuant to G.L. c. 32, § 91 concerning excess earnings by retirees. It also will allow for the issuing of subpoenas in connection with such hearings. The Board questioned the number of members in this category and asked questions about the procedures for collection. Staff stated that collections can become substantial and the process has become as efficient as possible. On a motion by Mr. Dow and seconded by Ms. Ruberto, the Board voted to adopt this amendment. The motion carried 6-0.

The Board recessed at 11:25 a.m. and reconvened at 11:34 a.m.

C. EXECUTIVE DIRECTOR'S REPORT

1. As requested by the Board at the November meeting, Ms. Schloss presented the Project Management Report regarding the MyTRS Project, which details progress made and costs incurred for the month of November. This update will be included in each month's Board package.
2. Ms. Schloss presented the finalized proposed meeting schedule for 2010 for the Board's approval. On a motion made by Ms. Hargraves and seconded by Ms. Cousens, the Board Meeting schedule for 2010 was approved. The motion carried 6-0.
3. Ms. Schloss updated the Board on the status of the Boston reimbursement issue. Last month, the Board suggested that staff draft a letter regarding the lack of progress on the City of Boston teacher reimbursement issue. Due to illness in ANF, staff advised via emails and phone calls, the Board's concern

regarding this matter. The staff has been assured, via Mary Ann Bradley, Chief of Staff to ANF Secretary Jay Gonzalez, that the Governor plans to file the legislation in January in conjunction with legislation that will extend the pension funding schedule for municipal retirement systems, and possibly the state and teachers' retirement systems. Board members expressed a consensus that they would not support voting on reimbursement to the Boston Retirement Board on pension payments for fiscal year 2009 until such legislation is filed. This issue was tabled until the January Board meeting.

4. The Chairman noted that some Board members may have received a letter from Attorney Lee Weissinger regarding a member who had been denied a service purchase. The Chairman reported that he had replied to Ms. Weissinger's letter and summarized his response.

Upon a motion made by Ms. Ruberto and seconded by Ms. Hargraves, the Board voted unanimously to adjourn the meeting at 12:01 p.m.

Respectfully submitted,

Joan Schloss, Executive Director

Date