

Commission Meeting Minutes

December 17, 2025

Chairman Philip Y. Brown called the meeting (held at the PERAC Offices, 10 Cabot Road, Suite 300, Medford, MA 02155) to order at 11:05 AM. Present for all of the meeting at the PERAC offices were Commissioners Kate Fitzpatrick and James Guido. Present for all or part of the meeting but participating remotely were Chairman Philip Y. Brown, and Commissioners Michael Leung-Tat, Kathleen Fallon and Jennifer Sullivan. Because of remote participation on the part of some of the Commissioners, the Chairman explained that all motions made at this meeting will be voted on by roll call vote. Commissioner Jennifer Sullivan joined in after the meeting was underway, while Commissioners Michael Leung-Tat and Kathleen Fallon departed the meeting before its conclusion. A quorum was maintained throughout the entirety of the meeting as is reflected in the roll call votes. Commissioner Richard MacKinnon was not in attendance. The Chairman also announced the meeting was being recorded.

PERAC Staff in attendance at the PERAC offices: Executive Director Bill Keefe, First Deputy Executive Director Caroline Carcia, Deputy Executive Director Kenneth Hill, Assistant Deputy Director Patrick Charles, General Counsel Judith Corrigan, Actuary John Boorack, Director of Audits Caryn Shea, Systems Architect Anthony Tse, Communications Director Natacha Dunker, Senior Associate General Counsel Felicia Barrufi, Associate General Counsel Daniel Taylor, Compliance Director John Galvin, Manager of Medical Services Patrice Looby, and Case Manager II Regina Manning.

PERAC Staff attending remotely: None.

Guests attending in person: Michael Cravedi, a member of the general public.

Guests participating remotely: Patrick Brock of the Hampshire County Retirement Board, and Uyen Tran, Esq.

Commissioner James Guido made a motion to adopt the minutes of the Administrative Subcommittee meeting of November 12, 2025. Commissioner Kate Fitzpatrick seconded the motion, and a roll call vote was taken:

Chairman Philip Brown YES, Commissioners Michael Leung-Tat YES, Kathleen Fallon YES, Kate Fitzpatrick YES and James Guido YES. The minutes were adopted. Commissioner Jennifer Sullivan had no recorded vote.

Commissioner Kate Fitzpatrick made a motion to adopt the minutes of the Commission meeting of November 12, 2025. Commissioner James Guido seconded the motion, and a roll call vote was taken:

Chairman Philip Brown YES, Commissioners Michael Leung-Tat YES, Kathleen Fallon YES, Kate Fitzpatrick YES and James Guido YES. The minutes were adopted. Commissioner Jennifer Sullivan had no recorded vote.

Actuarial Update

John Boorack reported on the Triennial Commonwealth Funding Schedules which the statute requires be adopted every three years. Mr. Boorack indicated that the current schedule increases 9.63% through FY28, then 4.0% increasing amortization of the Unfunded Actuarial Liability (“UAL”) until FY36. After working with Administration and Finance, they would like to see a schedule with payments that increase between 4% - 6% each year. He presented three possible funding schedules for consideration as follows:

Alternative 1 – 5.5% annual increase to FY36 with a final amortization payment in FY37.

Alternative 2 – 5.0% annual increase to FY37 with a final amortization payment in FY38.

Alternative 3 – 4.0% annual increase to FY38 with a final amortization payment in FY39.

After a short discussion ensued regarding the three alternatives presented to them, it was recommended to offer all three alternatives to Administration and Finance to recommend to the Legislature.

Commissioner Kate Fitzpatrick made a motion to send all three possible funding schedules to Administration and Finance. Commissioner James Guido seconded the motion, and a roll call vote was taken as follows:

Chairman Philip Brown YES, Commissioners Michael Leung-Tat YES, Kathleen Fallon YES, Kate Fitzpatrick YES, James Guido YES, and Jennifer Sullivan YES. The motion carried unanimously.

Legal Update

Judith Corrigan reported on the longstanding case of *Capurso v. State Board of Retirement & PERAC*, CR-19-0028 (November 8, 2025). She explained that the Contributory Retirement Appeal Board (“CRAB”) issued a decision agreeing with PERAC’s multiple remands of this accidental disability retirement application. The Division of Administrative Law Appeals (“DALA”) had issued a decision adverse to PERAC four years ago, and it took four years for CRAB to reverse that decision.

Paul Capurso was an investigator for Alcoholic Beverages Control Commission (“ABCC”) when he was injured commuting from his home to a training in Plymouth. While the State Board of Retirement (“SBR”) had approved the application three times, PERAC had remanded it three times because the statute and case law make clear that members who are injured commuting from their home or office are not eligible for accidental disability retirement because they have not been injured “as a result of, and while in the performance of their duties.”

Ms. Corrigan informed the Commission that right before the meeting she received notification that Mr. Capurso has appealed this decision to the Superior Court.

Felicia Baruffi then reported on the DALA decision in *Gloucester Retirement Board v. PERAC*, CR-21-217 (12/5/25). This case involves the regular compensation status of compensatory time banked in lieu of taking overtime payments. PERAC had long opined that such payments would be regular compensation. PERAC reasoned that the payments were akin to a vacation day, could not be used to increase a member’s regular pay during a pay cycle, and the payments were not paid out at an

overtime rate. In its decision, DALA affirmed PERAC's determination that the compensatory leave payments were regular compensation as they were recurrent, repeated, and not considered overtime. Ms. Baruffi explained that the Gloucester Retirement Board has until December 20, 2025 to file an appeal of the DALA decision to CRAB.

Ms. Baruffi explained the interesting history regarding this case. DALA had at first, with CRAB affirming, dismissed the case because it has long been held that PERAC opinion letters are not appealable decisions unless there is an aggrieved party who is the subject of such a letter. There was no party other than the retirement board involved when PERAC issued its opinion letter initially. However, shortly after the CRAB decision of dismissal had been issued, the Board discovered three members who had just retired and were affected by PERAC's determination. The newly retired officers were involuntarily joined in the case, which proceeded again from the DALA level to a decision on the merits.

Ms. Baruffi next reported on the Superior Court case of *Mystic Valley Charter School (Robert Kravitz) v. CRAB, State Board of Retirement and PERAC*, Superior Court No. 2381CV02641 (11/18/25). The Middlesex Superior Court affirmed the September 8, 2023 decision of CRAB that Robert Kravitz ("Mr. Kravitz") was not eligible to become a member of the SBR because he was a non-teaching employee of a charter school. The statute makes clear at G.L. c. 71, Section 89(y) that only charter school teachers are eligible to join a Chapter 32 system. The Court also affirmed that Mystic Valley Regional Charter School ("MVRCS") was not a public entity for the purposes of G.L. c. 32 and so could not accept the provisions of G.L. c. 32, Section 28(4) to establish its own contributory retirement system.

Any appeal of this decision must be made to the Appeals Court within 30 days of the Superior Court decision.

91A Update

Kenneth Hill reported that PERAC conducted a recent survey to those retired members who filed an annual earned income form online and those who attempted to file online for the 2024 calendar year. The survey was intended to seek feedback from those members to improve the online process for the upcoming 2025 filing. Mr. Hill provided the Commission with the various statistics on the number of responses received from the survey, the percentages to the various survey questions, and the feedback received. Mr. Hill indicated that the responses received will help us improve the process and make online filing easier.

Mr. Hill further reported that postcards will be sent again this year in Mid-January to all disability retirees regarding the online filing. E-mails will also be sent in early February to all those disability retirees PERAC has obtained e-mails for and the 91A forms and instructions will be mailed the end of February from PERAC's printing vendor.

Legislative Update

Patrick Charles reported that Governor Healey signed Chapter 73 of the Acts of 2025 on November 25, 2025. This act includes three sections which amend the Violent Act Injury Disability provisions. PERAC has issued Memorandum #33 of 2025 apprising the retirement boards of these amendments. The first change would add members of the State Police to the provisions of the Violent Act Injury Disability. The second change is an amendment to the definition of "violent act injury". There were

concerns that current definition was too broad because of the phrase “a catastrophic, life-threatening or life altering permanent bodily injury.” Finally, the definition of “weapon” as provided for by the Act has also been amended.

Mr. Charles reported that Senator Pat Jehlen of Somerville will not be seeking re-election after 20 years in the State Senate. Prior to becoming a Senator, she served in the House from 1991 to 2005. Senator Jehlen was the original sponsor of the Massachusetts Equal Pay Act and was instrumental in helping PERAC get an amendment passed in 2024 to address certain anti-spiking issues.

Mr. Charles reported PRIM’s returns for October 2025 were 1.06%. The calendar year to date return through October 31, 2025 was 11.43%. The fund balance as of October 31 was \$122.3 billion.

Lastly, Mr. Charles reported that the Department of Revenue announced that \$2.562 billion had been collected in November 2025. This is \$107 million more or 4.4% than actual collections for November of 2024 and \$89 million or 3.6% above benchmark. Fiscal year 2026 to date collections totaled approximately \$15.572 billion, which is \$657 million or 4.4% more than actual collections in the same period of FY2025. This is \$188 million or 1.2% above the year-to-date benchmark.

Audit Update

Caryn Shea reported that since the last Commission meeting, PERAC has released the Andover, Middlesex County, Minuteman Regional School District, and Saugus Retirement System audits. She indicated that both the Andover and Minuteman Regional School District Retirement Board audits had no findings. Ms. Shea explained the various findings in the Middlesex County and Saugus Retirement Board audits. Ms. Shea reported that thirty audits have been released in Calendar Year 2025, which is an increase of ten audits compared to Calendar Year 2024. Ms. Shea further discussed the status of other board audits as outlined in the Audit Tracking Log.

Executive Director’s Report

Bill Keefe requested a moment of silence due to the unexpected passing of PERAC’s Chief Financial Officer, Virginia Barrows’ husband Thomas Barrows.

Mr. Keefe then recognized Case Manager II Regina Manning, who is retiring at the end of the year after over 27 years at PERAC. Mr. Keefe commended Ms. Manning and thanked her for her dedicated service to PERAC and her concern for the members she dealt with throughout the years.

Mr. Keefe indicated that PERAC staff have participated in the non-profit organization “Christmas in the City” for the last couple of years and this year’s toy drive has surpassed past years with over 80 gifts/toys for children donated this year.

Bill Keefe went over the staff activities that have occurred since the last Commission meeting on November 12, 2025. He then noted that the Medical Panel Unit held vendor meetings and both Patrice Looby and Eileen Tobin attended the Annual Occupational Health Conference. Mr. Keefe reported on the MACRS conference and the focus on AI, Cyber security and Cyber Insurance. He further noted the PERAC staff in attendance as well as and those staff members who participated in the program. He noted the various retirement board meetings that both he and John Boorack attended and noted the presentation John Boorack made at the A&F/Pew Joint Special 5G Task Force to discuss Pension Basics and the Commonwealth Funding Schedule history.

Mr. Keefe then turned his attention to the Annual Review of the Testing Fee required under PERAC regulations 840 CMR 10:10 (3) and 10:15(1)(c). These regulations discuss non-invasive medical tests, and the cost of such tests are set “up to an amount that the Commission shall determine annually.” Mr. Keefe recommended that the current limit of \$100 for such testing be maintained for calendar year 2026.

Commissioner Kate Fitzpatrick made a motion to continue the limit of \$100 for non-invasive medical tests for the calendar year 2026. Commissioner James Guido seconded the motion, and a roll call vote was taken as follows:

Chairman Philip Brown YES, Commissioners Kate Fitzpatrick YES, James Guido YES, and Jennifer Sullivan YES. The motion carried. Commissioners Michael Leung-Tat and Kathleen Fallon had no recorded votes.

Mr. Keefe then provided an update on the COLA Commission. He noted that the Commission will submit three recommendations to the Legislature to consider. He indicated that PERAC staff have been putting the final report together based on the recommendations from the Commission. He acknowledged the work of John Boorack and his staff for providing analysis and cost measures for the many recommendations provided. He also acknowledged other PERAC staff for organizing the meetings, providing minutes, and putting the final report together for submission to the Legislature by December 31, 2025.

Mr. Keefe then reported on the Memoranda that have been issued since the last Commission meeting which are included in the Commission Packet.

The Chairman then announced that the next meeting of the Commission will be held on Wednesday, January 14, 2026, at 11:00 AM.

Commissioner James Guido made a motion to adjourn the meeting. Commissioner Kate Fitzpatrick seconded the motion, and a roll call vote was taken as follows:

Chairman Philip Brown YES, Commissioners Kate Fitzpatrick YES, James Guido YES, and Jennifer Sullivan YES, and the motion was adopted. Commissioners Michael Leung-Tat and Kathleen Fallon had no recorded votes.

The meeting was adjourned at 12:15 P.M.

Commission Meeting Documents

Commission Agenda for the meeting of December 17, 2025

Administrative Subcommittee Minutes dated November 12, 2025

Commission Minutes dated November 12, 2025

Actuarial Update

Alternative 1 Funding Schedule – Total cost increases 5.51% through FY36 with a final amortization payment in FY37

Alternative 2 Funding Schedule – Total cost increases 5.0% through FY37 with a final amortization payment in FY 38

Alternative 3 Funding Schedule - Total cost increases 4.0% through FY38 with a final amortization payment in FY 39

Legal Update

Capurso v. State Board of Retirement & PERAC, CR-19-0028 (November 18, 2025)

Gloucester Retirement Board v. PERAC, CR-21-217 (December 5, 2025)

Mystic Valley Regional Charter School (Robert Kravitz) v. CRAB, State Bd. Of Ret & PERAC, Superior Court No. 2381CV02641 (November 18, 2025)

Legislative Update

Memorandum regarding Legislative updates

Audit Update

Andover Retirement System Audit

Middlesex County Retirement System Audit

Minuteman Regional School District Retirement System Audit

Saugus Retirement System Audit

Audit Tracking Report

Executive Director's Report

Staff Activities Memorandum

Memorandum to Commissioners RE: 840 CMR 10:10(3) & 10:15(1)(c) – Annual Review of Medical Testing Fee

Memorandum No. 30 of 2025 – Follow-up Memo No. 28/2025 RE: G.L. c.32, Section 100 and COLAs

Memorandum No. 31 of 2025 - Forfeiture of Retirement Allowance for Dereliction of Duty by Members

Memorandum No. 32 of 2025 – Free Cybersecurity Training

Memorandum No. 33 of 2025 – Violent Act Injury Disability – Recent Legislative Changes

Memorandum No. 34 of 2025 – Proposed Amendment to Electronic Signature Regulations

Memorandum No. 35 of 2025 – 2025 Disability Data Changes

Approved:



Philip Y. Brown, Chairman
Public Employee Retirement
Administration Commission