

MINUTES FOR THE 1223rd BOARD MEETING
STATE BOARD OF RETIREMENT

DATE: December 19, 2019

TIME: 10:12 A.M.

PLACE: One Winter Street – 8th Floor, Boston, MA

The meeting of the State Board of Retirement was called to order with Members present for all or part of the meeting: Treasurer & Receiver General Deborah B. Goldberg; Theresa McGoldrick, Elected Member; Francis Valeri, Elected Member; Archie Gormley, Chosen Member.

Board staff present for all or part of the meeting were: Nicola Favorito, Deputy Treasurer/Executive Director; Darrell Bright, Director of Member Services; Melinda Troy, Senior Board Counsel; Lori Krusell, Assistant Board Counsel; Janice Coen, Executive Assistant; Kathryn Kougias, Finance Director; Mohammed Ali, Assistant Director of Finance; Kimberly Griffin, Manager of Information Systems; Paula Daddona, Communications & Outreach Manager; Chanese Brown, Disability Unit Manager; Joisei Horton, Disability Unit; Lisa Zale, Disability Unit; Stephanie Medina, Disability Unit; Pamela Diggs, Paralegal; Diane Scott, Classification Coordinator; Glenn Aissis, Training Manager; Yande Lombe, Temp – Legal Unit.

Treasury staff present for all or part of the meeting were: James MacDonald, First Deputy Treasurer; Sarah Kim, Treasury General Counsel / Designee; Elizabeth Zelnick, Treasury Legislative Affairs; Emily Kotuniuk, Treasury Legislative Affairs; Andrew Napolitano, Treasury Communications.

Other parties in attendance for all or part of the meeting were: Brian Frese, KPMG; Eric Schanz, KPMG; and Trooper Steven McKay.

There being a quorum present, the meeting was called to order.

Treasurer Goldberg announced in accordance with the Commonwealth's Open Meeting Law that any person may make a video or audio recording of an open session of a meeting of a public body, and she was obligated to inform attendees of any recording at the beginning of the meeting. She then asked that anyone present who is making any recording identify themselves as doing so. No person present indicated that he/she was making a recording.

Minutes of the 1222nd Board Meeting

On a motion by Mr. Gormley and seconded by Ms. McGoldrick the Board voted unanimously to approve the Regular and Executive Session Minutes of the 1222nd Board Meeting, November 19, 2019, as amended.

REPORT OF THE EXECUTIVE DIRECTOR

1. Board Election Update

Mr. Favorito presented the results of recently concluded Board election. Voting closed on December 6, 2019. Of the 14,828 ballots cast the results were as follows:

Francis E. Valeri	11,127
Joyce Wilkins Nkwah	2,418
Marziale Francis Carlopoli	1,203
Blank & Invalid Ballots	80

Those who voted represented 9.99% of the active and retired members who received ballots. 8,145 members voted by paper; 4,982 voted via the internet; and 1,701 voted by telephone.

On a motion made by Ms. McGoldrick and seconded by Mr. Gormley the Board voted to certify the election results. Mr. Favorito indicated that the candidates would be notified by telephone and by letter of the final results. The Board congratulated Mr. Valeri on his re-election.

2. MARIS Implementation Update

Kimberly Griffin, the MSRB's Manager of Information Systems and Brian Frese from KPMG provided a brief update for the Board. Ms. Griffin noted that KPMG would be providing a more in-depth report at the January meeting and present the Board with its initial assessment, observations and current recommendations.

Ms. Griffin indicated that progress was seen since the last Board meeting related to PIR resolution rates. The PMO's analysis on pass/fail rates was suggesting that more attention was needed by Sagitec at the offshore developer stage of the PIR process to ensure better results at the UAT phase. She also provided an update on the Requirements Traceability Matrix (RTM) which maps and traces user requirements being developed in various operational areas with test cases; and upcoming scheduled releases and sprints.

Mr. Frese informed the Board that with its report in January KPMG would provide its initial assessment of MARIS based on its work thus far; they would introduce a revised dashboard format, and provide observations on implementation items, business requirements and the project plan.

3. Organizational Assessment Update

Mr. Favorito noted to the Board that the team from Ernst & Young had begun its work earlier in the month. It was scheduling and conducting interviews with Board and Treasury staff in addition to reviewing various MSRB documentation. Mr. Favorito asked the Board if it was willing to provide feedback to Ernst & Young by way of a questionnaire. The Board indicated it was open to participating in that fashion.

4. Audit Update

Mr. Favorito informed the Board that the draft report from PERAC had been received within the past few days related to the recently completed audit. After discussions with PERAC the report and proposed responses will be presented to the Board for its review at the January 30, 2020 meeting before being submitted to PERAC.

Additionally, Mr. Favorito notified the Board that the Office of the State Auditor had communicated with the MSRB about commencing an audit for fiscal 2018 & 2019. An entrance meeting with the respective staffs had taken place earlier this week. The audit work would begin after the holiday.

5. YTD Fiscal 2019 Operating & Capital Spending Plans

Mr. Favorito referred the Board to the YTD Fiscal 2020 Operating and Capital Spending Plans vs. actuals reports (through November 30, 2019) which were included as part of the Agenda materials.

6. Membership / Calculation Regulations Amendments

The Board took up the proposed change to the MSRB's Membership Regulation (941 CMR 2.03) that would specify how differentials should be factored into a benefit calculation for purposes of a "20/50" calculation. Jim Salvie and Melinda Troy explained that the proposed language arises as a result of a recent DALA decision (Auer) being appealed by the MSRB where a member worked as many holiday shifts as he could during the final year of employment in order to maximize his benefit calculation by increasing his regular compensation. The Board was appealing the decision to CRAB.

Mr. Salvie explained that Board staff practice had been to use a weighted average of the differentials received in each calendar year rather than the actual amount received during the twelve-month period in order to protect against potential backloading.

While understanding the policy issue the staff was trying to address Board members noted that there was nothing specific in either G.L. c.32, §28M or §28N that addressed how things like holiday pay should be factored into the benefit calculation, and that the DALA magistrate had noted the same. They were also concerned about the regulation

being viewed as a limit on holiday pay where no limit exists and thus going beyond their authority.

After further discussion and consideration of various options the Board indicated to staff that it wanted staff to continue with the CRAB appeal in the Auer case, allow the staff practice to continue in factoring in holiday and other specialty pay in “20/50” calculations, and not amend the regulation at this time.

7. PRIM Update

Due to the timing of the Board meeting November performance results were unavailable. December results would be provided at the January 2020 meeting.

8. Board Legal Update

Attorney Troy summarized recent DALA / CRAB decisions that have been received involving the MSRB. In addition she noted the Supreme Judicial Court’s decision in Plymouth Retirement Board v. Contributory Retirement Appeal Board & Another, commonly known as the “Gomes” decision which addressed whether payment was required for creditable service as an intermittent police officer that a member sought to purchase under G.L. c. 32, §4(2)(b).

9. Board / Staff Communications

The final 2020 Board meeting dates were distributed to the Board

Mr. Favorito updated the Board on legislation that seeks to transfer from the Hampshire County Retirement System approximately sixty-five retirees formerly employed by the Hampshire Council of Governments. Draft language continues to be circulated from Senate Ways & Means among PERAC, the HRCS and the MSRB.

10. Board / Staff Travel

On a motion by Ms. McGoldrick and seconded by Mr. Gormley the Board voted to authorize Board member and staff participation in the NCPERS Legislative Conference (January 26 - 28, 2020 Washington, D.C.).

On a motion by Mr. Valeri and seconded by Mr. Gormley the Board voted to authorize staff participation in the NASRA Legislative Conference (February 29 - March 2, 2020 Washington, D.C.).

THE BOARD GOES INTO EXECUTIVE SESSION. At 11:28 A.M. the Board entered Executive Session to review applications for disability retirement, associated benefits, and to also consider the reputation, character, physical condition or mental health of individuals with business before the Board. The Board indicated that it would return to Open Session after the Executive Session.

Mr. Gormley made a motion to enter Executive Session. Ms. McGoldrick seconded the motion.

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

Treasurer Goldberg	Yes
Ms. McGoldrick	Yes
Mr. Valeri	Yes
Mr. Gormley	Yes

BOARD RETURNS TO OPEN SESSION

(Roll call required)

THE BOARD COMES OUT OF EXECUTIVE SESSION: At 12:20 P.M. Ms. McGoldrick made a motion to come out of Executive Session and return to Open Session. Mr. Gormley seconded the motion.

ON ROLL CALL THE VOTE WAS AS FOLLOWS:

Treasurer Goldberg	Yes
Ms. McGoldrick	Yes
Mr. Valeri	Yes
Mr. Gormley	Yes

(Treasurer Goldberg departs the meeting)

(Unless otherwise noted all votes taken are unanimous)

SERVICE PURCHASE REQUESTS

Veterans

1. Todd Beaulieu
 - **Approved;** Motion by Ms. McGoldrick; seconded by Mr. Gormley

Contract Service

1. Mai Tran
 - **No action taken;** Motion by Ms. McGoldrick, seconded by Mr. Gormley

2. Yank Carlos R. Vasquez
 - **Approved to give 60-day extension**; Motion by Ms. McGoldrick, seconded by Mr. Valeri
3. Mark Bates
 - **Denied**; Motion by Ms. McGoldrick, seconded by Mr. Gormley. Mr. Valeri abstained.

Seasonal

1. Karen Colpak
 - Ms. Colpak was requesting the purchase of various periods of seasonal employment with the Department of Revenue. After review one six-month period was eligible to be purchased under MSRB regulations but not the rest. **Approval of one six-month buyback period**; Motion by Ms. McGoldrick, seconded by Mr. Gormley

REQUEST FOR WAIVER UNDER G.L., C. 32, §20(5) (c)(3)

1. Robert Breslin
 - **Approved waiver**; Motion by Mr. Valeri; seconded by Mr. Gormley

GROUP CLASSIFICATIONS

Pursuant to the Board's Classification Policy the following are reported as approved for Group 2 Classification

1. Cheryl Beauregard – Assistant Chief Probation Officer, MA Trial Court
2. James Butcher – Chief Probation Officer, MA Trial Court
3. Malet Dawn Charles – DSW 3, Wrentham Developmental Center, DDS
4. Kathleen Costello – Assistant Chief Probation Officer, MA Trial Court
5. Charles Eliopoulos – Court Officer 2, MA Trial Court
6. Timothy Foley – Court Officer 2, MA Trial Court (deferred)
7. Janet Frame – LPN I, Commonwealth Community Services, Quaboag Valley Program, DDS
8. James Harrington – Court Officer 3, MA Trial Court
9. Susan McDonough – Probation Officer 2, Barnstable Superior Court, MA Trial Court
10. Luz Consolacion Medina – RN 2, Western MA Hospital, DPH
11. Robert O'Haver – Teacher C, Div. of Inmate/Training & Education, DOC (posthumous)
12. Leoncio Palma – Probation Officer, MA Trial Court
13. John Pino – RN 2, Wrentham Developmental Center, DDS
14. Susan Shearer – Social Worker 4, DCF
15. Antonio Tonti – Storekeeper 4, North Central Correctional Center, DOC

GROUP 2 TO BOARD

1. **Timothy Colleran** – Program Coordinator I/Transportation Coordinator I, Metro Boston Area Office
 - **Denied**; Motion by Ms. McGoldrick, seconded by Mr. Gormley
2. **Melinda Consuegra** – RN 2, Western MA Hospital
 - **Tabled**; Motion by Ms. McGoldrick, seconded by Mr. Gormley
3. **Candice Galeucia** – Residential Supervisor C, DDS
 - **Approved**; Motion by Ms. McGoldrick, seconded by Mr. Valeri
4. **Jeffrey Hernandez** – Acting Clerk Magistrate, NE Housing Court, MA Trial Court
 - **Denied**; Motion by Ms. McGoldrick, seconded by Mr. Gormley
5. **Steven Hudyka** – Senior Community Correction Probation Officer, MA Trial Court
 - **Approved**; Motion by Ms. McGoldrick, seconded by Mr. Gormley
6. **Shirley Kearns** – CNA, Tewksbury Hospital, DPH
 - **Approved**; Motion by Ms. McGoldrick, seconded by Mr. Gormley
7. **Joseph Mele** – Campus Police Officer, Worcester Recovery Center & Hospital, DMH
 - **Denied**; Motion by Ms. McGoldrick, seconded by Mr. Valeri
8. **Aaron Nyahn** – Nursing Assistant I, Tewksbury Hospital, DPH (posthumous)
 - **Denied**; Motion by Ms. McGoldrick, seconded by Mr. Gormley
9. **Gloria O’Beirne** – LPN 2, Tewksbury Hospital, DPH
 - **Approved**; Motion by Ms. McGoldrick, seconded by Mr. Gormley

GROUP 2 HSC A/B – Board Decision

1. **Robert Shephard** – HSC A/B, NE Area, DMH
 - **Approved**; Motion by Ms. McGoldrick, seconded by Mr. Gormley

GROUP 2 ASSOCIATE COURT OFFICER - Board Decision

1. **Martha Harriston** – Associate Court Officer 2, MA Trial Court
 - **Approved**; Motion by Ms. McGoldrick, seconded by Mr. Gormley

Pursuant to the Board's Classification Policy the following is reported as approved for Pro-Rated Group 2 Classification:

1. **Judith Bernard** **Department of Mental Health**
MHW I –Gaebler Children's Center- 1/24/83 – 12/29/84
MHW 2 – Gaebler Children's Center 12/30/84 – 6/28/86
MHW 3 – Gaebler Children's Center 6/29/86 – 6/11/88
MH Case Manager (HSC A/B) –Solomon Carter Fuller
6/12/88 – 12/16/01
2. **Barbara Coe** **Department of Developmental Services-(Wrentham Dev. Ctr.)**
Social Worker I -3/11/84 – 3/19/88
Clinical Social Worker I – 3/20/88 – 10/31/92
Clinical Social Worker 2 – 11/1/92 – 9/9/93
3. **Anthony Gerniglia** **Department of Youth Services**
Group Worker I – 9/6/81 – 12/11/82
Group Worker 2 – 12/12/82 – 7/31/83
4. **Brian Minchoff** **Department of Mental Health**
MHW I – 3/2/86 – 1/10/87
MHW 3 – 1/11/87 – 2/27/88
Case Manager 2 – 4/24/88 – 7/11/92
5. **Karen Rossetti** **Department of Children & Families**
Social Worker A/B – 6/1/05 – 4/4/09
Social Worker D – 4/5/09 – 9/19/15
6. **William Scafuri** **Department of Youth Services**
Group Worker I – 9/18/88 – 7/1/01
7. **David Walkden** **Department of Mental Health**
MHW I – 8/1/99 – 12/12/15
MHW 2 – 12/13/15 – 5/18/17

GROUP 2 PRO-RATE TO BOARD

1. **Barbara Coe** **Department of Developmental Services – (Wrentham Dev. Ctr.)**
HSC 3 (HSC C) – 9/10/93 – 6/23/07

- **Denied**; Motion by Ms. McGoldrick, seconded by Mr. Valeri

1. **Anthony Gerniglia** **Department of Youth Services**
Group Worker 3 – 8/1/83 – 11/28/87
Assistant Director – 11/27/87 – 12/28/95

- **Denied**; Motion by Ms. McGoldrick, seconded by Mr. Gormley

2. **Brian Minchoff** **Department of Mental Health**
Case Manager 3 – 7/12/92 – 6/29/96

- **Denied**; Motion by Mr. Valeri, seconded by Mr. Gormley

- William Scafuri** **Department of Youth Services**
Institutional Security Officer 3 – 7/2/01 – 4/1/06

- **Denied**; Motion by Ms. McGoldrick, seconded by Mr. Gormley

Pursuant to the Board’s Classification Policy the following are reported as approved for Group 4 Classification:

1. **Anthony Adamski** – CO/Primary Captain, Hampden County Sheriff’s Department
2. **James Bairos** – Captain, DOC
3. **Paul Chodkowski** – CO I, DOC
4. **John Crites** – CO. Essex County Sheriff’s Department
5. **Lori Jean Crocker** -Senior CO/ Lieutenant, Berkshire County Sheriff’s Department
6. **Bernard Fitzgerald** – Jail Officer/Sergeant, Suffolk County Sheriff’s Department
7. **Donald Latraverse** – Industrial Instructor I, DOC
8. **Milton Paige** – CO I, DOC
9. **Ronald Picard** – Captain, DOC (deferred)
10. **Stephen Rawlinson** – CO 3, DOC
11. **Peter Shea** – Assistant Deputy Superintendent, Barnstable County Sheriff’s Department
12. **Richard Teehan** – Jail Officer/Corporal, Suffolk County Sheriff’s Department
13. **Matthew Van Liere** – Parole Officer A/B, MA Parole Board

GROUP 4 TO BOARD

1. **Eric Brosseau** – Assistant Chief of Training, MA Military Division
- **Tabled**; Motion by Ms. McGoldrick, seconded by Mr. Gormley

2. **Steven Reilly** – Assistant Deputy Superintendent/Chief Investigator, Norfolk County Sheriff's Office
 - **Approved**; Motion by Ms. McGoldrick, seconded by Mr. Gormley
3. **Jeffrey Williams** – Lieutenant/Task Force, Bristol County Sheriff's Department
 - **Tabled**; Motion by Ms. McGoldrick, seconded by Mr. Gormley

GROUP 4 CORRECTIONAL PROGRAM OFFICERS – Board Decision

1. **Kathleen Guenther** – Correctional Program Officer D, DOC
 - **Approved**; Motion by Ms. McGoldrick, seconded by Mr. Valeri

Pursuant to the Board's Classification Policy the following is reported as approved for Pro-Rated Group 4 Classification

1. **Paul Cashman** **Middlesex Sheriff's Office**
CO – 9/6/88 – 1/25/98

GROUP 4 PRO-RATE TO BOARD

1. **Vincent Vassallo** **Franklin County Sheriff's Office**
CO/Asst. Chef – 12/29/86 – 8/12/88
Institutional Chef – 8/13/88 – 7/1/92
 - **Tabled**; Motion by Mr. Gormley, seconded by Mr. Valeri

GROUP 4 CPO PRO-RATE

1. **Lisa Mitchell** **Department of Correction**
Correctional Program Officer A/B – 1/15/84 – 7/26/86
Correctional Program Officer C – 7/27/86 – 9/28/86
Correctional Program Officer D – 6/29/86 – 12/19/87

Pursuant to the Board's Classification Policy the following are reported as approved for 20/50 Classification

1. **Brian Bettencourt** – CO, DOC
2. **William Martinez** – CO, Hampshire County Sheriff's Department
3. **Daryl Rodriguez** – CO I, DOC

ON A MOTION BY MR. VALERI AND SECONDED BY MS. MCGOLDRICK THE BOARD VOTED TO ADJOURN THE MEETING. THE MEETING ADJOURNED AT 12:57 P.M.

THE NEXT REGULAR BOARD MEETING OF THE STATE BOARD OF RETIREMENT WILL BE HELD ON Thursday January 30, 2020 starting at 10:00 A.M.