# OPEN MINUTES OF THE MEETING 1,281<sup>ST</sup> BOARD MEETING STATE BOARD OF RETIREMENT

**DATE:** October 31, 2024, TIME: 10:00 A.M.

**LOCATION:** One Winter Street, Boston, MA 02108/Virtual

There being a quorum present, the October 31, 2024, meeting of the State Retirement Board ("Board") was called to order at 10:05 a.m. by Treasurer & Receiver General Deborah B. Goldberg, Chair.

Treasurer Goldberg announced pursuant to the Commonwealth's Open Meeting Law Massachusetts General Law chapter 30A, §20, as amended by Chapter 107 of the Acts of 2023, that the meeting of the Board was being held via the Internet and was being called to order with the following Members who would be participating remotely for all or part of the meeting and who were identified at this time: Deborah B. Goldberg, Treasurer & Receiver General, Chair; Francis Valeri, Elected Member; Joanne Goldstein, Appointed Member; Archibald Gormley, Jr., Chosen Member; Theresa McGoldrick, Elected Member. Unless otherwise noted, all votes taken at the meeting were taken by roll call vote.

Board staff that were present or participated remotely for all or part of the October 31, 2024 meeting were Kathryn Kougias, Executive Director; Sandor Zapolin, Deputy Executive Director/Chief Operating Officer; Alison Eggers, Deputy General Counsel; Jasmine Chasse, Disability Retirement Case Counselor; Lisa Zale, Assistant Director, Disability Unit; Joisei Horton, Manager, Disability Unit; Robert Liford, Disability Retirement Case Counselor; Yande Lombe, Associate Board Counsel; Athila Soares-Nunes, Paralegal; Pamela Diggs, Senior Paralegal; John Durgin, Associate General Counsel; Jennifer Hunt, Associate General Counsel; Paula Daddona, Director of Member Experience, Communications & Operations; Zachary Pierce, Communications Coordinator, II; Lauren Lavanchy, Communications Coordinator; Diana Reyes, Director of Disbursements & Survivor Benefits; Sharon Sullivan, Budget & Finance Manager; Matthew Szafranski, Associate Board Counsel; Marsha Knight, Manager of Disbursements; Tristian Davis, Paralegal; Cecilia Yau, Audit Supervisor; Stephanie Sicard, Assistant Director of Benefit Calculations; Joanna Kolis, Project Lead, IT Contractor.

Treasury staff that participated remotely for all or part of the meeting were: Chandra Bork, Chief of Staff; Sarah Kim, Deputy Treasurer/General Counsel; Emily Kowtoniuk, Legislative Director; Elizabeth Morrocco, Associate General Counsel/Procurement Director; Andrew Napolitano, Deputy Communications Director.

Guests that participated remotely for all or part of the meeting were: Attorney Michael Landman; Michael Leary; Attorney Robert McMullen; Andrea Coleman; Timothy Barros.

Members of the public were provided access to the meeting via a call-in number. Those registered as attending were as follows: Lynda Kelly; Jeffrey Black; Kristyn Camilleri, Department of Corrections.

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 participants of any recording at the beginning of the meeting. She then asked

that anyone who is making any recording identify themselves as doing so to Treasury staff monitoring the public access platform. No person indicated that they were making a recording.

Treasurer Goldberg announced that for those members of the public accessing the open portion of the Board meeting, that access will conclude when the Board enters Executive Session and then resume when the Board returns to Open Session.

#### MINUTES OF THE MEETING OF THE September 25, 2024

On a motion by Mr. Gormley, Jr., and seconded by Mr. Valeri, the Board voted unanimously to approve the Open Session Minutes as amended to reflect Treasurer Goldberg's departure from the meeting, and Sarah Kim assuming the Chair position at the start of the Open Session and participating in all roll call votes during the open session and to approve the Executive Session Minutes of the 1,280th Board Meeting held on September 25, 2024.

#### ON THE ROLL CALL, THE VOTE WAS AS FOLLOWS:

| Mr. Valeri         | Yes |
|--------------------|-----|
| Ms. McGoldrick     | Yes |
| Ms. Goldstein      | Yes |
| Mr. Gormley, Jr.   | Yes |
| Treasurer Goldberg | Yes |

## THE BOARD ENTERS EXECUTIVE SESSION

At 10:15 a.m. the Board entered Executive Session for today's meeting on October 31, 2024, to review applications for disability retirement, associated benefits, litigation strategy, and to also consider the reputation, character, physical condition, or mental health of individuals with business before the Board. Treasurer Goldberg indicated the Board would reconvene in Open Session after the Executive Session.

Mr. Gormley, Jr., motioned to enter Executive Session, Mr. Valeri seconded the motion, and the Board voted unanimously to enter Executive Session.

#### ON THE ROLL CALL, THE VOTE WAS AS FOLLOWS:

| Mr. Valeri         | Yes |
|--------------------|-----|
| Ms. McGoldrick     | Yes |
| Ms. Goldstein      | Yes |
| Mr. Gormley, Jr.   | Yes |
| Treasurer Goldberg | Yes |

#### THE BOARD RECONVENES IN OPEN SESSION

Note: Ms. McGoldrick left the meeting at 11:55 a.m.

# **TAB 2: GROUP CLASSIFICATIONS**

#### **Group 2**

# <u>Pursuant to the Board's Classification Policy, the following are reported as approved for Group 2</u> Classification

- 1. Robyn Drainville Psychological Assistant III, Wrentham Developmental Center, DDS
- 2. **Suzanne Duffany** LPN II, DDS
- 3. Carrie Hjelm Rehabilitation Counselor A/B, DDS
- 4. Ellen Leibmann-Cohan Social Worker III, DCF
- 5. Wendy Muellers Teacher Aide, DESE
- 6. Michelene Paul RN II, Northeast Residential Services, DDS
- 7. Joan Walden LPN, Hampden County Sheriff's Department
- 8. Mary Ward Social Worker III, DCF

#### **GROUP 2 (Board Review**

1. Mafalda Gomes – CNA I, Chelsea Soldiers' Home

On a motion by Mr. Valeri and seconded by Ms. Goldstein, the Board voted 4-0 to approve the Group 2 applicant for Mafalda Gomes.

#### ON THE ROLL CALL, THE VOTE WAS AS FOLLOWS:

Mr. Valeri Yes
Ms. McGoldrick Absent
Ms. Goldstein Yes
Mr. Gormley, Jr. Yes
Treasurer Goldberg Yes

2. **Denise McGrath** – RN II, Central West Residential Services, DDS

On a motion by Mr. Gormley, Jr., and seconded by Mr. Valeri, the Board voted 4-0 to approve the Group 2 application for Denise McGrath.

#### ON THE ROLL CALL, THE VOTE WAS AS FOLLOWS:

#### 3. Enise Pierre – Respiratory Therapist III, Pappas Rehabilitation Hospital

On a motion by Mr. Gormley, Jr., and seconded by Mr. Valeri, the Board voted 4-0 to deny the Group 2 application for Enise Pierre.

#### ON THE ROLL CALL, THE VOTE WAS AS FOLLOWS:

| Mr. Valeri         | Yes    |
|--------------------|--------|
| Ms. McGoldrick     | Absent |
| Ms. Goldstein      | Yes    |
| Mr. Gormley, Jr.   | Yes    |
| Treasurer Goldberg | Yes    |

4. <u>Dawna Prindeville</u> – MHW IV, Worcester Recovery Center Hospital, DMH

On a motion by Ms. Goldstein and seconded by Mr. Valeri, the Board voted 4-0 to approve the Group 2 application for Dawna Prindeville.

#### ON THE ROLL CALL, THE VOTE WAS AS FOLLOWS:

| Mr. Valeri         | Yes    |
|--------------------|--------|
| Ms. McGoldrick     | Absent |
| Ms. Goldstein      | Yes    |
| Mr. Gormley, Jr.   | Yes    |
| Treasurer Goldberg | Yes    |

#### 5. Melissa Sheppard – LPN II, Chelsea Soldier's Home

On a motion by Mr. Gormley and seconded by Mr. Valeri, the Board voted 4-0 to table the Group 2 application for Melissa Sheppard.

#### ON THE ROLL CALL, THE VOTE WAS AS FOLLOWS:

| Mr. Valeri         | Yes    |
|--------------------|--------|
| Ms. McGoldrick     | Absent |
| Ms. Goldstein      | Yes    |
| Mr. Gormley, Jr.   | Yes    |
| Treasurer Goldberg | Yes    |

## **GROUP 2 (Reconsideration) (Board Review)**

1. **Susan Crowley** – Program Manager, Shore Educational Collaborative

On a motion by Mr. Gormley, Jr., and seconded by Ms. Goldstein the Board voted 4-0 to reconsider the Group 2 application for Susan Crowley.

# ON THE ROLL CALL, THE VOTE WAS AS FOLLOWS:

Mr. Valeri Yes
Ms. McGoldrick Absent
Ms. Goldstein Yes
Mr. Gormley, Jr. Yes
Treasurer Goldberg Yes

On a motion by Mr. Gormley, Jr., seconded by Ms. Goldstein, the Board voted 4-0 to approve the Group 2 application for Susan Crowley.

#### ON THE ROLL CALL, THE VOTE WAS AS FOLLOWS:

Mr. Valeri Yes
Ms. McGoldrick Absent
Ms. Goldstein Yes
Mr. Gormley, Jr. Yes
Treasurer Goldberg Yes

#### **GROUP 2 HSC I (Board Review)**

1. Philip Mente – HSC A/B, DMH

On a motion by Mr., Jr., and seconded by Mr. Valeri, the Board voted 4-0 to approve the Group 2 HSC I application for Philip Mente.

#### ON THE ROLL CALL, THE VOTE WAS AS FOLLOWS:

Mr. Valeri Yes
Ms. McGoldrick Absent
Ms. Goldstein Yes
Mr. Gormley, Jr. Yes
Treasurer Goldberg Yes

# **GROUP 2 HSC II (Board Review)**

1. Carol Van Bommel – HSC D, DMH

On a motion by Mr. Valeri and seconded by Mr. Gormley, Jr., the Board 4-0 to approve the Group 2 HSC II application for Carol Van Bommel.

#### ON THE ROLL CALL, THE VOTE WAS AS FOLLOWS:

Mr. Valeri Yes
Ms. McGoldrick Absent
Ms. Goldstein Yes

Mr. Gormley, Jr. Yes Treasurer Goldberg Yes

#### **Group 2 Pro-Rate**

# <u>Pursuant to the Board's Classification Policy the following are reported as approved for Group 2</u> <u>Pro-Rate Classification:</u>

#### 1. Debra Fornasaro Wrentham Developmental Center (DDS)

Adapted Physical Education Instructor – 07/01/2012 -

06/26/2021

Recreational Therapist I – 06/27/2021 - 03/25/2023 Recreational Therapist III – 03/26/2023 - 10/31/2024\*

#### **GROUP 2 PRO-RATE (Board Review)**

# 1. <u>Jeffrey Black</u> <u>Department of Developmental Services</u>

HSC A/B - 11/19/1995 - 04/07/2002 HSC A/B - 01/30/2005 - 03/20/2020

On a motion by Mr. Valeri seconded by Ms. Goldstein, the Board voted to approve the Group 2 Prorate application for HSC A/B - 11/19/1995 - 04/07/2002 for Jeffrey Black.

#### ON THE ROLL CALL, THE VOTE WAS AS FOLLOWS:

Mr. Valeri Yes
Ms. McGoldrick Absent
Ms. Goldstein Yes
Mr. Gormley, Jr. Yes
Treasurer Goldberg Yes

On a motion by Mr. Gormley, Jr., and seconded by Mr. Valeri, the Board voted 4-0 to approve the Group 2 Pro-Rate application for HSC A/B = 01/30/2005 = 03/20/2020.

#### ON THE ROLL CALL, THE VOTE WAS AS FOLLOWS:

<sup>\*</sup>Member established membership after April 2, 2012, and so is required to pro-rate any position that they wish to classify, including the position that they currently hold.

#### 2. Jeffrey Schwartz

#### **Department of Mental Health**

HSC B - 09/26/2005 - 07/28/2007 HSC C - 07/29/2007 - 09/28/2019

Mr. Schwartz requested to withdraw the application.

On a motion by Mr. Gormley, Jr. and seconded by Ms. Goldstein, the Board voted 4-0 to approve the request of Mr. Schwartz to withdraw his application.

# ON THE ROLL CALL, THE VOTE WAS AS FOLLOWS:

Mr. Valeri Yes
Ms. McGoldrick Absent
Ms. Goldstein Yes
Mr. Gormley, Jr. Yes
Treasurer Goldberg Yes

#### Group 4

# <u>Pursuant to the Board's Classification Policy the following are reported as approved for Group 4 Classification:</u>

- 1. <u>Domingos Dasilva</u> Industrial Instructor III, DOC
- 2. Troy Demoranville Correction Officer, Bristol County Sheriff's Office
- 3. Richard Desforge Correction Officer, Essex County Sheriff's Department
- 4. Kristin Freeman ADA, Plymouth County District Attorney's Office
- 5. **David Gutierrez** Correction Officer/Head Cook, DOC
- 6. Merkendrick Jackson ADS, Worcester County Sheriff's Office
- 7. Marc Mathews Firefighter II Basic, Massachusetts Development Agency
- 8. Brian Messier State Firefighter I, Executive Office of Energy & Environmental Affairs
- 9. John O'Malley Correction Officer I, DOC
- 10. Raymond Paiva Correction Officer I, DOC
- 11. <u>James Proctor</u> Correction Officer II, DOC
- 12. Kimberly Rego Correction Officer III, DOC
- 13. Edwin Wright ADS, Middlesex Sheriff's Office

# **GROUP 4 CPO (Board Review)**

1. **Gina Sousa** – CPO D, DOC

On a motion by Mr. Valeri and seconded by Mr. Gormley, Jr., the Board voted 4-0 to approve the Group 4 CPO application for Gina Sousa.

#### ON THE ROLL CALL, THE VOTE WAS AS FOLLOWS:

Mr. Valeri Yes
Ms. McGoldrick Absent
Ms. Goldstein Yes
Mr. Gormley, Jr. Yes
Treasurer Goldberg Yes

#### 20/50s

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

- 1. Michael Burke Correction Officer I, DOC
- 2. **Jesse Furtado** Correction Officer I, DOC
- 3. Daniel O'Malley Correction Officer I, DOC

# **TAB 3: EXECUTIVE DIRECTOR REPORT**

#### **Board Operations:**

- Ms. Kougias presented SRB's progress relative to recent legislation: HERO Act and Salary Range Transparency Act
  - HERO Act--Chapter 178 of the Acts of 2024: A notification letter was mailed to 96,000 active members on October 9 informing them of the recent enactment of the HERO Act, effective August 8, 2024. This opportunity allows SRB active members who are active military members or veterans a one-year grace period ending on August 8, 2025, to purchase eligible creditable service.

SRB's progress from 08/01/2024 to 10/23/2024:

- ✓ SRB received 85 applications.
- ✓ SRB has responded on average to 35 phone calls and emails daily.
- ✓ SRB has completed calculations and issued bills for 79 members.
- An Act Relative to Salary Range Transparency--Chapter 141 of the Acts of 2024: Creates an exemption to the anti-spiking provisions, effective for wage changes after July 1, 2018, to exclude from the anti-spiking calculation "a bona-fide increase in salary related to eliminating wage differentials as required pursuant to the Fair Pay Act or from an employer's systemic wage adjustment." The meaning of "systemic wage adjustment" includes any change in pay for a group of employees, regardless of the reason for the change.

#### SRB's progress:

- ✓ SRB has identified approximately 320 retiree accounts that may be eligible for a retirement allowance adjustment.
- ✓ SRB will mail employers a notification to solicit documentation necessary to determine if a retiree is eligible for an adjusted allowance.
- ✓ SRB may notify retirees who may be eligible for an adjustment to contact their last employer to submit salary information, if needed.

#### PERAC Triennial Audit – Final Report:

Ms. Kougias acknowledged receipt of the PERAC audit report for the period July 1, 2017, through June 30, 2021. A bound copy and an electronic copy were sent to the Board prior to today's meeting. The Board discussed the findings and voted to approve the final draft at the September 25, 2024, meeting.

#### Upcoming Audit:

Ms. Kougias informed the Board of a notification by the State Auditor's Office of an upcoming audit. The purpose of the audit is to ensure SRB's website is accessible to all users, including users with disabilities and complies with the Commonwealth's enterprise standards. Follow up will be presented to the Board at a later date.

#### Section 91A 2023 Notification Process:

Ms. Kougias summarized the 2023 year-end results of members' accounts deemed non-compliant and the due diligence of the disability team.

- ✓ As of June 2024: 291 retired members / non-compliant
- ✓ As of September 2024: 67 retired members / non-compliant
- ✓ As of October 2024: 42 retired member accounts / non-compliant Note: Through mid-November, 30 member accounts are non-compliant

#### Excess Capital Gains, FY2024:

SRB transferred the excess capital gains to the Pension Reserve Investment Trust Fund. The total was \$11,365,217.32. The FY2024 funds were made available by the Commonwealth though the Office of the Comptroller. The recent supplemental budget may result in SERS receiving additional revenue.

#### Workforce Update:

Ms. Kougias spoke to recent hires and resignations over the last month. The hires included Deputy General Counsel, Hearing Officer, Member Service Representative, and Business Process Lead. The resignations were an Associate Board Counsel and Data Quality Manager.

# Monthly Payroll and Other Disbursement:

Ms. Kougias highlighted the September data relative to the monthly, weekly, and other payment processes. September's first payments were 334 and in October, 290; of those totals, 188 and 126 were estimated initial payments ("EIP"). Since February 2024, over 700 retirees received an EIP within 60 days of their retirement date. Weekly disbursement processing continues positively and paying recipients timely.

#### FY2025 Operating and Capital Expenses:

As of September 2024, the close of the first quarter of FY2025, operating expenses were 13.5 percent of the budget, and capital expenses were zero.

#### PRIT Fund Investment and Performance:

As of September 2024, the PRIT Fund reports \$110 billion in total assets. The one-year performance was 1.32 percent and calendar year to date reports 10.3 percent. A full report was provided in the materials distributed.

#### Fiduciary Liability Insurance Renewal:

There is no change in the fiduciary liability insurance cost for FY2025. The renewal is for the period of October 6, 2024, through October 6, 2025, at the total cost of \$50,125, premium plus fees.

A motion by Mr. Valeri and seconded by Mr. Gormley, Jr., the Board voted 4-0 to approve the renewal of the fiduciary liability insurance with Amity Insurance, the broker, and RLI Insurance Company at a cost of \$50,125.

#### ON THE ROLL CALL, THE VOTE WAS AS FOLLOWS:

Mr. Valeri Yes
Ms. McGoldrick Absent
Ms. Goldstein Yes
Mr. Gormley, Jr. Yes
Treasurer Goldberg Yes

# Pension Technology Group – Accounting Services Software and Qualified Excess Benefit Arrangements ("QEBA") Processing Software:

Ms. Kougias explained the products and services. The benefits are 1) to enhance the SERS accounting and improve the overall operations and to be consistent with PERAC Accounting and 2) to implement the IRS mandated QEBA to comply with IRS Section 415(b).

The Accounting software was approved by the Board in its 2023 budget, however due to delays in securing a suitable vendor, a contract was not executed for some time. The decision to engage PTG offers improvements to the Great Plains software previously used. PTG's software meets Chapter 32 requirements and PERAC's accounting standards. PTG has the experience and is used

by the majority of local retirement boards. SRB's current budget and finance manager used PTG in her previous employment as executive director at a local retirement board.

QEBA, too, presented challenges in our securing the appropriate services. Although the current MARIS platform was considered some time ago, it would necessitate extensive modification, testing, and untimely implementation. Nor was their experiential knowledge sufficient given the IRS's requirements. Implementing QEBA through PTG will allow SERS to finally be IRS compliant and limit costly risk exposure.

After some discussion, a motion by Mr. Valeri and seconded by Mr. Gormley, Jr., the Board voted 4-0 to recertify the engagement of PTG for the accounting software at a cost of \$125,000 annually and to approve Board staff to add QEBA Payroll Process Software to the existing contract with PTG at a cost of \$125,000 in year one for development and \$125,000 annually for maintenance and support software.

#### ON THE ROLL CALL, THE VOTE WAS AS FOLLOWS:

Mr. Valeri Yes
Ms. McGoldrick Absent
Ms. Goldstein Yes
Mr. Gormley, Jr. Yes
Treasurer Goldberg Yes

#### o 2024 Form 1099-R Vendor Recommendation:

The three viable quotes from vendors were summarized by Mr. Kougias as follows: JLS Mailing Services at \$15,354 excluding postage; Commonwealth Print and Mailing Services at \$20,670 excluding postage; RR Donnelley at \$30,613.16 excluding postage.

Board staff recommended to the Board to select RR Donnelley to engage with them for the 2024 1099-R services. Their quote is in line with the 2023 job they completed timely and within budget. The 1099-R file presents intricacies that need to be considered. RRD's staff has been reliable and their expertise to ensure the form is IRS compliant offers added value.

After discussion, a motion by Mr. Gormley, Jr., and seconded by Mr. Valeri, the Board voted 4-0 to approve the recommendation of RR Donnelly to allow Board staff to engage in a contract to produce the 2024 1099-R form for any member who received a retirement allowance or any other payment from SERS in 2024.

#### ON THE ROLL CALL, THE VOTE WAS AS FOLLOWS:

# OnBase Upgrade – Electronic Management Content and Workflow Management Technology:

The OnBase upgrade was previously approved through the Sagitec contract, since the OnBase servers are hosted in the Sagitec Microsoft Azure Cloud. The change order represents a cost increase for additional storage space, additional servers, and implementation of the latest software. The upgrade is \$2,525 weekly for a duration not to exceed eight weeks as compared to a cost of \$1,800 previously presented to the Board.

Following the overview, a motion by Mr. Gormley, Jr., and seconded by Mr. Valeri, the Board voted 4-0 to approve the change order for services at a cost of \$2,525 per week.

#### ON THE ROLL CALL, THE VOTE WAS AS FOLLOWS:

Mr. Valeri Yes
Ms. McGoldrick Absent
Ms. Goldstein Yes
Mr. Gormley, Jr. Yes
Treasurer Goldberg Yes

#### Legal Memorandum Update:

Ms. Diggs highlighted three decisions featured in the Legal Update Memorandum. Murphy v. SBR concerns a program specialist injured during her morning commute to an off-site inspection location. The Board denied her Accidental Disability Retirement ("ADR") application because Ms. Murphy was not in the performance of her job duties when she was injured. DALA reversed and CRAB adopted and affirmed DALA's decision. CRAB determined Ms. Murphy was either injured during travel required by her job or she was injured while traveling between job duties, and under either theory was entitled to ADR. The decision conflicts with existing case law and will be appealed. Ms. Diggs also discussed the DALA decision in Hanson v. SBR, which concerned a CNA on the HIV/AIDS unit at Tewksbury Hospital. DALA found the patients in the unit were at Tewksbury Hospital because of their mental health and behavioral health issues and thus their care entitled the member to group 2 classification. The matter has been appealed to CRAB because DALA's decision could be interpreted as endorsing automatic Group 2 eligibility for all employees at Tewksbury Hospital and similar facilities. Finally, Ms. Diggs discussed DALA's decision in Bonica and Broz v. SBR, which found the extra dive pay civil engineers Bonica and Broz received for time spent performing underwater bridge inspections should have been included in their superannuation retirement benefit calculations.

Mr. Valeri asked for clarification on the factual circumstances in *Murphy* and the legal basis for Ms. Murphy's ADR claim. Ms. Diggs and Attorney Eggers provided additional detail regarding Ms. Murphy's injury and course of travel on the day of her injury and the role Ms. Murphy's "on the clock" argument played in the DALA and CRAB decisions. Treasurer Goldberg and Mr. Valeri discussed the standards for ADR eligibility in the context of employment-related travel and noted *Murphy* appears to be inconsistent with prior decisions.

#### Board & MSRB Communications:

The *MSRB October Retiree eNews Bulletin* was included in the Board materials for the Board's convenience. It is sent to retirees each month.

#### **ADJOURNMENT**

Chair Goldberg entertained a motion to adjourn. A motion by Ms. Goldstein and seconded by Mr. Valeri, the Board voted 4-0 to adjourn the October 31, 2024 at 12:50 p.m.

#### ON THE ROLL CALL, THE VOTE WAS AS FOLLOWS: