

**MINUTES OF THE 1,280<sup>th</sup> BOARD MEETING**  
**STATE BOARD OF RETIREMENT**

**DATE:** September 26, 2024

**TIME:** 10:00 A.M.

**PLACE:** One Winter Street – 8<sup>th</sup> Floor, Boston, MA/Remote

There being a quorum present, the September 26, 2024 meeting of the State Retirement Board ("Board") was called to order at 10:01 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; Archie 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 September 26, 2024 meeting were Kathryn Kougas, 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; Yande Lombe, Associate Board Counsel; Athila Soares-Nunes, Paralegal; Pamela Diggs, Senior Paralegal; Robin Chu, Associate Board Counsel; John Durgin, Associate General Counsel; Brendan McGough, 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; Joseph MacInnis, Assistant Director of Benefits Services; Angela Olszewski, Director of Business Support; Kwaku Duah, MSRB Senior Auditor; Matthew Szafranski, Associate Board Counsel; Nidhi Garg, Director of Benefit Account Management; Marsha Knight, Manager of Disbursements; Tristian Davis, Paralegal; Cecilia Yau, Audit Supervisor; Kimberly Griffin, Director of Information Systems and Technology; Stephanie Sicard, Assistant Director of Benefit Calculations; Yves Sanon, Disbursements.

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; Racheal Healey, Hearing Officer; Mikaela Cole, Deputy Director of Communications.

Members of the public were provided access to the meeting via a call-in number. Those registered as attending were as follows: Derek Cherven; John Brown, III; Thomas Maskalenko; Lynda Kelly; Jeffrey Black; Patricia Snow.

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.

**Vote to approve**

**MINUTES OF THE MEETING OF THE AUGUST 29, 2024**

On a motion by Mr. Valeri and seconded by Ms. McGoldrick, the Board voted unanimously to approve the Open Session and Executive Session Minutes of the 1,279<sup>th</sup> Board Meeting held on August 29, 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 10:04 a.m. the Board entered Executive Session for today's meeting on September 26, 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.

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

**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

**EXECUTIVE SESSION CONCLUDES AND THE BOARD RECONVENES IN OPEN SESSION**

**TAB 2: GROUP CLASSIFICATIONS**

**Group 2**

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

1. **Gerard Coughlin** - Caseworker/Chief Classification Officer, Norfolk County Sheriff's Office
2. **Timothy Daley** – Social Worker II, DCF
3. **Magdiel DeLeon** – Assistant Chief Probation Officer, MA Trial Court
4. **Cynthia Fentress** – Residential Supervisor C, Metro Residential Services, DDS
5. **Lori Fox** - Teaching Assistant, ACCEPT Education Collaborative
6. **Dietrich Kulze** - Clinical Social Worker A/B, Tewksbury Hospital, DMH
7. **Margaret Ryan** - Classification Counselor I, Bristol County Sheriff's Office
8. **Belinda Williams** – Social Worker II, DCF

**Group 2 (Reconsideration) (Board Review)**

1. **Gerry Chapman** – Director of Facility Maintenance, DOC

After discussion of the available information, the Board on a motion made by Mr. Gormley, Jr. and seconded by Mr. Valeri, voted unanimously to reconsider the request.

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

Mr. Valerie	Yes
Ms. McGoldrick	Yes
Ms. Goldstein	Yes
Mr. Gormley, Jr.	Yes
Ms. Kim	Yes

On further discussion, the Board on a motion made by Mr. Gormley, Jr. and seconded by Mr. Valeri, voted unanimously to approve the request.

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

Mr. Valerie	Yes
Ms. McGoldrick	Yes
Ms. Goldstein	Yes
Mr. Gormley, Jr.	Yes
Treasurer Goldberg	Yes

**Group 2 Pro-Rate**

**Pursuant to the Board's Classification Policy the following are reported as approved for Group 2 Pro-Rate Classification:**

1. **Toni Amaral** **Southeastern Residential Services (DDS)**  
MRW I – 08/14/1981 - 11/19/1995  
MRW II – 11/20/1995 - 09/23/2000  
LPN I – 09/24/2000 - 09/17/2005
2. **Luis Cotto** **Department of Youth Services**  
Youth Services Group Worker I – 08/05/2012 - 10/31/2024\*
3. **Dianne Fasano** **MA Trial Court**  
Probation Officer – 06/01/1993 - 02/27/2000  
Assistant Chief Probation Officer – 02/28/2000 - 09/19/2004  
Chief Probation Officer – 09/20/2004 - 09/03/2006
4. **Barbara Lastoria** **South Shore Educational Collaborative**  
Paraprofessional - 09/25/2014 - 10/01/2024\*
5. **Stanley Zmuda** **Bristol County Sheriff's Office**  
Building Systems Specialist – 09/25/2005 - 03/10/2020

\*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.

## **Group 2 Pro-Rate (Board Review)**

### **1. Toni Amaral**

### **Southeastern Residential Services (DDS)**

RN II - 09/18/2005 - 01/25/2014

RN III - 01/25/2014 - 07/19/2019

Upon discussion, the Board on a motion made by Ms. Goldstein and seconded by Ms. McGoldrick, voted unanimously to approve the RN II Group 2 Classification.

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

Mr. Valerie	Yes
Ms. McGoldrick	Yes
Ms. Goldstein	Yes
Mr. Gormley, Jr.	Yes
Treasurer Goldberg	Yes

Upon discussion the Board on a motion made by Ms. Goldstein and seconded by Ms. McGoldrick, voted unanimously to deny the RNIII for Group 2 Classification.

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

Mr. Valerie	Yes
Ms. McGoldrick	Yes
Ms. Goldstein	Yes
Mr. Gormley, Jr.	Yes
Treasurer Goldberg	Yes

## **Group 2 Pro-Rate (Reconsideration) (Board Review)**

### **1. Thomas Cunningham**

### **Worcester County Sheriff's Office**

Senior Cook – 02/01/1997 - 09/06/2014

On a motion made by Mr. Gormley, Jr., and seconded by Ms. Goldstein, the Board voted unanimously to reconsider Mr. Cunningham's request.

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

Mr. Valerie	Yes
Ms. McGoldrick	Yes
Ms. Goldstein	Yes

Mr. Gormley, Jr.	Yes
Treasurer Goldberg	Yes

After discussion, Ms. Goldstein motioned and seconded by Mr. Gormley to approve the Group 2 Classification for Mr. Cunningham.

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

Mr. Valerie	Yes
Ms. McGoldrick	Yes
Ms. Goldstein	Yes
Mr. Gormley, Jr.	Yes
Treasurer Goldberg	Yes

2. **Tracy Hanson**

**Tewksbury State Hospital (DPH)**

Nursing Assistant II – 04/12/1993 - 11/02/1994

On a motion made by Mr. Gormley, Jr., and seconded by Ms. Goldstein, the Board voted unanimously to reconsider Ms. Hanson's request.

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

Mr. Valerie	Yes
Ms. McGoldrick	Yes
Ms. Goldstein	Yes
Mr. Gormley, Jr.	Yes
Treasurer Goldberg	Yes

After discussion, Ms. Goldstein motioned and seconded by Mr. Gormley, Jr., to approve the Group 2 Classification for Ms. Hanson's Group 2 Classification.

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

Mr. Valerie	Yes
Ms. McGoldrick	Yes
Ms. Goldstein	Yes
Mr. Gormley, Jr.	Yes
Treasurer Goldberg	Yes

#### **Group 4**

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

1. **Patrick Bomberg** – ADA, Bristol County District Attorney's Office
2. **Maryclare Cushing** – ADA, Bristol County District Attorney's Office
3. **Stacey Desroches** - Correction Officer, Plymouth County Sheriff's Office
4. **Triste Ervin** – Correction Officer I, DOC
5. **Brenda Garcia** - Correction Officer, Suffolk County Sheriff's Department
6. **Reginald Green** - Corporal, Hampden County Sheriff's Office
7. **Jeremy Jackson** - Correction Officer II, DOC
8. **Gary Lapierre** – Correction Officer II, DOC
9. **Matthew Mullaney** - ADA, Worcester County District Attorney's Office
10. **Shawn Puchalski** – Captain, DOC
11. **Todd Roche** - Correction Officer I, DOC
12. **Sherline Scott** - Correction Officer II, DOC
13. **Kirk Tenney** – Correction Officer I, DOC
14. **Thomas Zuffelato** - Lieutenant Firefighter, 104<sup>th</sup> Fighter Wing Fire Department, Mass. Military Division

#### **Group 4 CPOs (Board Review)**

1. **Thomas Hartley** - Correction Program Officer D, DOC

After discussion, Ms. Gormley, Jr. motioned and seconded by Mr. Valeri to approve the Group 2 Classification for Mr. Hartley's Group 2 Classification.

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

Mr. Valerie	Yes
Ms. McGoldrick	Yes
Ms. Goldstein	Yes
Mr. Gormley, Jr.	Yes
Treasurer Goldberg	Yes

#### **Group 4 Pro-Rate**

**Pursuant to the Board's Classification Policy the following are reported as approved for Group 4 Pro-Rate Classification:**

1. **Noreen Dias**  
**Bristol County Sheriff's Office**  
Correction Officer – 02/23/2014 - 10/19/2024\*

\*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.

**20/50**

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

**1. An Lai**

**Correction Officer I, DOC**

### **TAB 3: EXECUTIVE DIRECTOR REPORT**

#### **Board Operations:**

- **HERO Act:**

Ms. Kougias informed the Board of the status of the HERO Act processes since the enactment of the Act, which was effective August 8, 2024. A copy of the letter and attachments were shared with the Board that will be going to approximately 90,000 members to inform them of the Veteran's Creditable Service Purchase ("VCSP") opportunity. A letter was also mailed on September 23, 2024, to approximately 1,600 members who are nearing their vesting plus one year date to inform them of the opportunity and to additionally advise them of the one-year provision to act. New members, those who enrolled in SERS since August 8, 2024, can expect to receive an auto-generated copy of the form and instructions informing them of the VCSP.

Ms. Kougias has discussed this issue with Mr. Bob Notch, Veteran Advocate, Office of the Veteran Advocate, Commonwealth of Massachusetts, and Steven Croteau, Director of TRE Veteran's Bonus. It is important that we effectively communicate SRB's actions to ensure all veterans are aware of this opportunity.

To fulfill the mailing to the approximate 90,000 members, staff solicited quotes from three vendors. As a result of that process, the Board staff presented to the Board Standard Modern's quote of approximately \$12,000 plus postage of approximately \$32,680 for its consideration.

A motion was made by Mr. Valeri; seconded by Ms. McGoldrick to approve that staff recommendation and to authorize Board staff to engage Standard Modern for their fulfillment services at a cost not to exceed \$12,000 plus postage of approximately \$32,680. Standard Modern was the most competitive bid.



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

Mr. Valerie	Yes
Ms. McGoldrick	Yes
Ms. Goldstein	Yes
Mr. Gormley, Jr.	Yes
Ms. Kim	Yes

○ **2024 1099-R Kickoff**

Ms. Kougias provided a brief overview of the preliminary planning to undertake the 2024 1099-R project to produce and mail the form in January 2025 to all participants, beneficiaries, and other recipients who received payments from MSRB in 2024. A vendor recommendation will be made at a future Board meeting.

○ **Annual Financial Condition Report (“AFCR”)**

Ms. Kougias informed the Board of the Office of the Comptroller’s AFCR. SERS is required to participate in the AFCR. On August 15, 2024, Kathleen McNamara, TRE Audit, and Kathryn Kougias, Executive Director, and the external audit firm CLA (Clifton Larsen Allen LLP) met. Walkthrough sessions were completed in September with SRB Managers to facilitate employee contributions, new retirees, and existing retirees’ information to allow CLA to do its testing.

The audit of MARIS that started during the summer months was completed and we await the results.

It’s anticipated that the AFCR Audit will conclude at month’s end with a report issued late 2024 or 2025.

○ **One Winter Street, Third Amendment to Lease and Lease Extension**

Effective October 24, 2025, the lease at One Winter Street expires. Ms. Kougias presented to the Board the process that has been ongoing for the past year to explore SRB’s occupancy beyond the expiration date. Discussion and research between the Department of Capital Asset and Maintenance (“DCAMM”) and Ms. Kougias was conducted. Public and private buildings were explored to evaluate space, cost, location and public transportation availability. DCAMM could not identify sufficient state-owned building space to accommodate SRB’s needs in the downtown area. A search of privately owned buildings also did not produce results that would accommodate SRB’s

occupancy needs, particularly space at a competitive cost when compared to current accommodation at One Winter Street.

Productive discussion with the current landlord, Winsum Limited Partnership (“Winsum”) led to an offer of a significant reduction in cost from \$55 per square foot to \$44 per square foot for a total of 16,133 square feet. Further, Winsum has agreed to update the eighth-floor premises. These improvements will include painting of the entire space, new carpet, new floor, restroom renovations, LED lighting with dimmers, and other cosmetic details. The amendment notes that these improvements will be made within 150 days of the fully executed Third Amendment.

DCAMM advised that since there is no existing state space to accommodate SRB’s future needs, Winsum’s reduced offer, and its willingness to update the premises, that SRB pursue a two-year extension through October 23, 2027, at One Winter Street, Boston, Massachusetts 02108. As part of DCAMM’s evaluation to ensure that this is in the best interest of the Commonwealth, and that an extension complies with all State capital asset requirements, a cost-benefit analysis (“CBA”) was required. The CBA was approved by the Commissioner on August 26, 2024.

Based on the presented information and discussion, Ms. McGoldrick motioned; Mr. Valeri seconded a motion to approve the recommendation to allow the Executive Director to engage Winsum Limited Partnership to execute the Third Amendment to Lease and Lease Extension to extend the current lease from October 24, 2025, through October 23, 2027 for occupancy at One Winter Street, Boston, MA 02108.

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

Mr. Valerie	Yes
Ms. McGoldrick	Yes
Ms. Goldstein	Yes
Mr. Gormley, Jr.	Yes
Ms. Kim	Yes

○ **Workforce Update**

Four new employees joined SRB in the past month on the Member Account Management, Communications, Audit and Disability Teams. The Executive Assistant/Office Manager resigned on August 30 and the position remains open. A benefit calculation support analyst was promoted to benefit calculation support manager.

The deputy general counsel, Alison Eggers, started on Monday, September 23, 2024.

- **Out of State Travel Authorization**

Ms. Kougias requested to attend the 70<sup>th</sup> Annual Employee Benefits Conference, November 10 – 13, 2024, San Diego, CA. An information brochure was provided for the Board’s review. The conference cost is approximately \$1,800, plus hotel cost of approximately \$300 per night, plus airfare.

On a motion by Ms. McGoldrick and seconded by Mr. Gormley, Jr., the Board voted to allow Ms. Kougias to attend the conference.

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

Mr. Valerie	Yes
Ms. McGoldrick	Yes
Ms. Goldstein	Yes
Mr. Gormley, Jr.	Yes
Ms. Kim	Yes

- **Monthly payroll data**

Ms. Kougias highlighted the August data relative to the monthly, weekly, and accelerated payment, and other relevant processes. Ms. Kougias highlighted orally the September first payments to the Board. The first payments for September were 347. Of that number, 188 were made via the Estimated Initial Payments (“EIP”) Process. The 188 represents the milestone of completing Phase II of the EIP and delivering of the results one-month earlier in September rather than the scheduled date of October as reported in June 2024. This means that 188 members received a retirement allowance within 60 days of their retirement date. The Phase II included differentials, multi-calculations and anti-spiking components. In February 2024, we rolled out Phase 1 (single calculation and Group 1) and reported 74 estimated payments for the period of September 1 through December 31, 2023. Since that time, nearly 600 members have been paid via EIP.

Ms. Kougias thanked the Benefit Calculation, MARIS and Sagitec teams for their commitment in actualizing this accomplishment. Well done!

- **Telephone Calls, In-person visits and outreach**

For the period ending August 2024, the numbers show consistency in all areas.

- **Information Systems & Technology Update**

Ms. Griffin presented the quarterly report and outlined the systems enhancements that resulted in the success of the Estimated Initial Benefit Payments process. A summary of the operational accomplishments was highlighted. The infrastructure progress includes the upgrade to the latest version of Sagitec's Neospin Framework, Version 6.24. The project was completed on schedule with an August 4 go-live date.

Over the past month, a new version of the MARIS Correspondence Editor was deployed to desktops and laptops. A Systems Health Check assessment was done in September for OnBase with DataBank. The Health Check evaluated database architecture and performance; service architecture and other features to ensure system stability and performance.

Other upgrades to OnBase were planned out to bring MSRB current with OnBase software, maintenance, and support. It is scheduled to start in early October for an eight-week duration.

The High-Level Project Schedule of MARIS Support Task for FY2025 were included in Ms. Griffin's report.

- **Operations and Capital Expenses**

The expenses for the close of August 2024 were presented to the Board for its review. Modest expenditures to date. The Springfield location expansion has been approved by DCAMM and the budgeted \$300,000 for construction management will be used for the financing of the project.

- **Member Self-Service ("MSS"), Vendor Recommendation**

Ms. Kougias presented the information included in the memorandum dated September 20, 2024, regarding vendor selection for the MSS. In August, the recommendation of MTX was withdrawn. After careful review by the Project Management Team ("PMT"), they have recommended Nagarro GS, Inc. ("Nagarro").

Nagarro's first year cost is \$6.5 million; they were rated with the highest score and provided a nearly flawless initial proposal and presentation. The PMT noted their depth of talent, extensive experience, and that they conveyed an understanding of MSRB's needs. In summary, PMT determined that Nagarro is the most qualified to oversee a project of this size.

Upon review and discussion, a motion was made by Mr. Gormley, Jr. and seconded by Mr. Valeri to reconsider the PMT's recommendation for the Member Self-Service project.

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

Mr. Valerie	Yes
Ms. McGoldrick	Yes
Ms. Goldstein	Yes
Mr. Gormley, Jr.	Yes
Ms. Kim	Yes

Further, on a motion to accept the recommendation of Nagarro made by Mr. Gormley, Jr. and seconded by Mr. Valeri, the Board approves the recommendation and authorizes Board staff to enter into contract negotiations with Nagarro for the Member Self-Service portal implementation and ongoing support services.

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

Mr. Valerie	Yes
Ms. McGoldrick	Yes
Ms. Goldstein	Yes
Mr. Gormley, Jr.	Yes
Ms. Kim	Yes

○ **Section 91A – Benefit Suspensions / Over Earners**

Ms. Kougas informed the Board that for calendar year 2023, 67 disability retirees allowances will be suspended starting with the September payroll.

Discussion included the process of notifying the members of the annual reporting requirement. It's important that members attend to the annual filing requirements timely. SRB and PERAC send mailings to members throughout the process. The final reminder letter is sent by SRB via certified mail.

If an account is suspended, there is a process that the member can participate to comply after the fact. *(Note: Post the meeting, approximately ten members have complied and will be eligible to receive the September payment with the October payroll.)*

On a motion by Mr. Gormley, Jr., 1and seconded by Ms. McGoldrick, the Board voted to ratify the Board staff's suspension of the 67 accounts as reported.

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

Mr. Valerie	Yes
Ms. McGoldrick	Yes
Ms. Goldstein	Yes
Mr. Gormley, Jr.	Yes
Ms. Kim	Yes

○ **COLA Commission for State Retirement and Teacher's Retirement**

Pursuant to Section 202, a special commission was established to study the cost-of-living adjustment for both the state employees' and state teachers' retirement systems. Ms. Kougias noted what the study will include and referred to Section 202 in the materials.

Three members are appointed by the Governor and one of those shall be a representative appointed by the State Board of Retirement.

Ms. Kougias submitted a memorandum requesting that she be appointed as the representative for the State Board of Retirement.

On a motion by Mr. Valeri and seconded by Mr. Gormley, Jr. the Board voted to appoint Kathryn Kougias, Executive Director of the State Retirement Board and to forward her name to the Governor to serve on the special commission.

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

Mr. Valeri	Yes
Ms. McGoldrick	Yes
Ms. Goldstein	Yes
Mr. Gormley, Jr.	Yes
Ms. Kim	Yes

○ **Legal Update**

Pam Diggs, Senior Paralegal presented today's legal update. Two of the nine cases (both SJC decisions) were included in the memorandum, as follows:

The first decision is the Bodge v. Commonwealth SJC decision. In the case, the plaintiffs sued to challenge the policy of denying the accrual of benefits, including seniority, length-of-service credit, and vacation and sick time for those taking Massachusetts's Paid

Family Medical Leave. Initially, the Superior Court held that the PFMLA does not guarantee the accrual of benefits. The SJC took the case when it was appealed to the Appeals Court.

The SJC affirmed. According to the SJC, Section 2(e) of the PFMLA says that when an employee returns from leave, they are to be put back in the same (or equivalent) position as when they left, with no loss of accrued length-or-service credit and vacation and sick time. The section does not require that benefits accrue while a person is on leave.

The second decision is Hartnett v. CRAB, the other SJC decision. The case involved interpretation of the phrase “two consecutive years” in the anti-spiking provision of Chapter 32. In 1990, Harnett left state service. In 2002, she joined the City of Boston. The question was whether 1990 and 2002 were “two consecutive years”. The SJC said that the phrase “[two] consecutive years” means two back-to-back years. Thus, the two prior creditable years of service (1990 and 2002) do not constitute “[two] consecutive years” within the meaning of the anti-spiking provision.

The third case is from the Appeals Court, the Barranco v. CRAB & MTRS decision. Barranco was receiving a Massachusetts Teachers’ Retirement System pension while working for the Merrimack Special Education Collaborative. MTRS attempted to recover his excess earnings from his pension benefit. The decision is notable for at least three things: 1) although education collaboratives are not specifically identified, CRAB reasonably determined that work for the Collaborative was the provision of service to the public entities expressly included in Section 91(a) and 2) the phrase “any service” in Section 91 is read broadly to include when retirees are indirectly working for the government. Finally, 3) the Court held that retirement boards may recover excess payments pursuant to Section 20(5)(b).

Finally, DALA issued a decision in Peterson v. SBR. In 2005, the member received a promotion. In April 2010, her salary increased significantly. The human resources officer noted that the raise was for the member’s 2005 promotion. (Note: A typo in the memo shows the date as 2025; the correct date is 2005.)

The Board argued that, although the member’s salary increase in 2010 was attributed to a change in position, the increase did not occur in the same year of her position change. Thus change-in-position exception to the anti-spiking provision did not apply. The DALA Magistrate disagreed. The exception does not require that the salary increase be the same year as the change in position.

- **Board Communications**

Ms. Kougias briefly highlighted the several communications included in the Board materials as follows:

Retiree eNews Bulletin; Treasurer Goldberg’s interview with “50 Plus Advocate”; news article concerning the United States Postal Service mail delays, an article on mismanagement of funds, and a release by Social Security on its efforts to digitize and remove signatures requirements from forms.

○ **Adjournment**

Ms. Kim entertained a motion to adjourn. Ms. McGoldrick motioned, and Mr. Valeri seconded to adjourn at 12:32 p.m.

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

Mr. Valerie	Yes
Ms. McGoldrick	Yes
Ms. Goldstein	Yes
Mr. Gormley, Jr.	Yes
Ms. Kim	Yes