

MINUTES FOR THE 1,258th BOARD MEETING
STATE BOARD OF RETIREMENT

DATE: November 22, 2022

TIME: 10:06 A.M.

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

There being a quorum, the November 22, 2022, meeting of the State Retirement Board (“Board”) was called to order at 10:06 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 recently by Chapter 107 of the Acts of 2022, 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; Maureen Valente, Appointed Member; Theresa McGoldrick, Elected Member; Francis Valeri, Elected Member; Archie Gormley, Chosen 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 meeting were: Nicola Favorito, Deputy Treasurer/Executive Director; Melinda Troy, Director of Legal Services; Paula Daddona, Assistant Director of Communications & Outreach; Kimberly Griffin, Director of Information Systems & Technology; Micalie Baptiste-Merisier, Office Manager / Executive Assistant; Lisa Leary, Disability Benefits Support Analyst; Lisa Zale, Disability Benefits Support Analyst; Joisei Horton, Disability Benefits Support Analyst; Kathryn Kougias, Director of Finance; Zhuoxin Tan, MSRB Internal Auditor; Yande Lombe, Associate Board Counsel; Pamela Diggs, Paralegal; Athila Soares-Nunes, Paralegal; Andrew Dickey, Paralegal; Zachary Pierce, Communications Coordinator, II; Ebenezer Shim, Communications Specialist; Pamela Holloman, Benefit Calculation Disbursement Manager; Venkata Yalangi, Benefits Calculation Support Analyst; Seth Emerson, Benefits Calculation Support Analyst.

Treasury staff that participated remotely for all or part of the meeting were: Sarah Kim, Deputy Treasurer/General Counsel; John Durgin, Associate General Counsel; Lizandra Gomes, Deputy Chief of Staff; Emily Kowtoniuk, Legislative & Policy Director; Al Anzola, Legislative & Policy Analyst; Alexa Michon, Legislative & Policy Analyst; Rachel Healey, Hearing Officer.

Members of the public were provided access to the meeting via a call-in number. Those registered as attending were Kristyn Camilleri, Director of Personnel, DOC; SaraKate Matthews, Personnel Officer, DOC; Rachel Goguen, Assistant Superintendent, Essex County Sheriff’s Department; Christine Eisenhauer, Assistant Superintendent, Essex County Sheriff’s Department; Dr. Thomas Hicks; Attorney Gerald McDonough.

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.

Treasurer Goldberg also 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 resume when the Board returns from Executive Session.

MINUTES OF THE 1257th 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 1,257th Board Meeting, held on October 27, 2022.

ON THE ROLL CALL THE VOTE WAS AS FOLLOWS:

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

Mr. Favorito addressed the Board to note that this was the first Board meeting since the Treasurer’s re-election on November 8, 2022. She received the highest individual vote total of any of the state-wide candidates. The Board congratulated the Treasurer on her accomplishment and re-election.

Additionally, Mr. Favorito reported that Treasurer Goldberg had been recognized by the *Bond Buyer* publication. She was selected along with one other individual as a winner of the 2022 Freda Johnson Award for Trailblazing Women in Public Finance, named for Freda Johnson, a founding board member of the organization and executive vice president and public finance division head at Moody's Investors Service for nearly two decades. The award is given annually to trailblazing women — one in the private sector and one in the public sector — who exemplify the qualities the person brings to the industry. Treasurer Goldberg will receive the award at an event on December 6, 2022.

Treasurer Goldberg thanked the Board and staff for their good wishes.

THE BOARD ENTERS INTO EXECUTIVE SESSION

At 10:12 a.m. the Board entered into Executive Session 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 made a motion to enter Executive Session, Ms. McGoldrick seconded the motion.

ON THE ROLL CALL THE VOTE WAS AS FOLLOWS:

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

Each Board member confirmed that no other person was present with them and/or able to hear the discussion at the remote location.

At 10:18 a.m. the Board concluded Executive Session and voted to reconvene in Open Session.

Ms. McGoldrick made a motion to conclude the Executive Session and reconvene in Open Session, Mr. Gormley seconded the motion.

ON THE ROLL CALL THE VOTE WAS AS FOLLOWS:

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

EXECUTIVE SESSION CONCLUDES AND THE BOARD RETURNS TO OPEN SESSION

AGENDA ITEMS

GROUP CLASSIFICATIONS

GROUP 2

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

- | | |
|--|--------------------------------------|
| 1. <u>Bryan Besse</u> | Social Worker I, DCF |
| 2. <u>Tina Marie DeForge</u> | Residential Supervisor A/B, DDS |
| 3. <u>David Gokey</u> | Social Worker, DCF |
| 4. <u>Jennifer Gokey</u> | Social Worker II, DCF |
| 5. <u>Scott Lumenello</u> | Youth Services Group Worker II, DYS |
| 6. <u>Richard Parmenter</u> | Youth Services Group Worker III, DYS |
| 7. <u>Sonya Plourde</u> | RN, UMass Medical School |
| 8. <u>Lori Roscoe</u> | Social Worker II, DCF |
| 9. <u>Susan Sasseville</u> | RN, DDS |
| 10. <u>Amy Silva</u> | Social Worker II, DCF |
| 11. <u>Stephen Spiewakowski</u> | Probation Officer II, MA Trial Court |
| 12. <u>Theresa Stratton</u> | Social Worker II, DCF |
| 13. <u>Maria Vazquez</u> | RN III, Taunton State Hospital, DMH |

GROUP 2 (Board Review)

1. **Robert Ciempa** Locksmith, Berkshire County Sheriff's Office

After discussion of the available information, the Board on a motion made by Ms. Valente and seconded by Ms. McGoldrick voted to deny this request.

ON THE ROLL CALL THE VOTE WAS AS FOLLOWS:

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

2. **Marina Fishman** Psychiatrist III, DMH

After discussion of the available information, the Board on a motion made by Mr. Gormley and seconded by Ms. Valente voted to approve this request.

ON THE ROLL CALL THE VOTE WAS AS FOLLOWS:

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

3. **Rui Lima** Director of Substance Abuse & Social Services,
Bristol County Sheriff's Department

After discussion of the available information, the Board on a motion made by Ms. McGoldrick and seconded by Mr. Gormley voted to deny this request.

ON THE ROLL CALL THE VOTE WAS AS FOLLOWS:

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

4. **Elizabeth Sanzone** Teacher D, MA Dept. of Elementary & Secondary
Education

After discussion of the available information, the Board on a motion made by Ms. McGoldrick and seconded by Mr. Gormley voted to approve this request.

ON THE ROLL CALL THE VOTE WAS AS FOLLOWS:

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

GROUP 2 HSC A/B (Board Review)

1. **Christopher Clark** HSC A/B, DMH

After discussion of the available information, the Board on a motion made by Ms. McGoldrick and seconded by Mr. Gormley voted to approve this request.

ON THE ROLL CALL THE VOTE WAS AS FOLLOWS:

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

2. **Clarence West** HSC A/B, DDS

After discussion of the available information, the Board on a motion made by Ms. McGoldrick and seconded by Ms. Valente voted to deny this request.

ON THE ROLL CALL THE VOTE WAS AS FOLLOWS:

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

(Mr. Valeri arrived to the meeting)

GROUP 2 Reconsideration – TABLED (Board Review)

1. **Thomas Hicks** Physician Specialist, WRCH, DMH

Melinda Troy, the Director of Legal Services presented the case to the Board and outlined the procedural background and the member's counsel presented his argument which he had also outlined in writing for the Board. The member then addressed the Board.

After discussion of the available information, the Board on a motion made by Mr. Valeri and seconded by Ms. McGoldrick voted to reconsider this matter, Ms. Valente, Mr. Gormley and Ms. Kim voted no. The motion did not carry.

ON THE ROLL CALL THE VOTE WAS AS FOLLOWS:

Ms. Valente	No
Mr. Gormley	No
Mr. Valeri	Yes
Ms. McGoldrick	Yes
Ms. Kim	No

(Ms. Valente departed the meeting)

GROUP 2 Pro-rate (Board Review)

1. **Allison Byron**

Department of Public Health – Tewksbury Hospital

LPN – 07/08/84 – 12/14/91

RN – 12/15/91 – 06/17/01

After discussion of the available information, the Board on a motion made by Ms. McGoldrick and seconded by Mr. Gormley voted to deny this request.

ON THE ROLL CALL THE VOTE WAS AS FOLLOWS:

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

2. **Philip Silva**

Department of Correction

Director of Inmate Discipline 05/01/05-01/27-
1/27/13

After discussion of the available information, the Board on a motion made by Mr. Valeri and seconded by Mr. Gormley voted to deny this matter.

ON THE ROLL CALL THE VOTE WAS AS FOLLOWS:

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

Chief of Internal Affairs – 01/28/13 – 06/27/15

After discussion of the available information, the Board on a motion made by Mr. Gormley and seconded by Ms. McGoldrick voted to deny this request.

ON THE ROLL CALL THE VOTE WAS AS FOLLOWS:

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

GROUP 4

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

- | | |
|---------------------------------------|---|
| 1. <u>Thomas Arthur</u> | Correction Officer I, DOC |
| 2. <u>Kevin Buckley</u> | Correction Officer, Essex County Sheriff Department |
| 3. <u>Edward Burke</u> | Correction Officer, Norfolk County Sheriff’s Office |
| 4. <u>Scott Creamer</u> | Correction Officer III, DOC |
| 5. <u>Bert Diggins</u> | Correction Officer I, DOC |
| 6. <u>Christine Eisenhaure</u> | Asst. Superintendent III, Essex County Sheriff’s Department |
| 7. <u>Joe Freitas</u> | Correction Officer III - Lieutenant, DOC |
| 8. <u>William Goudey</u> | Sergeant, Middlesex Sheriff’s Office |
| 9. <u>John Kelly</u> | Jail Officer, Suffolk County Sheriff’s Department |
| 10. <u>Scott Lariviere</u> | Captain, DOC |
| 11. <u>Christopher LeBlanc</u> | Correction Officer I, DOC |
| 12. <u>Richard Libby</u> | Correction Officer – Sergeant, Suffolk County Sheriff |
| 13. <u>John Roberts Jr.</u> | Correction Officer, Suffolk’s County Sheriff |
| 14. <u>Donald Settipani</u> | Asst. Deputy Superintendent, Middlesex County Sheriff |
| 15. <u>Robert Small</u> | Correction Officer II, DOC |
| 16. <u>Joseph Veilleux</u> | Correction Officer III, DOC |

GROUP 4 (Board Review)

- | | |
|--|---|
| 1. <u>John H. Orszulak, Jr.</u> | Correctional Chef, Hampshire Sheriff’s Department |
|--|---|

After discussion of the available information, the Board on a motion made by Mr. Gormley and seconded by Ms. McGoldrick voted to deny this matter.

ON THE ROLL CALL THE VOTE WAS AS FOLLOWS:

Ms. Valente	Yes
Mr. Gormley	Yes
Mr. Valeri	yes

Ms. McGoldrick	Yes
Treasurer Goldberg	Yes

GROUP 4 CORRECTION PROGRAM OFFICER (Board Review)

1. **Julie Kelly** Correctional Program Officer A/B, DOC

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

ON THE ROLL CALL THE VOTE WAS AS FOLLOWS:

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

GROUP 4 CORRECTION PROGRAM OFFICER – TABLED (Board Review)

1. **Jennifer Gaffney** Correction Program Officer C, DOC

After discussion of the available information, the Board on a motion made by Mr. Gormley and seconded by Ms. McGoldrick voted to approve this request.

ON THE ROLL CALL THE VOTE WAS AS FOLLOWS:

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

GROUP 4 PRORATE

Pursuant to the Board’s Classification Policy the following were reported as approved for Group 4 Pro-Rate Classification:

1. **Sheila McDonough** **Department of Correction**
Correction Officer I – 03/31/85 – 06/06/86

2. **Clarence West** **Department of Correction**
Industrial Instructor – 08/12/85 - 01/01/90

GROUP 4 PRO-RATE (Board Review)

1. **Leah M. Davis** **Department of Correction**
Correctional Program Officer A/B 6/20/99 – 5/2/04

After discussion of the available information, the Board on a motion made by Ms. McGoldrick and seconded by Mr. Gormley voted to approve this request.

ON THE ROLL CALL THE VOTE WAS AS FOLLOWS:

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

2. **Clarence West** **Department of Correction**
Correctional Program Officer A/B 1/2/90 - 11/17/90

After discussion of the available information, the Board on a motion made by Ms. McGoldrick and seconded by Mr. Gormley voted to approve this request.

ON THE ROLL CALL THE VOTE WAS AS FOLLOWS:

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

20/50

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

1. **Michael Grygorcewicz** Primary Lieutenant, Hampshire Sheriff's Office
2. **Sean Lebroda** Asst. Superintendent, Essex County Sheriff
3. **Jason Roy** Correction Officer, Berkshire County Sheriff

REPORT OF THE EXECUTIVE DIRECTOR

1. MSRB Operations

Mr. Favorito updated the Board on activities related to MSRB operations.

While the November pension warrant closes later today (November 22, 2022) Board staff had reported as of this morning approximately 300 new retirement payees having been processed. Through October 2022 approximately 3,032 new payees have been added in the calendar year of which 2,493 are retirees. With October's payments more than \$2.3b in benefits have been issued this calendar year.

For the period October 21, 2022, through November 16, 2022, approximately 133 benefit adjustments were completed associated with retro-active pay increases previously reported for existing retirees. For the calendar year more than 1,281 benefit adjustments have been completed.

The Business Support Unit executed accelerated benefit payments for November 151 new retirees totaling \$2,495.703.38 in gross retro-benefits approved for payment on November 15, 2022. Thus far for calendar year 2022, 1,270 accelerated payments have been issued totaling over \$22.5m in retro payments. These members received their retro-active benefit payments (from their retirement date through October 31st) and are receiving their regular November benefit payment at the end of the month.

Through the payroll periods running October 21, 2022 through November 18, 2022, the MSRB Disbursement Unit processed 421 refunds / rollovers / transfers totaling approximately \$9.79m in net funds issued. Through the November 25, 2022, warrant the Disbursement Unit has processed 2,861 refunds / rollovers / transfers for the calendar year totaling over \$60.3m in net funds issued.

Mr. Favorito reported that since the last Board meeting several new staff have joined the MSRB in the areas of Finance, Training, Member Services, and Benefit Calculation. As noted the Board has lost Attorney Brendan McGough this month who has joined

the Boston Retirement Board. The MSRB currently has several vacancies we are working to fill including manager positions in both our Disability Unit and Finance Unit.

Some 95 members accessed drop off hours in Boston for the period October 20, 2022 – November 16, 2022. More than 835 members have visited to drop off materials and speak MSRB staff since the beginning of March.

October data reflects almost 8,500 telephone calls received by MSRB staff that were made to the main department extensions. More than 5,500 calls were taken by the Call Center. (This data does not take into consideration those calls made directly to staff extensions).

Since the last Board meeting the MSRB Communications Team hosted member two webinars. For 2022, 67 webinars have been hosted with 4,847 attendees.

Communications & Outreach staff report for the calendar year so far approximately 14,680 total views of videos across our various platforms, which include Facebook, Twitter and YouTube.

2. YTD Fiscal 2023 Operating & Capital Spending Plans

Mr. Favorito reviewed information summarizing the YTD Fiscal 2023 Operating and Capital Spending Plans vs. actual expenditure reports (through October 31, 2022).

3. Draft FY 2022 MSERS Annual Statement of Financial Condition

Mr. Favorito, and Finance Director Kathryn Kougas, presented the MSRB’s Draft Annual Statement of Financial Condition for Fiscal Year 2022. The report must be filed with PERAC by December 31st. Ms. Kougas noted the development of the demographic and financial reporting data. Mr. Favorito referred to the operational, valuation and legislative content in the Narrative section. Board approval was sought, and any additional edits would not be material or impact the financial reporting data presented.

After discussion, on a motion by Mr. Valeri and seconded by Ms. McGoldrick the Board voted to approve the FY 2022 Annual Statement of Financial Condition.

ON THE ROLL CALL THE VOTE WAS AS FOLLOWS:

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

4. Draft Commonwealth Actuarial Valuation

Mr. Favorito reported that at the PERAC Commission meeting earlier in November the Draft January 1, 2022 Commonwealth Valuation was reviewed. While it was approved the final report had yet to be published. Mr. Favorito noted the report reflected a combined funded ratio (MSERS, MTRS, and Boston Teachers) of 64.3% up from 58.2% the year prior. The Unfunded Actuarial Liability (“UAL”) stood at \$40.026b improved from \$45.575b. No assumption changes had been made and the report reflected an investment return assumption of 7%.

Mr. Favorito also reported that the State Actuary discussed various models for the next Commonwealth triennial fund schedule that would be submitted to A&F and the Legislature. All the models maintained completing the amortization of the UAL by FY35/36 but reflected different annual increases in the appropriation amounts. The Actuary favored a model that contained cost increases of 9.63% through FY 2028 and then a 4% annual increasing basis until FY’36. The models and overall pension funding would be further taken up at the Legislature’s Consensus Revenue Hearing usually scheduled for January.

5. Section 91 Update

Mr. Favorito provided an update to the Board on the number of outstanding members who had failed to comply with their reporting requirements under Section 91A for 2021. As of this morning the MSRB Disability Unit reported 49 members on PERAC’s termination list who had failed to comply. Sixteen members on the list were already terminated for prior year non-compliance. Under the Board’s Section 91A policy, staff suspended these members’ retirement allowance starting with the month of October 2022.

Member benefits will be terminated if a member does not come into compliance by today’s warrant close.

6. Benefit Verification Update

Mr. Favorito updated the Board that the second mailing of the 2022 BVF’s was completed in October with a return date of October 28, 2022. Approximately 7,000 BVF’s were issued and some 3,000 remain outstanding at this point. He reported that more than 62,600 BVF’s had been successfully reviewed and processed. A third mailing would issue in early December

7. Board Policy Amendments

Mr. Favorito reviewed proposed amendments to the MSRB's Accounts Receivable and Group Classification policies.

For Accounts Receivable the proposed modifications would delegate to Board staff the ability to waive under the *Needham* provisions under payments of contributions, and over payments of benefits that amount to, less than \$1,000.00. Any such amounts waived would be reported to the Board when any annual write-offs are reviewed. All other aspects of the Accounts Receivable policy would remain intact.

For Group Classifications, the proposed modifications included clarifying the inability for pro-rating under the current statutory language (§26) governing State Police retirement calculations, updating the list of Board staff which review monthly classification requests, and providing clarifying language for post April 2, 2012, Group 4 members.

After discussion, on a motion by Ms. McGoldrick and seconded by Mr. Gormley the Board voted to approve the amendments as presented to the policies.

ON THE ROLL CALL THE VOTE WAS AS FOLLOWS:

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

8. PRIM Update

The Board reviewed PRIM performance materials related to the MSERS and the former Turnpike Retirement System as of October 31, 2022 which were received after the Board meeting materials were issued.

PRIM's total assets stood at \$90.2b up from \$88.590b at the end of September 2022. While the month was up 2.05%, the calendar year to date performance was reported as -12.63% gross of fees, one year performance stood at -10.17%. MSERS assets were reported at \$32.655b up from \$31.987b as of September 30, 2022. Mass Turnpike assets were stated at \$152.653m up from \$150.615m.

Treasurer Goldberg commented that PRIM had completed its sub-committee meeting cycle last week and the full board meeting was scheduled for December 1, 2022. October performance was encouraging, and PRIM's portfolio was built to withstand the continued downward pressures in addition to benefitting from market upswings.

Mr. Favorito updated the Board that the nomination period was open as of November 17, 2022 for PRIM's election process for the two statutorily elected seats on the PRIM Board. One is from the MSERS membership and the other from the MTRS membership. Nomination forms are to be filed by January 24, 2023.

9. Legislative Update

Mr. Favorito informed the Board on activity related to two pieces of retirement legislation since the last Board meeting. HB-5124 was signed into law by the Governor on November 16, 2022 and authorizes local retirement systems to implement a retiree COLA of up to 5% for FY 2023 on their respective COLA bases, subject to local approval.

Also, §253 of the recently passed HB-5374 was returned by the Governor with amendments. This measure relates to the former §90G^{3/4} of c.32, which was repealed in 2017. Prior to its repeal, the section required an active member of a retirement system who wanted to continue to make contributions past the age of 70, to affirmatively elect to do so. Upon making that election, the member would then be able to accrue credible service and factor salaries earned in those years into their retirement calculation.

Section 253 would allow members to buy back their post-70 years if they did not previously elect to continue their contributions past 70. As drafted, members would be entitled to buy back those years by paying the total amount of contributions they would have made after turning 70, if they had elected to continue making payments. The section required that before this option becomes available to members, the MSRB must determine whether an Internal Revenue Service ("IRS") ruling is needed to determine if this buyback jeopardizes IRS compliance for the Commonwealth's retirement systems; it also instructs the MSRB to seek such an IRS ruling if necessary.

The Governor's return message noted (1) PERAC should be the agency that makes the determination on IRS compliance on behalf of all the systems in the Commonwealth; (2) creditable service buyback typically requires the member purchasing the service to pay interest on the amount of the contributions they would have made and the payments should include the actuarial assumed interest rate; (3) as drafted the language seems to allow a member to choose the specific periods of time after they turned 70 to be bought back rather than proposing that the option to purchase must be for all service time accrued after a member has attained the age of 70.

10. MSRB Legal Update

Mr. Favorito turned the Board's attention to the summaries of recently issued Court and DALA decisions. Ms. Troy noted a DALA decision related to non-teaching employees of charter schools seeking to be found eligible to participate in the MSERS. DALA found no authority for such membership.

11. Board Member Communications

Mr. Favorito confirmed with the Board that the December meeting would occur on Thursday December 29th.

ADJOURNMENT

ON A MOTION BY MR. GORMLEY AND SECONDED BY MS. MCGOLDRICK THE BOARD VOTED TO ADJOURN THE MEETING.

THE MEETING ADJOURNED AT 12:10 P.M.

ON THE ROLL CALL THE VOTE WAS AS FOLLOWS:

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

THE NEXT REGULAR BOARD MEETING OF THE STATE RETIREMENT BOARD IS SCHEDULED TO BE HELD ON Thursday December 29, 2022 starting at 10:00 AM.