

STATE EMPLOYEES
RETIREMENT COMMISSION



MEDICAL EXAMINING BOARD
for DISABILITY RETIREMENT



STATE OF CONNECTICUT
RETIREMENT SERVICES DIVISION
OFFICE of the STATE COMPTROLLER
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Meeting of the Legal & Personnel Subcommittee of the State Employees Retirement
Commission

DATE: May 13, 2020

PRESENT:

Chairman Peter Adomeit
Trustee Charles Casella
Trustee Robert Coffey
Trustee Michael Carey
Commission Counsel Michael Rose (Rose Kallor, LLP)
Commission Counsel Cindy Cieslak (Rose Kallor, LLP)
Commission Tax Counsel Bruce Barth (Robinson & Cole LLP)
Commission Tax Counsel Alisha Sullivan (Robinson & Cole LLP)
John Herrington, Retirement Services Division Director

The Chairman called the meeting to order at 8:33 a.m.

At 8:33 a.m., Charles Casella moved, seconded by Robert Coffey to approve the agenda. All voted in favor.

At 8:33 a.m., Chairman Adomeit called for new business.

At 8:33 a.m., Charles Casella moved, seconded by Robert Coffey, to enter executive session for the purpose of discussing Items 1-10 on the agenda for executive session. All voted in favor.

Michael Rose, Cindy Cieslak, and John Herrington were invited into executive session for the purposes of discussing all items. Bruce Barth and Alisha Sullivan were invited into executive session for purposes of discussing Items 1-3. Bruce Barth and Alisha Sullivan exited the meeting at 9:44 a.m.

Executive Session – discussion and possible recommendation

1. VCP status update – written legal opinion.
2. David Carter/Richard Kay – pending litigation.
3. Ronald Johnson v. SERC- pending litigation.
4. James Rizzio petition for declaratory ruling – pending claim/written legal opinion.
5. Edward Panus disability retirement application – written legal opinion.
6. Virtual MEB meetings – written legal opinion
7. CMERS liability allocation – written legal opinion.
8. Catherine Crandle v. SERC – pending litigation.

9. Brian Comerford v. SERC – pending litigation.
10. Marianna Grzeszczyk v. SERC - pending litigation.

At 10:39 a.m., Charles Casella moved, seconded by Robert Coffey to exit executive session. All voted in favor.

At 10:40 a.m., Michael Carey moved, seconded by Robert Coffey that the Subcommittee recommend to the Retirement Commission that it remand the Rizzio case to the Medical Examining Board. All voted in favor.

At 10:41 a.m., Robert Coffey moved, seconded by Charles Casella, that with regard to Mr. Panus, the Subcommittee recommend to the Retirement Commission that it rescind correspondence sent to Mr. Panus in 2015 stating that his disability application would be processed, and therefore, the disability application will not be processed. All voted in favor.

At 10:44 a.m., Robert Coffey moved, seconded by Michael Carey that the Subcommittee recommend to the Retirement Commission that for anyone who appeals an MEB denial on the basis that he or she was unable to make a statement based on the virtual nature of the MEB meetings, they will be granted reconsideration. All vote in favor.

Following the previous vote, there was a discussion concerning the circumstances under which such vote would apply and whether the recommendation should pertain only to those MEB meetings held virtually due to emergency orders declared by the Governor.

At 10:48 a.m., Robert Coffey moved, seconded by Charles Casella to withdraw the previous motion regarding reconsideration of MEB denials. All voted in favor.

At 10:49 a.m., Robert Coffey moved, seconded by Charles Casella that the Subcommittee recommend to the Retirement Commission that for as long as the State is under emergency management orders from the Governor, anyone who appeals an MEB denial on the basis that he or she was unable to appear to make a statement due to the virtual nature of the MEB meetings, will be permitted to have the MEB reconsider their application. All vote in favor.

At 10:53 a.m., the Chairman called for Old Business. No old business was discussed. Following the above-stated motions, there was a discussion regarding whether the Subcommittee wanted to make a recommendation to the Commission regarding Item 1 under Executive Session, or whether the matter should be presented to the Commission for full discussion without recommendation in Executive Session. The Subcommittee members agreed that Item 1 should be presented to the Commission at its next regularly scheduled meeting in Executive Session. No recommendation was made.

MEETING ADJOURNED: With no further business before the Subcommittee, at 10:53 a.m., Michael Carey moved, seconded by Charles Casella, to adjourn. All voted in favor. Meeting adjourned.

Respectfully submitted,
Robert Coffey