

STATE OF CONNECTICUT RETIREMENT SERVICES DIVISION  
PURCHASE OF SERVICE AND RELATED MATTERS SUBCOMMITTEE

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DECEMBER 2, 2020 MEETING  
HELD VIA ZOOM  
CONVENED AT 2:38 P.M.

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Subcommittee Members Present:

Peter Adomeit, Chairman  
Sandra Fae Brown-Brewton, Trustee  
Carl CChisem, Trustee  
Robert D. Coffey, Trustee

ALSO PRESENT:

Cindy Cieslak, General Counsel, Rose Kallor  
John Herrington, Director Retirement Services Division  
Colin Newman, Assistant Division Director, Retirement  
Services Division

Robert Krzys, attorney for Christine Spak

Court Reporter: Karen Vibert

1 (Proceedings convened at 2:38 p.m.)

2 MR. ADOMEIT: I'll call the meeting to  
3 order. We have an agenda here. I have one, two,  
4 three, four, five, six items on the agenda. The  
5 first one is Barbagallo, but we also have Attorney  
6 Krzys, who's here I believe on behalf Ms. Spak. Is  
7 that right?

8 MR. KRZYS: That's correct,  
9 Christine Spak.

10 MR. ADOMEIT: So, we're being recorded,  
11 Cindy?

12 MS. CIESLAK: Yes, the recording is on,  
13 and, for the record, we should also identify  
14 everyone in attendance.

15 MR. ADOMEIT: Why don't you go ahead.

16 MS. CIESLAK: So, at this meeting,  
17 Cindy Cieslak is currently speaking. I'm counsel to  
18 the Retirement Commission. In attendance we have  
19 Chairman Peter Adomeit, Trustee Robert Coffey,  
20 Trustee Carl Chisem, Trustee  
21 Sandra Fae Brown-Brewton.

22 From the Retirement Services Division  
23 we have Division Director John Herrington. We also  
24 have Assistant Division Director Colin Newman.

25 On the phone is Attorney Krzys.

1 MR. ADOMEIT: Okay. Very good. I suppose  
2 we're being recorded; therefore, will there be a  
3 transcript, Cindy?

4 MS. CIESLAK: Yes. When you speak, please  
5 identify yourself for the record.

6 MR. ADOMEIT: All right. I will try to do  
7 so.

8 So, with the Committee's permission,  
9 I would like to call the Spak case first because  
10 that's the one that Attorney Krzys is here on. It's  
11 almost the last one on the agenda, so I would ask we  
12 have that one as the first item on the agenda.

13 Having said that, and no one's  
14 objecting, Colin Newman, would you start, please, by  
15 telling us about the case?

16 MR. NEWMAN: Christine Spak. With respect  
17 to Christine Spak. Christine Spak is a member of  
18 the SERS IIA retirement plan. She's been a member  
19 of the plan since 2007. Ms. Spak had an appeal  
20 before this subcommittee in February of this year  
21 regarding prior contractual time that she had --  
22 that she had served, and she requested that she  
23 would be -- that she receive vesting and credited  
24 service, you know, for that time, which this  
25 subcommittee recommended that she should as

1 basically these duties that she rendered were --  
2 basically there was no difference between that than  
3 being a State employee.

4 The Commission accepted that  
5 recommendation at its March 19, 2020 meeting and the  
6 Retirement Division appropriately billed Ms. Spak  
7 for the contributions that would be due for that  
8 period of time. The period of time she got approved  
9 for was from 1993 through 2007.

10 Ms. Spak came forward, you know,  
11 through her attorney and has requested that because  
12 of the fact that the period of time that --

13 (Off the record due to technology issue.)

14 MR. NEWMAN: -- in November.

15 MR. ADOMEIT: Colin, we're having  
16 difficulty hearing you. There he is. Go ahead,  
17 Colin.

18 MR. NEWMAN: Can you hear me now?

19 MR. ADOMEIT: So far, so good.

20 MR. NEWMAN: As I was stating, Ms. Spak  
21 has come full --

22 MR. ADOMEIT: Colin, you're fading out  
23 again.

24 MR. NEWMAN: Yes. So, for the third time,  
25 the period of time that she is looking to get credit

1 for is from 1993. Because her time goes back to  
2 1993, she's requesting that her Tier plan membership  
3 gets switched from Tier IIA to Tier II. In the  
4 writeup, there have been similar cases that have  
5 gone before -- that have come before the Commission,  
6 and these were some of the decisions that had  
7 occurred.

8 But Attorney Krzys is here to, you  
9 know, make the claim on behalf of his client.

10 MR. ADOMEIT: Okay. Thank you, Colin.  
11 Attorney Krzys?

12 MR. KRZYS: Yes, this is Bob Krzys  
13 speaking. The only thing that I would add to  
14 Colin's summary of the case is that after the  
15 approval by the -- the recommendation of approval by  
16 the Retirement Commission, Christine Spak was sent  
17 an invoice and called to have it processed and she  
18 was advised that even though the granting of the  
19 time has pushed her back into Tier II eligibility,  
20 they weren't able to process her invoice as Tier II  
21 because the action of the Subcommittee and the  
22 Retirement Commission hadn't specifically addressed  
23 Tier placement. That's the reason that this  
24 particular additional claim was filed on behalf of  
25 Christine Spak.

1                   So, she's holding an invoice for  
2 Tier IIA purchase and she's seeking to have that  
3 invoice revised to Tier II purchase. I haven't seen  
4 the recitation of cases that Colin referred to at  
5 the end of his remarks; but, I would say that I  
6 don't know the list, but on a personal basis I've  
7 handled -- there were two cases in the past that  
8 were similar to these purchase cases of prior  
9 personal services agreements by Department of  
10 Education employees such as Christine Spak. One of  
11 them was Peter Bahoneak, and his granting pushed him  
12 back into a different tier and he was allowed to  
13 access that new tier as a result of the Commission's  
14 action. The other case was a William Congero,  
15 C-O-N-G-E-R-O, who was also awarded additional time  
16 and then he was also moved into a different tier by  
17 virtue of that additional time being added to his  
18 complete State service.

19                   So, based on the fact that the time  
20 that she was awarded is actual State service and we  
21 have the dates, it puts her within the Tier II  
22 window of July 2, 1984 to June 30, 1997, I would  
23 respectfully request that her placement be in  
24 Tier II and that she be invoiced accordingly. Thank  
25 you.

1 MS. BROWN-BRETON: The original request,  
2 was it for Tier II placement?

3 MR. NEWMAN: No. No, it wasn't. And  
4 there's -- in my writeup I actually -- I was just  
5 looking it over and there's a line there that I said  
6 tier placement was addressed. I meant to say tier  
7 placement was not addressed at that time.

8 MS. BROWN-BRETON: Okay.

9 MR. COFFEY: Colin, in your writeup you  
10 talk about a case involving a Patricia Gargiulo.

11 MR. NEWMAN: Yes.

12 MR. COFFEY: She was not given the  
13 opportunity to transfer tiers at that point. Can  
14 you tell us why her case seems to be different?

15 MR. NEWMAN: Yes. I didn't -- I didn't  
16 look up the entire case. What I looked at were  
17 the -- were outcomes of similar cases. I  
18 wouldn't -- I honestly couldn't tell you what the  
19 background is on that case. That's the reason why  
20 it was treated differently from the other cases that  
21 were listed.

22 MR. COFFEY: What kind of factors might  
23 there be that would cause us to treat her  
24 differently?

25 MR. NEWMAN: From what I could see, the

1 only -- at the time of her -- of the review for her,  
2 it didn't appear that the Commission took into  
3 account that, you know, suddenly the period of time  
4 that she worked, that she did the -- that she did  
5 the prior -- the contractual service, and the  
6 only -- we're looking at the fact that they would  
7 just give her vesting and credited service.

8           It very well may be -- without  
9 researching the entire case, it very well could be  
10 that, you know, tier placement was not -- you know,  
11 just was not considered, if you look back and review  
12 the whole history of that particular case to find  
13 out the reason why the Commission came to their  
14 conclusion.

15           MR. ADOMEIT: Do you know whether she was  
16 represented by counsel?

17           MS. CIESLAK: Peter, I have a comment to  
18 add on the possibility of this diverging case; but,  
19 I knew you had a question and I didn't want to  
20 interrupt that question.

21           MR. ADOMEIT: I'm sorry. I should have  
22 acknowledged you. Why don't you go ahead.

23           MS. CIESLAK: I will just note that the  
24 statute for Tier II eligibility talks about a date  
25 of January 1, 1984, and as a side note, I will say



1 in Sampieri, the Commission and our office  
2 determined that Tier II actually began in 1982; but,  
3 in any event, the statute says January 1, 1984. The  
4 contractual service was March 1994, so the issue  
5 here could have been whether or not the individual  
6 was supposed to be provided that window of  
7 opportunity in the mid '80s to transfer from Tier II  
8 to Tier I. For individuals, there was that window  
9 of opportunity I know you all are familiar with.

10 So, her service actually started  
11 after Tier II was effective, and that's different  
12 than what appears these other cases where the  
13 service was from -- where the Tier placement was  
14 granted.

15 MR. ADOMEIT: Thank you, Cindy.

16 MR. HERRINGTON: For the first two, but  
17 that's the same issue for Congero. His started June  
18 of '84.

19 MS. CIESLAK: Yes, you're right. That's a  
20 good point, something to consider.

21 MR. ADOMEIT: Are there any further  
22 questions of any members of the Subcommittee?

23 Attorney Krzys, do you have a closing  
24 statement to make, please?

25 MR. KRZYS: I would just note that in the

1 case of Mr. Congero, who I was involved in his case,  
2 the purchase case, that the administration of his  
3 case followed the same path that Applicant Spak is  
4 seeking to follow. In other words, Congero was  
5 granted his ability to add additional service and  
6 then he made a claim to the Commission, once it was  
7 granted, that he was now in a different -- and  
8 should be in a different tier placement. So, it was  
9 a two-step process there as well. And that's the  
10 only comment I would have to add to the discussion.

11 MR. ADOMEIT: All right.

12 MR. COFFEY: Colin, would it be fair to  
13 say that perhaps, then, this diverging case has more  
14 to do with the fact that it just wasn't requested?

15 MR. NEWMAN: That's a possibility. That  
16 is a possibility that -- I mean, it appears that she  
17 may have come forward requesting membership in  
18 Tier I. Well, I was going to say what she's --  
19 because reading what she was asking for, she thought  
20 because of the fact that her contractual time  
21 started in March -- and it sort of goes to what  
22 Cindy was saying -- the fact that her service  
23 time -- the contractual time starting in March, she  
24 was hoping that that would put her in the category  
25 of employees that were offered the ability to

1 transfer between Tier II and Tier I.

2 MR. KRZYS: What I would say is right now  
3 I have access to that employee's file. I don't have  
4 access at my desktop to any Commission minutes; but,  
5 it appears to me that at best, this was an issue  
6 that was not addressed. I see no indication in the  
7 initial claim for service that there was any  
8 consideration of Tier I.

9 I would say one thing that's slightly  
10 different about Ms. Gargiulo -- I'm so horrible with  
11 names. I apologize. One issue is she had actually  
12 had prior Tier I service. So, I mean -- if she had  
13 prior Tier I service for which she contributed and  
14 later refunded prior to her contractual service.  
15 So, I mean, if there was anyone that would have had  
16 a reason to raise that Tier I issue, she probably  
17 would have had an incentive to do so, but I see no  
18 indication that that was an issue that was raised in  
19 that case.

20 MR. ADOMEIT: Okay. Very good. Thank  
21 you. Are there any further discussions on the  
22 matter from anyone?

23 Okay. Hearing none, we can move on  
24 to the first item on the agenda.

25 Attorney Krzys, you are free to go,

1 if you want to.

2 MR. KRZYS: Okay. Thank you for  
3 accommodating me and taking me out of order. Have a  
4 good meeting. Take care.

5 MR. ADOMEIT: Thank you very much.

6 So the first item, then, on the top  
7 is Barbagallo.

8 MR. NEWMAN: Yes. Vito Barbagallo, hired  
9 into State service in April of 2004. He applied for  
10 his prior military service, which consisted of a  
11 particular period of national emergency time and  
12 sporadic periods of time when he was in the National  
13 Guard and was called up for active duty.

14 At the time when he made his  
15 application -- at the time of his hire, basically  
16 the only dates that were eligible for creditable  
17 purposes were the -- was his period of time that was  
18 served under the national emergency.

19 So, basically, his application was  
20 with the Division until we -- the Division contacted  
21 him in 2012, in July of 2012 regarding the  
22 application. We sent him two letters. One letter  
23 had his -- an invoice for the national emergency  
24 time enclosed. The second letter actually was --  
25 the purpose of that letter was to reference the fact

1 that documentation regarding his sporadic periods of  
2 service while in the National Guard. We had  
3 requested additional documentation that had not been  
4 sent and was -- and identified the periods of time  
5 and requested that of him. There was no response  
6 from Mr. Barbagallo. Division closed his file  
7 because he never responded as he was -- he never  
8 responded to either the invoice or the letter  
9 requesting the additional documentation.

10           The Division received another  
11 application in August of 2015, with basically the  
12 same -- the request for the same periods of service  
13 that he had previously requested back in 2004. The  
14 division responded in April of 2017, denying his  
15 request, citing the fact of his failure to respond  
16 to the previous invoice within the previous time  
17 frame that was allotted, and that he had permanently  
18 forfeited his right to purchase his prior military  
19 service.

20           Mr. Barbagallo sent an appeal letter  
21 in September of 2019. His claim is that he doesn't  
22 ever recall receiving any documentation in 2004  
23 regarding the purchase request. That would be  
24 because he -- nothing was sent to him in 2004, but  
25 he's made -- he's made a claim requesting that he be

1 able to get his prior military service.

2 MR. ADOMEIT: Okay. Thank you, Colin.

3 Is there any further discussion?

4 MR. CHISEM: Colin, is there -- once you  
5 send in that application for your time, is there a  
6 receipt or anything from the agency saying that  
7 you're all set or anything of that nature?

8 MR. NEWMAN: When you send in your  
9 application, the receipt that you get is, you know,  
10 following payment of the -- payment of the purchase.  
11 Are you asking if you get an acknowledgment of  
12 receipt of the application? No.

13 MR. CHISEM: No?

14 MR. NEWMAN: Right. Basically, the  
15 application is received. The only receipt --  
16 acknowledgment receipt that you will receive is once  
17 payment has been made for the purchase.

18 MR. CHISEM: Okay. Thank you.

19 MR. ADOMEIT: Okay. Does anyone else have  
20 a comment or question?

21 MR. HERRINGTON: I have an issue in terms  
22 of the timeliness of the most recent appeal. We  
23 issued what's essentially an administrative denial  
24 on April 10th of 2017. In this appeal, Colin, what  
25 do we have to establish that the appeal came in

1 2019?

2 MR. NEWMAN: There were -- in between the  
3 time from when we denied him, there were -- there's  
4 a set of emails. There's some emails that this  
5 matter was looked at, and, basically, the Division  
6 was asked to look at this matter in late 2017. I  
7 believe it was, yes, late 2017. I think it was just  
8 before you came on board, John.

9 MR. HERRINGTON: So I guess that that  
10 would be an argument whether April '17 truly was a  
11 final agency determination?

12 MR. NEWMAN: Right. I don't believe -- I  
13 don't believe like a --

14 Right, I don't believe -- I don't  
15 believe like another -- I don't believe another  
16 written response from the Division was sent out at  
17 that time, you know, in late 2017. But I think what  
18 happened with Mr. Barbagallo, through his union, and  
19 then through the executive office asked for this  
20 matter to be looked at.

21 MR. CHISEM: And then in his letter --  
22 right -- he's claiming that he doesn't recall  
23 receiving any documents in 2004. We don't dispute  
24 that because the operative document was sent in  
25 2012?

1 MR. NEWMAN: Correct, correct.

2 MR. CHISEM: Okay. Thank you.

3 MR. ADOMEIT: Okay. Anyone else have  
4 either any questions or comments? Do we know enough  
5 to make a decision now? Are we at that point? Are  
6 there any more questions to be made or have the  
7 members of the Subcommittee formed an opinion yet?

8 MS. BROWN-BRETON: I would move to deny  
9 the request.

10 MR. COFFEY: I'll second the motion.

11 MR. ADOMEIT: Okay. It's been moved and  
12 seconded to deny the request. Is there any further  
13 discussion? Hearing none. All in favor say aye.  
14 Opposed nay. The ayes have it. Thank you very  
15 much.

16 MR. NEWMAN: Stephen Courtney.

17 MR. ADOMEIT: Yes. Thank you, Colin.

18 MR. NEWMAN: Stephen Courtney is an  
19 employee -- he is currently employed with the office  
20 of the attorney general. Mr. Courtney was first  
21 hired by the AG's office in 2002 and worked for  
22 approximately two years with them, and then he  
23 transferred to Central Connecticut State University  
24 in February of 2004, where, at that time he -- I'm  
25 sorry. I should go back.



1                   He was initially hired in 2002 at the  
2 AG's office. He was hired appropriately as a member  
3 of SERS IIA. He transferred to the Connecticut --  
4 Central Connecticut State University in February of  
5 2004. He at that time elected to be in ARP. He was  
6 with Central for approximately four years, and when  
7 he -- and then he returned to the AG's office and  
8 then he was placed back into Tier IIA.

9                   Mr. Courtney came forward in May of  
10 2018 requesting that he be able to purchase his four  
11 years of service in ARP and have those years of  
12 service transferred into his Tier IIA plan. He  
13 claimed that he had -- he was not given like  
14 explicit information regarding the ramifications of  
15 electing ARP, and he was -- he brought up --  
16 basically, he was bringing up the SAG award, where  
17 other members of ARP had been allowed to purchase  
18 that prior ARP time and then be transferred back  
19 into SERS.

20                   In March of 2019, the Division  
21 responded to Mr. Courtney's request and explained to  
22 him why it couldn't be accommodated, especially with  
23 respect to the SAG award, and it was explained to  
24 him as to why he was ineligible to participate into  
25 that program.

1                   Mr. Courtney, again in October of  
2 this year, sent another request requesting the  
3 consideration of his four years of ARP to be added  
4 to his -- being able to purchase it and have it  
5 added to his periods of service in SERS IIA. He  
6 basically reiterated his previous claim about not  
7 being given the full -- enough information regarding  
8 ARP, yet he did add that he felt that he was steered  
9 into electing his membership.

10                   In addition to his claim, he provided  
11 an affidavit. It's part of the packet. This is a  
12 case that is similar to one that the Subcommittee  
13 had before it back in March of this year.

14                   Francine Dew was similarly in SERS,  
15 then ARP, then went back to SERS. The one  
16 difference between them, though, is that at the time  
17 when Ms. Dew was transferred from SERS and then went  
18 to ARP, she was already vested in SERS, as opposed  
19 to Mr. Courtney who only, at the time, had two years  
20 of service in SERS Tier II, I think.

21                   So, his claim is he'd like to be able  
22 to take his four years of ARP time, purchase them  
23 and have them included for his SERS IIA -- towards  
24 his SERS IIA pension.

25                   MR. ADOMEIT: Okay. Thank you, Colin.

1 Are there any comments?

2 MS. BROWN-BRETON: I believe it would be  
3 appropriate for me to abstain from any action on  
4 this particular case because this is an issue that  
5 Dan Livingston brought to me and was looking for  
6 some relief for Mr. Courtney and has spoken to  
7 Bruce Barth about how we could accomplish this, and  
8 that was -- that issue concerning Francine Dew came  
9 up. At the time, Barth suggested that rather than a  
10 wholesale fix, as Danny was thinking, that maybe  
11 these individuals -- since I have some other  
12 information that's not in front of the Committee,  
13 I'm just simply going to remove myself from voting  
14 on this one.

15 MR. ADOMEIT: Okay. Thank you, Fae.

16 And then there were two. Bob?

17 MR. COFFEY: Fae, you were cutting in and  
18 out while you were talking, and I did catch  
19 something about a discussion with Bruce Barth. As  
20 far as I see this case, our problem is, you know,  
21 with the IRS not being able to do this. Were you  
22 saying that Bruce was working on some overall remedy  
23 to this?

24 MS. BROWN-BRETON: No. What I was saying  
25 was that Dan Livingston had brought the Courtney

1 issue to me as a SEBAC issue. He indicated they had  
2 conversations with Bruce Barth to address this as a  
3 universal fix and that could be accomplished; but,  
4 we were having the discussion regarding  
5 Francine Dew -- because of the various nuances and  
6 specific facts that need to be handled individually,  
7 and I took that back and said, I think we should go  
8 with what Bruce had suggested and avoid --

9 (Off the record due to technical issue.)

10 MR. COFFEY: I see. I see.

11 So, Colin, you explained that the  
12 difference between this case and the Francine Dew  
13 case has to do with the fact that Francine was  
14 vested in Tier I at the time?

15 MR. NEWMAN: Right. I believe that was a  
16 factor in how the decision was made with respect to  
17 Francine Dew.

18 Now, Mr. Courtney's case. Like I  
19 said, he only had two years of service at the time  
20 of his transfer; so, obviously, he wasn't -- he  
21 wasn't positioned the same way as Ms. Dew was at her  
22 time of transfer.

23 MR. HERRINGTON: I would say from my  
24 perspective there's a large population of  
25 individuals that have a combination of SERS and ARP

1 time, and from an administrative perspective, it  
2 would make sense that we apply the same rule to that  
3 large population.

4 This individual is, you know, pretty  
5 much -- if he's entitled to this relief, I would say  
6 it would be hard for us to say any other individual  
7 is not entitled to the relief. That's a distinction  
8 with Francine Dew, is that there aren't that many  
9 individuals that were vested in Tier I that then  
10 made that decision to transfer to ARP.

11 So, to the extent that there are two  
12 different populations with two different rules,  
13 that's a distinction that makes sense that we can  
14 apply and that we can articulate to individuals.

15 If we make this decision in this case  
16 and then we are -- you know, we have a global fix  
17 that has some slightly different factor or if it  
18 turns out that when we consult with Bruce Barth that  
19 it's not possible for us to extend this to everyone  
20 and the Commission has made this decision for this  
21 one case, that perhaps would be problematic.

22 MR. COFFEY: I'll make a motion that we  
23 recommend to the Commission that the request of  
24 Mr. Courtney be denied.

25 MR. ADOMEIT: Is there a second? If

1 there's no second it fails for lack of a second.

2 I feel like an auctioneer. It fails  
3 for lack of a second.

4 Does it make sense to table this and  
5 reconsider it, folks?

6 MR. COFFEY: Fae, do you think it makes  
7 sense for us to restart those discussions with Dan  
8 and with Bruce Barth on behalf of a possible global  
9 solution?

10 (Off the record due to technology problem.)

11 MR. ADOMEIT: Fae, we can't hear you. I'm  
12 sorry.

13 MS. BROWN-BRETON: I think it makes sense,  
14 because I don't know. I was not there.

15 MR. HERRINGTON: I'm eager to have a rule.  
16 I'm not necessarily eager to deal with the hundreds  
17 right now, I guess.

18 MR. ADOMEIT: I was unable to hear what  
19 Fae said. Could someone say what Fae said, please?  
20 Her voice was breaking up. Not the voice, the  
21 transmission. Fae's voice never breaks up.

22 MS. BROWN-BRETON: Can you hear me now?

23 MR. ADOMEIT: Go ahead. So far, so good.  
24 Keep going. A little bit. You're breaking up, but  
25 that's okay. Go ahead and try.

1 MS. BROWN-BRETON: Can you hear me now?

2 MR. ADOMEIT: I can hear, Can you hear me  
3 now. Go ahead.

4 MS. BROWN-BRETON: Okay. What I had said  
5 was that I think it makes sense to table the matter  
6 while we have some more conversation with  
7 Bruce Barth to see if there is a universal fix so we  
8 don't do this piecemeal.

9 MR. ADOMEIT: All right. Is there a  
10 motion to table?

11 MR. COFFEY: I'll move to table.

12 MR. ADOMEIT: Thank you, Bob. Is there a  
13 second?

14 MR. CHISEM: I'll second.

15 MR. ADOMEIT: Okay. Great. It's been  
16 moved and seconded. All in favor say aye. Opposed  
17 nay. Well, it's unanimous. The ayes have it.  
18 Thank you. Thank you, Fae. Thank you, Bob. Thank  
19 you, Carl.

20 If you're wondering what I'm doing  
21 over here, I have all those things lined up on a  
22 second computer. The Hull case is next, right.

23 MR. NEWMAN: Yes. Andrew Hull?  
24 Andrew Hull was rehired into State service in  
25 January of 2019 at Western Connecticut as a

1 full-time faculty member, and he was placed  
2 appropriately in Tier III. The appropriate  
3 paperwork, CO-931 and the CO-991 -- the CO-931 being  
4 the designation of retirement plan election higher  
5 employment only form and the CO-991, retirement  
6 credit purchase request for prior miscellaneous  
7 service for Tier III and hybrid members only were  
8 completed.

9                   That CO-9991, Mr. Hull was requesting  
10 retirement credit for his prior military office of  
11 almost four years. The CO-991, after review by the  
12 retirement purchasing unit the applicaton was denied  
13 based upon the provision that his -- the SERS plan  
14 provisions that require an application to be made  
15 within the first year of the commencement of  
16 someone's State service.

17                   The records that were available  
18 showed that Mr. Hull had commenced State service  
19 January 20th of 2017 and Mr. Hull was advised as  
20 such by letter in February of 2019.

21                   Mr. Hull has appealed that Division's  
22 administrative denial. While he acknowledges that  
23 he did commence State service on January 20th of  
24 2017 as an adjunct professor, his claim is that at  
25 no time was he advised of his rights of where he



1 could apply for retirement credit for his prior  
2 military service, nor was he ever provided any  
3 documentation to be -- provided any documentation by  
4 the HR office at Naugatuck Valley.

5 For the purpose of the record for the  
6 Division, we do not have any record of either a  
7 CO-991 or a CO-931 being completed at that time. In  
8 fact, the only CO-931 that we had on file from  
9 Naugatuck Valley was when we had a change in  
10 address, and that was completed. Prior to that,  
11 nothing appears to have been sent on his behalf, you  
12 know, from Naugatuck Valley.

13 Actually looking at records of his  
14 retirement record, he actually started as an adjunct  
15 in the fall of 2016, but at that time it appears  
16 that he requested a waiver of membership. When he  
17 commenced State service again in January of '17, at  
18 that time it appears that he was placed in Tier III.  
19 Again, there's no CO-931 reflecting that; but, we do  
20 see the retirement contributions commencing around  
21 that time.

22 Reached out to Naugatuck Valley for  
23 like a comment or something from the statement, you  
24 know, regarding this individual as to what may have  
25 occurred and there's been no response, you know,

1 from the school.

2 So, you know, when he went to Western  
3 Connecticut they did all his paperwork, and,  
4 obviously, they must have talked to him about his  
5 military service because of the fact that, you know,  
6 we received the application.

7 That's where we stand with this one.

8 MR. ADOMEIT: Okay. Any comments?

9 MS. BROWN-BRETON: I just have a question  
10 for clarification.

11 Colin, the summary in your document  
12 said that the gentleman had administrative leave,  
13 denied Mr. Egan, is there a typo?

14 MR. NEWMAN: Yes, it should be Hull.  
15 Sorry.

16 MR. ADOMEIT: So, what do the  
17 commissioners wish to do with this matter?

18 MS. BROWN-BRETON: Again, I would move to  
19 deny the request.

20 MR. ADOMEIT: Okay. Is there a second?

21 MR. COFFEY: I'm just wondering, based on  
22 what Colin said about attempting to get further  
23 information from the agency, whether it would cause  
24 any harm to pursue that a little bit further.

25 MR. ADOMEIT: Okay. Well, the motion on

1 the floor -- there was no second, so that motion  
2 fails for a lack of a second. You're free to make  
3 any motion you want in this matter.

4 MR. COFFEY: I'll make a motion that we  
5 table until our next meeting in order to give the  
6 Division a chance to follow up with the agency with  
7 respect to what happened with respect to what he was  
8 advised and not advised at the time of his hire in  
9 2017.

10 MS. BROWN-BRETON: I second.

11 MR. ADOMEIT: It's been moved and seconded  
12 to table for that additional information. Is there  
13 any further discussion? Hearing none, all in favor  
14 say aye. Well, it's unanimous. The ayes have it.  
15 Thank you.

16 MR. NEWMAN: I'm sorry. My computer was  
17 running slow. Bob made the motion and Fae seconded?

18 MR. ADOMEIT: Yes. And the motion was to  
19 table for additional information and then come back  
20 to the next meeting of this Subcommittee.

21 MR. NEWMAN: Okay.

22 MR. ADOMEIT: The Pavone case is next, I  
23 think Colin.

24 MR. NEWMAN: Yes, Natalie Pavone, recently  
25 hired by UConn, hired August 21st of this year. The

1 CO-931 form that was completed, looking at it, it  
2 appears that Ms. Pavone elected SERS -- the SERS  
3 Tier IV plan, but looking at it, she also checked  
4 off the box for the ARP where the default is six and  
5 a half percent.

6           We've got a request from the HR --  
7 from a staff member in HR at UConn wanting to know  
8 if we would be able to correct her plan membership  
9 because of the fact that Ms. Pavone's insistent that  
10 she -- that actually, her purpose was to elect the  
11 ARP -- the ARP instead of her Tier IV, even though  
12 the HR person indicated that when she received the  
13 document from Ms. Pavone and saw that both boxes had  
14 been checked off, she had a conversation with her  
15 and told her that only one -- only the -- the choice  
16 of only one plan could be made, and it appeared that  
17 Ms. Pavone had confirmed that the choice that she  
18 was making was the Tier IV plan.

19           Ms. Pavone sent in her appeal letter  
20 November 6th where she basically is reiterating that  
21 the ARP with the 6.5 percent default was her  
22 definitive choice; however the Division sent a  
23 letter reaffirming its administrative denial of  
24 that, but, at the same time, did indicate that we  
25 would be placing this matter before this

1 Subcommittee.

2 So, she's requesting that she able to  
3 divest her membership out of Tier IV and be able to  
4 be placed into the ARP.

5 MS. BROWN-BRETON: Based upon the facts,  
6 to summarize, I would move to grant Ms. Pavone her  
7 request. I'm especially moved by the fact that the  
8 HR individual said that they had a conversation with  
9 her. Well, fill out a new form. For the love of  
10 God, why are we having a conversation and not taking  
11 the appropriate action to document that? So, I say  
12 that kind of conduct should fall to her benefit.

13 MR. COFFEY: I'll second that.

14 MR. ADOMEIT: All right. The motion  
15 stage. Is that a motion, Fae? That we grant the  
16 request?

17 MS. BROWN-BRETON: That was my motion and  
18 then my commentary.

19 MR. ADOMEIT: Okay. And we got a second  
20 from Bob.

21 Is there any further discussion?  
22 Hearing none, all in favor say aye. It's unanimous.  
23 Thank you very much. We have done Spak. We have  
24 Stefanowicz last.

25 MR. COFFEY: I don't think we had a motion

1 on Spak. Did we?

2 MS. BROWN-BRETON: No, we didn't.

3 MR. ADOMEIT: That's an excellent point.

4 So, let's go back to Spak, then, for a moment.

5 MR. COFFEY: I'll move that that we  
6 approve Christine Spak's request to transfer in  
7 Tier II.

8 MS. BROWN-BRETON: Second.

9 MR. ADOMEIT: All right. Is there any  
10 further discussion? All in favor say aye. Opposed  
11 nay. The ayes have it. It was unanimous. Thank  
12 you, Bob.

13 Stefanowicz.

14 MR. NEWMAN: Jessica Stefanowicz.

15 Jessica Stefanowicz was employed by DEEP.

16 Ms. Stefanowicz passed away at age 41 in September  
17 of this year. At that time she had accrued 12 years  
18 and four months of service, which -- she at least  
19 was vested in the SERS Tier IIA plan.

20 Ms. Stefanowicz apparently was -- you  
21 know, became ill over time and apparently -- and  
22 what was provided was text messages between her and  
23 a coworker. Basically, after she had passed, her  
24 spouse has come forward requesting that it was her  
25 intent to apply for a disability retirement and,

1 like I said, provided those text messages between  
2 her and the coworker, and the coworker also provided  
3 a notarized statement confirming those texts.

4 So, what they'd like -- what they're  
5 requesting based on -- what they're saying is  
6 Ms. Stefanowicz's intent is for the Commission to  
7 allow for the processing of a disability  
8 retirement -- non-service-connected disability  
9 retirement.

10 MR. ADOMEIT: Have you had occasion to go  
11 over the attachments? I assume so.

12 MR. COFFEY: Colin, you said there was an  
13 affidavit in here?

14 MR. NEWMAN: It should be Exhibit C.

15 MR. COFFEY: I see. This notarized  
16 letter?

17 MR. NEWMAN: Yes.

18 MR. CHISEM: Colin, with all the  
19 information, is there any reason why we couldn't? I  
20 mean, it looks like everything's in order unless you  
21 have something different.

22 MR. NEWMAN: I mean, we've had many cases  
23 like this in the past that have gone, you know,  
24 either way. You know, this appears to be evidence  
25 that they were at least talking -- you know, there

1 was talk about this; but, it just depends on how  
2 this Subcommittee views those -- you know, these  
3 communications between her and that other  
4 individual.

5 MR. ADOMEIT: Well, if you read the  
6 communications, this woman is in the hospital dying  
7 of COVID and she is in isolation, it looks like, and  
8 that she's asking a Chris or Sandy to do the  
9 paperwork because she cannot do it. She's isolated.  
10 "I can't move, but I can hear my lungs. It's  
11 getting worse and worse. Monitoring oxygen, even my  
12 blood. Okay. Please do the paperwork."

13 So she is incapable of doing it  
14 herself. "I'm locked in one room. Not risking  
15 spreading. Nathan asked to come in, but no way,  
16 kiddo. Love you. The dog hasn't left my side."

17 I mean, this is a very tough case.

18 MS. BROWN-BRETON: That's how I read it,  
19 too, Peter, and that's why I would make a motion to  
20 grant the request.

21 MR. COFFEY: I'll second.

22 MR. ADOMEIT: Any further discussion?  
23 Hearing none, all in favor say aye. Opposed nay.  
24 The ayes have it. Unanimous. Thank you. I've got  
25 to catch my breath. The first time I read that



1 thing, I broke up. It's very, very poignant.

2 Okay. Do we have any further motions  
3 to make on any of the other items? I believe not.  
4 I think we covered the waterfront.

5 So I guess we're at the point when I  
6 thank people for their participation and debate.

7 MS. BROWN-BRETON: Motion to adjourn.

8 MR. ADOMEIT: That's what I'm waiting to  
9 hear. Is there a second?

10 MR. CHISEM: Second. All in favor say  
11 aye. There's no opposition. Have a good rest of  
12 the day. Nice, nice meeting. Bye now.

13 (Concluded at 3:42 p.m.)

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1 STATE OF CONNECTICUT:  
: ss: Bristol  
2 COUNTY OF HARTFORD :

3  
4 I, Karen Vibert, LSR No. 00064, a  
5 Notary Public for the State of Connecticut, do hereby  
6 certify that the preceding pages are an accurate  
7 transcription of the Purchase of Service and Related  
8 Matters Subcommittee of the State Employees Retirement  
9 Commission meeting held electronically via Zoom,  
10 convening at 2:38 p.m., on December 2, 2020.

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Dated at Bristol, Connecticut,  
this 17th day of December, 2020.

Karen Vibert  
Karen Vibert, Notary Public  
Commission expires: 8/31/2024



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