

STATE OF CONNECTICUT
STATE EMPLOYEES RETIREMENT COMMISSION
HAZARDOUS DUTY SUBCOMMITTEE MEETING

MAY 5, 2022 MEETING
HELD VIA ZOOM
CONVENED AT 2:03 p.m.

Present (via Zoom):

Chairman Peter Adomeit
Trustee Karen Buffkin
Trustee Angel Quiros
Trustee Rebecca Simonsen
John Herrington, Retirement Services Division Director
Colin Newman, Retirement Services Division Assistant Director
Robert Helfand, Retirement Services Division Coordinator
Cindy Cieslak, Rose Kallor, LLP
Dr. Thomas Kocienda

TRANSCRIPTIONIST: Karin A. Empson

1 (Proceedings commenced at 2:03 p.m.)

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5 MS. CIESLAK: Good afternoon, Becky. Can you
6 hear us?

7 MS. SIMONSEN: Hi. Yeah, I'm here.

8 MS. CIESLAK: Hi. And good afternoon, Dr.
9 Kocienda. I don't know if you're connected to audio.
10 I'll just let you know that we cannot hear you, but
11 hopefully you can hear us.

12 Chairman, I believe-

13 CHAIRMAN ADOMEIT: Well-

14 MS. CIESLAK: Oh, go ahead.

15 CHAIRMAN ADOMEIT: Sal isn't here yet.

16 MS. CIESLAK: Right.

17 CHAIRMAN ADOMEIT: I don't know that he's
18 intending to come or not. It's 2:03. I normally call
19 these meetings to order promptly, so here goes.

20 The meeting is called to order. Persons in
21 attendance, Cindy, please?

22 MS. CIESLAK: Sure. This is Cindy Cieslak.
23 Today we have Chairman Peter Adomeit, Trustee Rebecca
24 Simonsen, Trustee Karen Buffkin, Trustee Angel Quiros.
25 From the Retirement Services Division, we have Division

1 Director John Herrington. We have Assistant Division
2 Director Colin Newman. And from the Retirement
3 Services Division, Coordinator Robert Helfand. I'm
4 Cindy Cieslak, General Counsel to the Retirement
5 Commission, and I just welcomed Dr. Kocienda, who is in
6 attendance.

7 CHAIRMAN ADOMEIT: Okay. And the agenda has
8 one item, and that is the (inaudible) of Dr. Kocienda.

9 Colin Newman, would you present the case to
10 us, please?

11 MR. NEWMAN: Okay, thank you. This is Colin
12 Newman. Dr. Kocienda was first hired as a clinical
13 psychologist with DMHAS and subsequently transferred
14 into a hazardous duty position with the University of
15 Connecticut Health Center. And he went into a
16 hazardous duty position then as a supervisor in
17 Psychologist R-1. That was in February of 2006.

18 He maintained his hazardous duty status until
19 he was promoted into a managerial position within the
20 Department of Corrections, first as the Health
21 Management Administrator, and that was in May of 2014,
22 and then subsequently, he's just recently been promoted
23 again as the Director of Behavioral Health Services,
24 and that appears to have been from around September of
25 last year.

1 Both of those last positions are not
2 considered to be hazardous duty. They are not on the
3 hazardous duty appendix. Mister - I'm sorry, Dr.
4 Kocienda's claim is that he wishes that service, since
5 2014, to be considered treated as hazardous duty. He
6 sent to us a letter in November of last year where he
7 gave a description of his role that he performs within
8 the Department of Corrections. He also provided
9 letters of support from the Deputy Commissioner - one
10 of his deputy commissioners for DOC. And also he's
11 received support from the union membership of
12 psychologists, who he's supervised.

13 Also included in the claim, he provided the
14 transcript that was from the hearing from Richard Furey
15 from back in January of '21. That transcript was in
16 regards to Mr. Furey's claim to get hazardous duty
17 retirement credit, but that was for the Chief Operating
18 Officer. He had previously been a Health Management
19 Administrator, for which he did receive hazardous duty
20 retirement credit from this group, and then he
21 subsequently applied to get hazardous duty credit for
22 his position as the Chief Operating Officer, for which,
23 again, he did receive, but again, totally different
24 title from what Dr. Kocienda currently holds.

25 What I did was, in the packet, I provided

1 copies of the job descriptions for both the Health
2 Services Administrator and the Director of Behavioral
3 Health Services. And that's where we are.

4 CHAIRMAN ADOMEIT: Okay. Whom should I call
5 on first? Who wishes to talk?

6 MR. QUIROS: Can I just make one
7 clarification, Chairman?

8 CHAIRMAN ADOMEIT: Sure. Yeah. Mr. Quiros.

9 MR. QUIROS: Yeah, Mr. Chairman, when you
10 refer to him as the Chief Operating Officer, he's the
11 Regional Chief-

12 MR. NEWMAN: Oh, I'm sorry.

13 MR. QUIROS: --one of the five Regional Chief
14 Operating Officers, and that position replaced the HAS,
15 the Health Service Administrators, and the duties
16 remained the same. Just wanted to make sure that's
17 correct in the record.

18 MR. NEWMAN: Right.

19 CHAIRMAN ADOMEIT: Who wishes to weigh in on
20 this?

21 MR. QUIROS: You know, I will. As the
22 Commissioner of DOC and being very familiar with Dr.
23 Thomas Kocienda and the duties that he is carrying out
24 for us as the Director, he is going into correctional
25 facilities and assisting with the shortage of mental

1 health staff that we have. So currently, I believe Dr.
2 Kocienda will go out two or three days, I believe out
3 to Garner, he is assisting with the service, has a
4 caseload. He is meeting with the individuals one-on-
5 one in providing treatment.

6 Even though that his post orders at the
7 facility would not identify him as a primary emergency
8 response to an incident, he is expected that if an
9 incident is near him or within his own office, that he
10 is expected to respond as a primary responder. And I
11 know that doing these cases in the past, that is one of
12 - the language that we're looking to make sure that the
13 individual is responsible to respond.

14 Again, you will not find that in his post
15 orders, but he is responsible to respond to a situation
16 that happens nearby, in his office or in the - his
17 area. And he is meeting one-on-one with these
18 individuals at Garner that have Mental Health 4 or 5,
19 which is probably the highest that we have, that are
20 unpredictable. So he is working in a very dangerous
21 environment, as any staff member that walks into Garner
22 and is meeting with these individuals. So he just as
23 easily can be assaulted, just like any correctional
24 officer or any other individual that has a hazardous
25 duty pension plan.

1 That's all I have as far as in the Department
2 of Corrections, from the Department of Corrections.

3 CHAIRMAN ADOMEIT: So how did this come to
4 pass that we have someone who is exposed to the
5 hazards? And I gather from the record, that there is -
6 he frequently meets with them alone. Is that - do I
7 read the record correct; Angel?

8 MR. QUIROS: Is that question for me?

9 CHAIRMAN ADOMEIT: Yeah, that's for you.
10 Yes.

11 MR. QUIROS: Yeah, so-

12 CHAIRMAN ADOMEIT: Does he meet alone with
13 inmates?

14 MR. QUIROS: I - yes.

15 CHAIRMAN ADOMEIT: Yes, okay.

16 MR. QUIROS: And, Chairman, we've - we - when
17 I say we, and I've got to take ownership for this, the
18 Department of Corrections have been in this route
19 several times. We did it with our industry managers
20 that work in our vocational shops. And it took us
21 probably five, six years to finally get the DAS to
22 convert and change that position to hazardous duty.

23 We've also done it with the commissary staff.
24 We came here and heard many cases for individuals that
25 work in the commissary. That was in the same position

1 of finding DAS approve that. We're still working with
2 the regional chief operating officers, who do go into
3 correctional facilities, just like arbitrary, to try to
4 get that corrected. And then here we are again with a
5 situation where another staff member that, in my eyes,
6 with my experience, he is in a hazardous duty position
7 when he goes into his correctional facility.

8 MR. HERRINGTON: This is Director John
9 Herrington. I have a question. So am I understanding
10 this correctly, that we're addressing this on a
11 parallel track so that there is some effort to address
12 this claim as a whole outside of this individual, and
13 we're dealing with Dr. Kocienda separately due to his
14 desire to retire in the near future? Or are we dealing
15 just with his case on a case-by-case basis and the next
16 individual in that same title, we would have to deal
17 with on a case-by-case basis?

18 MR. QUIROS: If that question was directed at
19 me, I think that I would prefer to deal with it case-
20 by-case until we get the process completed with DAS.
21 As I indicated before, the process to get the industry
22 managers into a hazardous position took the department
23 like five years. It took the department probably
24 another five years afterwards for the commissary
25 managers, and we're still working with DAS to get the

1 regional chief operating officers into hazardous duty
2 classification.

3 The reason you don't see the regional chief
4 officers filing for a hearing is these are brand new
5 off-the-street individuals. This very case was
6 different because he was a hazardous duty position and
7 then with the change to Regional Chief Operating
8 Officer, he had to resubmit.

9 So as an agency, I would prefer that this
10 case be dealt individually and give us an opportunity
11 to continue to work with DAS and change the specs and
12 provide them with the information that they need so
13 they know that this is a hazardous duty position.

14 MR. NEWMAN: And, yeah, I would just concur
15 with what Trustee Quiros just said because, yeah, in
16 the past, basically the individuals have come forward
17 that have been in the position, and it hasn't been the
18 position itself that actually got approved. And
19 speaking such as like the health service
20 administrators, that there have been individuals that
21 were granted hazardous duty, but the position itself
22 actually has never been added to the hazardous duty
23 appendix.

24 So basically it's on the duties that the
25 individual performs.

1 MS. CIESLAK: This is Cindy Cieslak and I
2 apologize to speak out of like order. But I would like
3 everyone to state their name when they are speaking
4 just so we have a clear record.

5 MR. NEWMAN: That's fine.

6 MS. BUFFKIN: Becky has had her hand up
7 (inaudible).

8 MS. SIMONSEN: Thanks, Karen. Yeah, so this
9 is Becky Simonsen, eleven-ninety-nine. I just - not on
10 the question of, you know, as a group or individually,
11 but just back to what Commissioner Quiros was saying in
12 terms of just experience with Dr. Kocienda's work, I
13 was the direct organizer in DOC a couple years back, so
14 I have firsthand experience seeing Dr. Kocienda being
15 in the facilities directly, you know.

16 I'm not just supervising union members that,
17 you know, are in these letters, but also it was my
18 understanding at the time and still is that, you know,
19 his responsibilities and his role involve, you know,
20 direct contact with not just the members that he's
21 supervising, but also the inmates at Garner and, you
22 know, across the state.

23 So, I just wanted to, yeah, align with what
24 Commissioner Quiros was saying at first.

25 CHAIRMAN ADOMEIT: Thank you.

1 Karen Buffkin, you had your hand up, please.

2 MS. BUFFKIN: Yes. This is Karen Buffkin. I
3 have a couple of questions. Is the entirety of the
4 time between 2/20/14 and now at issue with respect to
5 are we deciding with regard to his duties in his
6 current position, or in the position that he was
7 promoted into as management in 2014 and including this
8 current position?

9 MR. NEWMAN: Both.

10 MS. BUFFKIN: Okay.

11 MR. NEWMAN: He's - he's - right - right.
12 I'm sorry. This is Colin - Colin. Both.

13 MS. BUFFKIN: Thank you very much for that.
14 I just wanted to make sure that we were clear that
15 we're voting on - or that we're considering the duties
16 in both positions.

17 And, Commissioner Quiros, you indicated that
18 he's been - because of the shortage of healthcare
19 staff, he's been stepping into this position. Is this
20 something that's temporary? Is this something that
21 he's done throughout both of the positions, or is this
22 truly a supervisory management position, but due to
23 current circumstances, he's stepping in and providing
24 direct care at the facility?

25 MR. QUIROS: I'm going to say it's both.

1 This is Trustee Quiros; sorry. I'm going to say,
2 Karen, it's both. I'm going to say that, with the
3 shortage, he has taken on a caseload. But even if he
4 did not have a caseload, it's (inaudible) of the
5 correctional facilities where he's responsible to
6 provide supervision at any given time that he's in that
7 area. If something were to happen, he's responsible to
8 respond as a primary responder. In addition, he is
9 subjected to the harm, just like any other individual,
10 hazardous duty individual, that walks into that
11 facility.

12 Just - I'll take from his example. I mean,
13 when I walk into Garner as the Commissioner, in my
14 office, the central office, I'm just as easily targeted
15 just like any other hazardous duty employee walking
16 into that correctional facility.

17 I hope that answered your question.

18 MS. BUFFKIN: It does. Thank you.

19 CHAIRMAN ADOMEIT: Thank you. Peter Adomeit
20 here. Is there any further discussion from any members
21 present?

22 Okay. How do you wish to proceed? Well,
23 does anyone want to make a motion?

24 MS. SIMONSEN: I - I-

25 MS. BUFFKIN: I'm sorry. I didn't hear that.

1 CHAIRMAN ADOMEIT: (Inaudible)

2 MS. BUFFKIN: I couldn't hear you, Chairman.

3 CHAIRMAN ADOMEIT: Oh, I'm sorry. I'm sorry.
4 That's a rarity. My question is, does anyone want to
5 make a motion on this matter at this time, or do you
6 want to continue to debate?

7 MS. SIMONSEN: This is Becky Simonsen,
8 eleven-ninety-nine. I would make a motion to vote on
9 this matter.

10 CHAIRMAN ADOMEIT: Okay. And what would that
11 entail? What is (inaudible)? The material set forth
12 in his petition; I suppose?

13 MS. SIMONSEN: Oh, yes, that's right, to
14 grant hazardous duty for the times designated, yeah, in
15 the hazardous duty service credit summary.

16 CHAIRMAN ADOMEIT: Okay. Peter Adomeit here.
17 There's a motion on the table.

18 MR. QUIROS: This is Trustee Quiros. I
19 second that.

20 CHAIRMAN ADOMEIT: Okay. Is there any
21 further discussion? Hearing none, all in favor of the
22 motion, say aye, or raise your hand. Opposed, nay, or
23 raise your hand. It's unanimous. The ayes have it.

24 We will then make this recommendation to the
25 full commission. Is that the intent? That's what we

1 normally do at this point. But I'll take it upon
2 myself to say that this matter will go on the agenda.

3 And, Cindy Cieslak, can we put this in on the
4 upcoming meeting, or do we have to wait? What's your
5 view on it?

6 MS. CIESLAK: This is Cindy Cieslak. I think
7 John Herrington, along with his staff, will create the
8 agenda for the Commission meeting that's on the 19th, I
9 believe. And absent anything that John and his staff
10 see, I believe this should go on the May of 2022 agenda
11 for the Retirement Commission.

12 CHAIRMAN ADOMEIT: Okay. Very good. Peter
13 Adomeit here. That is the only matter on the agenda.
14 So I'll entertain a motion to adjourn.

15 MS. BUFFKIN: So moved.

16 CHAIRMAN ADOMEIT: Trustee Buffkin moved. Is
17 there a second?

18 MR. QUIROS: Trustee Quiros, second.

19 CHAIRMAN ADOMEIT: Okay. All in favor, say
20 aye, or raise your hand. Opposed, nay, or raise your
21 hand. The ayes have it.

22 Hey, thank you all very much.

23 MR. QUIROS: Thank you.

24 MS. CIESLAK: Thank you. Have a good day.

25 (Adjourned at 2:21 p.m.)

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I, Karin A. Empson, do hereby
certify that the preceding pages are an accurate
transcription of the Connecticut State Employees
Retirement Commission, Hazardous Duty Subcommittee
meeting held electronically via Zoom, conducted at 2:03
p.m. on May 5, 2022.

Karin A. Empson

Karin A. Empson

05/25/2022

Date