## STATE OF CONNECTICUT

## STATE EMPLOYEES RETIREMENT COMMISSION

SUBCOMMITTEE ON PURCHASE OF SERVICE & RELATED MATTERS MEETING

MAY 11, 2023 MEETING HELD VIA ZOOM CONVENED AT 1:04 p.m.

## Present:

Chairman Peter Adomeit
Trustee Michael Carey
Trustee Carl Chisem
Trustee David Krayeski
Commission Counsel Cindy Cieslak (Rose Kallor, LLP)
John Herrington, Retirement Services Division Director
Colin Newman, Retirement Services Division
Robert Helfand, Retirement Services Division Assistant Division
Director
Patricia Meskers, Retirement Services Division Assistant
Division Director

TRANSCRIPTIONIST: Karin A. Empson

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                (Proceedings commenced at 1:04 p.m.)
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                CHAIRMAN ADOMEIT: Okay. This is the State
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     Employees Retirement Commission Purchase of Service and
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     Related Matters Subcommittee meeting held by
     teleconference on May 11th, 2023.
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                Cindy, do you have the attendance, please?
                MS. CIESLAK: Good afternoon. This is Cindy
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     Cieslak. Present today, we have Chairman Peter
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     Adomeit; Trustee Michael Carey; Trustee Carl Chisem;
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     Trustee David Krayeski; from the Retirement Services
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     Division, John Herrington, Robert Helfand, Colin
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     Newman, Patricia Meskers; and then myself, Cindy
     Cieslak, General Counsel from Rose Kallor.
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                CHAIRMAN ADOMEIT: Okay. We need a motion to
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     amend the agenda to add James Houlberg. Do we have
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     such a motion, please?
                MR. CHISEM: I make a motion to amend the
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     agenda, James Houlberg.
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                CHAIRMAN ADOMEIT: Thank you, Carl.
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                MR. CAREY: Carey, second.
                CHAIRMAN ADOMEIT: All in favor, say aye or
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     raise your hand. Unanimous; the ayes have it.
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Okay. Item Number 1 on the agenda is Charles Cleary.

MR. NEWMAN: Yes, so this is Colin speaking. Charles Cleary has been employed with the state essentially since March of 1991. He, in 1997 - oh, I'm sorry. In 1991, he was actually working over at the legislature, and so he was in SERS Tier II. In August of '97, he transferred to Charter Oak College and elected to go into the alternate retirement program, which is a plan that he remained in until he made the election to transfer into the SERS Tier II hybrid plan in 2014.

So back in - with the 2011 SEBAC agreement, all SERS Tier II and IIA members were required to make an election as to whether or not they wanted to retain the grandfathered normal retirement age of age 60 with 25 years of service, or age 62 with 10 years of service, or they could make the election to waive that. Mr. Cleary actually submitted the required form where he elected to grandfather his retirement age.

Unfortunately for Mr. Cleary, he was ineligible to make that selection because of the fact that he was in the alternate retirement program and this only pertained to members of SERS. So in 2014 - I'm sorry. When he - that election period had to have

been completed by on or before July 1 of 2013. So at that time, he was still a member of ARP, so he was ineligible to make that election.

In 2014, he transferred back in - well, he transferred into the SERS hybrid, Tier II hybrid plan, but at no time did he come forward and request the grandfathered - to be able to grandfather his age. In fact, we didn't hear about him until March of this year. His - the Connecticut State Colleges Human Resource Office, on his behalf, inquired with the division as to why there were never any grandfathering deductions taken from him, even though they said that there was a file - there was a form on file with the division, and they wanted to know how to go about correcting this.

The division responded that there wasn't going to be any further corrective action taken as this was beyond the July 1 of 2020 due date when the new retirement rules went into effect. He was given - and additionally, you know, it was pointed out that there had been a number of years that had passed on this and he had never come forward before questioning as to why the deductions were not - he didn't see the deductions coming out of his check.

The division did provide an administrative

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     denial, official administrative denial, which Mr.
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     Cleary is appealing. You know, his claim is that he
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     did complete the form in 2013 as required, and he was
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     basically saying he was never told that he was
     ineligible at that time, because he's claiming that he
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     was never told that he had to complete the form again
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     at the time when he transferred in 2014.
                So that is his claim. And what do the
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     trustees have to say?
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                MR. KRAYESKI: So, Colin, just, if I'm
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     reading this accurately, the retirement division did in
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     fact receive the grandfathering form from him-
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                MR. NEWMAN: Right.
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                MR. KRAYESKI: --but apparently, while he was
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     in ARP; correct?
                MR. NEWMAN: Correct.
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                MR. KRAYESKI: Okay. All right.
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                CHAIRMAN ADOMEIT: This is David Krayeski
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     speaking.
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                MR. KRAYESKI: Oh, sorry about that.
                CHAIRMAN ADOMEIT: Yeah, we're being
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     recorded.
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                MR. CAREY: So, Colin - this is Mike Carey -
     what was the date of return into SERS in 2014?
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                MR. NEWMAN: He actually returned, I believe
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     it was May, May-
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                MR. CAREY: Okay, I see. I'm sorry. I see
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     it here.
                MR. NEWMAN: -- May 30<sup>th</sup>.
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                MR. CAREY: May 30<sup>th</sup>, 2014.
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                MR. NEWMAN: Right.
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                MR. CAREY: Okay. So basically, he submitted
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     this form a year ahead of time-
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                MR. NEWMAN: When he was ineligible.
                MR. CAREY: --when he was ineligible. Let me
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     ask a question about eligibility. I know from the
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     record that he had six-plus years in Tier II-
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                MR. NEWMAN: Correct.
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                MR. CAREY: --prior to his move over to ARP.
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     Would that - at that point in time, would five years
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     have vested him?
                MR. NEWMAN: Yes, because he transferred
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     August 1<sup>st</sup> of 1997.
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                MR. CAREY: So did persons who were vested
     have the opportunity - no, they couldn't grandfather
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     because they can't - they would be paying into it.
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                MR. NEWMAN: Right.
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                MR. CAREY: Okay.
                MR. NEWMAN: Right.
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                MR. CAREY: So is-
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MR. NEWMAN: I think the reason why he - the fact that he had that previous service in Tier II is what allowed him to go into the - when he transferred back to SERS and he wanted to go into the hybrid plan.

But he went into the Tier II hybrid plan-

MR. CAREY: Right.

MR. NEWMAN: --as opposed to Tier IIA.

MR. CAREY: And at that point in time, when he transferred back in, he would have been eligible to make the grandfathering election?

MR. NEWMAN: Yes, yes, yes. He would have he certainly would have - yes, he would have been
allowed because I actually had put a document in
another case that's similar to this that the individual
submitted where, you know, we had actually put a
memorandum out. I'm not sure if we put it out in 2014
or 2015, but he would have been eligible to again
request for the grandfathering, for the opportunity to
grandfather.

I mean, his argument is that he did it once and nobody ever told him that, yeah, that he was ineligible to (inaudible).

MR. CAREY: Is there any evidence to support that he had received communication to indicate that he was not eligible in June of 2013?

MR. NEWMAN: From what I could see, and I don't know if any of the other staff members knows or not that, but from what I could see, I didn't see any documentation related that the division took any action on that notice. And it was - and probably because of the fact that - well, I'm making an assumption about, you know, 10 years ago - that it was - you know, when it came in and it was seen that he was in a different retirement plan and that it was - and so they - they just didn't take any action on it.

MR. CAREY: And what about - and I realize a lot of time has passed and that it would have been taken out of his check and that apparently went unnoticed-

MR. NEWMAN: Right.

MR. CAREY: --but I'm wondering about the protocols for an employee, in this situation, coming back. You know, at the time in 2014 when he did come back into SERS, is there any documentation to support that he was informed that he could elect to grandfather at that point?

MR. NEWMAN: Um, I don't - I don't believe there is. Because I think the - I'm going to say, I think the focus was that when people were transferring into SERS, it was more about the transferring of the

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moneys, and nobody - I don't think anybody was taking
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     into account that they could - that they should be
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     informing people that they could also grandfather,
     which we did do that. I'm going to say it was at a
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     later date, which - just bear with me for a minute
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     because I think the document is in another claim.
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                MS. MESKERS: It is. This is Patty Meskers.
     It's the new CO-1015.
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               MR. NEWMAN: Right.
               MS. MESKERS: And it was dated April of 2015.
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                MR. NEWMAN: You're right. Right.
                MS. MESKERS: And it does address the hybrid
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     transfer on that form.
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               MR. NEWMAN: Right. And so - and that was a
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     memorandum that went out to all the agencies. And I
     believe it was - was it the notice that went to the
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     individuals?
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                Which case was that in, Patty?
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                MS. MESKERS: This is Patty Meskers. It's in
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     the Wardell (phonetic) - Wardwell, excuse me.
     think it's like eighth from the last, eight pages.
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                MR. CAREY: And, Colin, this is Mike Carey
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     again. Does Mr. Cleary understand that were we to look
     favorably upon this request, he'd be on the hook for
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     grandfathering payments back to May 30th of 2014?
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                MR. NEWMAN:
                             Is - John or Bert are on the
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     call. I don't know because I'm not familiar - I
     haven't spoken to this individual. And I believe he
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     may have been informed that if he had, he would have
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     had to have paid all the contributions going back to
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     2013.
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               MR. HERRINGTON: Yeah, this is John
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     Herrington. I haven't had any conversations with this
     gentleman; however, Jean Reid has, and that that's part
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     of her standard spiel.
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                MR. NEWMAN: Yeah, I haven't spoken to him
     either.
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               MR. KRAYESKI: I just - David Krayeski -
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     really just want to - I'm sorry, Carl. Just one quick
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     question. Is he still an active employee?
                MR. NEWMAN: Yes, he is.
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                MR. KRAYESKI: Okay, thank you.
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                MR. NEWMAN: Yeah, I think the whole - the
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     reason why this has come forward, because he apparently
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     is looking to retire at some point this year.
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               MR. CHISEM: Yeah, Carl Chisem. That was my
     question. So he's - Colin, he's assuming that when he
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     put the paperwork in and then when he came over to
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SERS, that that should have automatically followed with

him; correct; and that somebody should have picked it

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1 up? MR. HERRINGTON: That would seem like an odd 2 3 assumption. I mean, unless he knew that he was 4 transferring to ARP at that time. Oh, it was a year prior; right? 5 MR. CHISEM: MR. HERRINGTON: Right, yep. 6 7 MR. NEWMAN: It was - right, right. 8 MR. CHISEM: All right. 9 MS. MESKERS: This is Patty Meskers again. I believe he thinks he may lose his position on May 31st. 10 11 So that's why he was looking into it now. And he did ask what the details of the final math calculation may 12 be in his appeal. 13 Thank you, Patty. This is Mike 14 MR. CAREY: 15 Carey. And also, he does turn 60 in early July of this year. 16 17 MR. NEWMAN: Right. 18 MR. CAREY: So this is Mike Carey again. 19 guess I'd ask of the division, how unusual is this 20 particular fact pattern? 21 MR. HERRINGTON: I would say that it's 22 extremely unusual, right, the idea that someone 23 submitted a grandfathering application while in ARP and

then subsequently transferred. Those facts are

unusual. What I would say is that my understanding is

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that the ARP-to-hybrid process kind of evolved over time and, you know, there was a certain period of time where there would be no question that someone would have been afforded the opportunity to grandfather immediately upon transferring. This transfer wasn't the earliest, but it was somewhat early on.

I would also say that, you know, paying those grandfathered contributions now, this far after the point, it won't come close to capturing what the real cost is, the real cost of the plan.

MR. NEWMAN: Because of the change in the retirement?

MR. HERRINGTON: Right, that, and I mean, whenever I talk to John Garrett about the grandfathering, the use of a universal factor across the board for all of the populations, that that wasn't capturing the full grandfathering cost, the full actuarial cost of the change in eligibility.

MR. CHISEM: I have a question. Carl Chisem. I don't know if it's for John or Colin. Was there any time - you know, I know the time was 2013, when everybody had to hand it in, and there was a cutoff time, a cutoff period. Was there any time after it lapsed that people could have jumped in, or that was just a deadline, period, and that's it?

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                MR. HERRINGTON: Right, yeah, that was the
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     deadline.
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                MR. NEWMAN: That was the deadline, yeah.
                MR. HERRINGTON: And we've enforced that
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     deadline.
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                MR. CHISEM: So there wasn't anybody after
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     that that got in?
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                MR. HERRINGTON: Correct. The only people
     that got in after that were people that were not
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     employed during that time and returned to state
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     service, or other individuals who were in ARP
     previously and then subsequently transferred via the
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     ARP-to-hybrid, or the SAG.
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                MR. CHISEM: Okay, thank you.
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                CHAIRMAN ADOMEIT: How do you wish to
     proceed?
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                MR. CAREY: This is Mike Carey. I'm not
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     particularly sure. This is a very unusual fact
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     pattern, I think. And I don't - I'm not feeling that
     the matter is clearcut.
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                MR. KRAYESKI: This is David Krayeski. And I
     just spent a couple of minutes reading through the
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     employee's letter. I can't fully determine from here
     that he believes he is responsible for the payment. It
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does seem as though he believes it's the agency's error

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and they might be responsible for paying the amount,
which is a little concerning as well.

Can we have the (inaudible)?

CHAIRMAN ADOMEIT: What would that amount be?

MR. KRAYESKI: I'm sorry. This is David

Krayeski again. Sorry, Peter.

CHAIRMAN ADOMEIT: Yeah, go ahead.

MR. KRAYESKI: Do we have a calculation on how much is owed or not?

MR. NEWMAN: It's not in this packet. If it's not in this packet, I'm not sure if a calculation was done due to the fact that the division had made the determination that, you know, he was ineligible.

MR. CAREY: This is Mike Carey. The issue of who pays aside, I think the threshold question is, would he be allowed to make that election. I would not be sympathetic to anybody other than him making the payments. But, you know, the threshold question, I think, for us is, should he be allowed to basically have that option now to make the payments, yay or nay.

MR. HERRINGTON: From my perspective, the whole issue is the completion of the form prior to this; right? We've had a number of individuals and we continue to get individuals that come forward now that may or may not be able to establish that they submitted

the paperwork on time, and we will, you know, pretty routinely get emails from agencies that are, you know, some version of, I don't recall and I can't find any record of us notifying this individual, and we get those pretty common.

And I would say, on those facts, I would feel pretty strongly that we should deny someone who for 10 years hasn't followed up with this, and on the eve of retirement, comes forward. To me, I guess, it's, you know, what do we make of the fact that when he was ineligible, he submitted a form.

MR. CAREY: So, John - this is Mike. At what point in time were the ARP II hybrid issues being discussed? I'm stretching probably, but I'm curious as to whether or not in June of 2013, if, you know, being aware that this was in the offing, he may have - well, first of all, he did file it. But I'm wondering if he filed it looking ahead to-

MR. HERRINGTON: And thinking that he was going to, right, yeah.

MR. CAREY: --that he was going to.

MR. NEWMAN: This is Colin. Well, this ARP-to-hybrid, you know, it was part of the SEBAC, the SEBAC 2011 agreement. So I believe it was like the following year that we started that process in place.

And then it was in 2013, I believe the beginning of 2013, when we were beginning the process regarding the grandfathering. And so he may have - I don't know if his CO - I don't know - I don't believe I have a copy of his CO-994 from back then as to when he actually was - he actually did the transfer in 2014, or did the paperwork in 2014 because of - and this was after he had received like an estimate of what it was going to cost. It was - so he may have started the process, but he didn't actually do the actual transfer.

(Inaudible) elected to go into the Tier II hybrid plan for May of 2014. I believe he made the payment to transfer his prior service, his prior ARP service, like after that date because he was able to transfer into the plan and then complete the transfer of the cost to bring his prior service over after that.

MR. HERRINGTON: Yeah, he completed the CO-994 on June  $16^{\rm th}$  of '14. So he elected to transfer on June  $16^{\rm th}$  of '14.

MR. CAREY: This is Mike again. I think I have one last question. Do we have any other cases where somebody filed the grandfathering request when they were not eligible and then subsequently became eligible and we said, whoop, we've got this on file, so now we can start the deductions as requested?

MR. NEWMAN: This is Colin. As far as I know, this was the first one that I was aware of where people had actually completed the form, but were ineligible because they were in a different retirement plan, that I'm aware of. I'm not sure if the division had received those - received them from other individuals, but this case was the first time that I had - that I was aware of.

This is Colin again. It was just interesting that like on today's agenda, we've got three cases that are similar, you know. It's like they all at once-

MR. CAREY: Yeah. I guess I'd be interested to hear what the other trustees have to say given this highly irregular fact pattern, and the fact that he did file the original request in 2013. I would list slightly toward agreeing to grant the request. But I'm open to being discouraged.

MR. KRAYESKI: This is Dave Krayeski. I'm somewhat sympathetic as well simply because he did follow through on submitting the form. And whether there was a verbal discussion with his HR office or something like that, we'd never know, but the form was received, it was received by the appropriate body and in the appropriate timeframe, and we did not necessarily send anything back to him to let him know

1 that it was not necessarily legitimate.

And we would only be granting him the ability to pay for it, which he would have had to have paid for all along. So with that, I would be sympathetic towards approving it.

MR. CHISEM: This is Carl Chisem. I'm inclined to approve it because, you know, it was - the paperwork was sent prior to all of this. I'm not sure how the payment should be or not. I'm unclear about that right now.

MR. CAREY: So this is Mike Carey. Is the practice to take motions as the cases proceed, or to take all motions at the end?

CHAIRMAN ADOMEIT: We can do whatever we want. Usually we do it seriatim, but if you want to hear the other cases that are similar to this, we can just move over, hold this in abeyance, and move over to the next case. Excuse me.

MR. CAREY: This is Mike. I would say, let's do that.

CHAIRMAN ADOMEIT: Okay. And what are the next comparable cases, Colin?

MS. CIESLAK: Colin, you are muted.

MR. NEWMAN: Sorry, I've got - they're cutting down trees in my (inaudible). Sorry about the

background noise.

CHAIRMAN ADOMEIT: That's what that noise was.

MR. NEWMAN: Yeah. The next similar case would be Evelyn Silva.

CHAIRMAN ADOMEIT: All right. So let's move on to that one then. Go ahead, Colin.

MR. NEWMAN: Okay. So Evelyn Silva was a fulltime employee — or is a fulltime employee with DEEP. In August of 2013, the division received the required form for grandfathering. It was received on August 20<sup>th</sup> of 2013. However, this was another one where there was no action was taken on the form because of the fact that she actually signed the form on August 14<sup>th</sup>, which is beyond the deadline date of July 1 of 2013. And it was clear from the memorandum, as John said, we've always held firm that the deadline date for this form to have been signed by would have been July 1 of 2013.

She is another one where nothing was said, there was never any inquiry, until October of this year - I'm sorry, October of last year, when the division got an email from her payroll office and, I guess, inquiring as to why no deduction had ever been taken from her. So the payroll office made the assumption

that they, or within their agency, had not forwarded the form to us in the first place, and asked if there was anything we could do.

The division actually responded and told the agency, yes, that we would permit it, we would permit the purchase. And so later on in November of 2022, we basically told the agency that we were going to commence taking the deduction and that she also would have to pay an additional \$4,371.15 for the contributions that had not been paid from July of 2013 through November of 2022.

So Ms. Silva actually took the action of filing a grievance because she didn't agree with the amount that she would have to pay back, and the union based - her grievance was that she wanted the amount to be recalculated and basically the amount only be based on five years instead of the nine-plus years, and that she'd be given five years in which to pay the amount back.

In January of this year, we wrote - the division wrote to her and basically said that we were in error in permitting the purchase, and due to the reasons that were as I listed them, the fact that, one, she had signed - the form had been signed beyond the July 1, 2013 deadline date; two, the fact that only

after nine-and-a-half years did she notice that there weren't any deductions coming out of her check; and she only went to her agency in October of last year. So for those reasons, we stated that she was ineligible to make the purchase.

And additionally, you know, we informed her that now there were new normal retirement rules in place as of July 1 of 2022, and essentially the retirement fund would not be made whole as it was basically deprived of any investment income that those contributions, if they had been in the system, would have generated.

She's appealing the decision. She believes that the agency didn't submit the paperwork to us, but the record showed that we did have the form, we did receive the form, because we received it on, like I said, August 2<sup>nd</sup> of - I'm sorry, August 20<sup>th</sup> of 2013. So, you know, her appeal is basically that she thinks there was an agency error, but the fact of the matter is, she never signed the form until August, August of 2013, and the agency signed it like a week later and sent it in.

MR. CAREY: And so, Colin - this is Mike

Carey - even if the agency had sent it the same day she signed it, it still would have been late; correct?

MR. NEWMAN: It still would have been late because, yeah, she didn't sign it - she signed it after July 1, 2013.

MR. CAREY: For what it's worth, my take is she missed the deadline and that's kind of the end of it.

MR. KRAYESKI: This is David Krayeski. I agree with that, Michael.

MR. CHISEM: This is Carl Chisem. Did the agency - did she get the indication that the agency says, you know, sign it, put it in, and let's see what happens? I don't know the woman or anything.

MR. HERRINGTON: That's what I - this is John Herrington. That's what I would say is difficult with these situations. So first, I view any, you know, grandfathering request, you know, that's years after the fact with some suspicion. I view them more so after we've passed that July of 2022 date because prior to that, you know, it's kind of a gamble whether you're grandfathered or not, because if you're grandfathered and you retire prior to that point, you wouldn't have any benefit of that grandfathering; right?

But after that, now everyone knows that there is absolutely a benefit to you for grandfathering if you work beyond that.

MR. CHISEM: Oh, yeah.

MR. HERRINGTON: But the other issue that I have is the further and further we get away with this, and I'm sure, you know, everyone on the commission has seen this, you know, there's just been so much turnover, it's rare now that whoever actually assisted this person in 2013 is there or, you know, we have access to the records to, you know, clarify those kinds of points.

MR. CHISEM: (Inaudible) This one here is kind of unique because it's a pretty big benefit, and the only reason I asked is because I know, you know, you go to some agencies or something and they say, well, you know what; let's just put it in anyway and go through it and nobody thought about it after; but most people do look at their check every week.

MR. HERRINGTON: Right. But I would say,
even in that case, right, I mean, so I think that we've
seen a theme here that historically the division wasn't
really good at writing letters; right? I mean, in both
of those instances, we should have said, you know,
you're in ARP, you don't get this; or it's past the
deadline, you don't get this.

MR. NEWMAN: The deadline, right.

MR. HERRINGTON: But I don't think that, you

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     know, someone that misses a deadline, our failure to
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     send them a letter that they missed a deadline
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     justifies some relief.
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                MR. CHISEM: I'm glad you said the, you know,
     weren't good at writing letters, John. Thank you.
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                MR. HERRINGTON: Yeah, yeah, yeah, yeah.
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                MR. HELFAND: I think the last letter was
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     pretty good.
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                CHAIRMAN ADOMEIT: So are we ready to vote on
     making a recommendation to the commission on this case,
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     Silva?
                MR. CAREY: I'd be glad to make a motion, Mr.
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     Chairman. This is Mike Carey. Regarding the Silva
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     matter, I move that we recommend the commission deny
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     her request to purchase her grandfathered normal
     retirement date.
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                MR. CHISEM: Yeah, unfortunately, she was
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     late, so I do second it.
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                CHAIRMAN ADOMEIT: That was Carl Chisem.
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                MR. CHISEM: Carl - I'm sorry, Chisem.
                CHAIRMAN ADOMEIT: Yeah, okay. All in favor,
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     say aye or raise your hand. It's unanimous, I believe.
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     The ayes have it.
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                Okay.
                MR. NEWMAN: This is Colin. Do you want me
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1 to go to the third case-2 CHAIRMAN ADOMEIT: Yes, please. 3 MR. NEWMAN: --that's somewhat similar to 4 that? CHAIRMAN ADOMEIT: Yes, Lisa Loeser. 5 MR. NEWMAN: No, that would be Elizabeth 6 Wardwell. 7 CHAIRMAN ADOMEIT: Oh, okay, at the bottom. 8 Go ahead. 9 MR. NEWMAN: Elizabeth Wardwell is an 10 individual that, since she became employed in April of 11 2006, she moved around quite a bit, and when she 12 separated from state service with a vested rights 13 retirement in September of 2015, she was at Central. 14 15 During the time that she was - oh, I'm sorry. And then she just recently came back into state service. 16 17 now with the Department of Education starting August of last year. 18 19 During the time of the - when grandfathering, 20 she was employed with the Department of Insurance. So in October of last year, the Department of Education 21 22 emailed the division indicating that Ms. Wardwell had 23 never received the opportunity to retain her grandfathered normal retirement date. And they 24

submitted the form that was signed, which she actually

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signed in September of 2022. And, yeah, like I said, this was where we had updated the form to include individuals who either had been transferred from ARP to SERS or for individuals who, like John said, were not employed at the time, but returned to state employment.

Ms. Wardwell's issue is that she - like I said, she claimed that the agency - she was never given the opportunity to grandfather and she was never made aware of it. The agency - the division reached out to the agency and the agency responded by showing emails that went out to their employees who were eligible for this, and from the list of employees, her name - she was one of the individuals that was listed as receiving the email.

So she has indicated that - a couple of things that she's claiming is that she states that it went to an old address, which she actually did a change of address six months after the fact. And then also she has indicated that she was dealing with a family tragedy right at the time when the grandfathering had to be elected. So her claim is that - two things, is that she believes the agency was in error because they never - she was never informed of it, which has been refuted, and her other claim is that she was dealing with an extraordinary circumstance of a family tragedy

right during that period of time, and that's the reason
why she never took any action.

CHAIRMAN ADOMEIT: Mr. Carey.

MR. CAREY: So, Colin, this is Mike Carey. Given that you have clear evidence that while she was employed at the Department of Insurance that she was specifically notified via email-

MR. NEWMAN: Mm-hmm.

MR. CAREY: --I'm also going to go out on a limb and say there were probably other employees with the Department of Insurance who did indeed opt to grandfather?

MR. NEWMAN: Probably, if we looked back (inaudible) guess, yeah.

MR. CAREY: So given that, while sympathetic, I think she missed her chance to opt in during her period of employment. I would be inclined to deny the request. That's not a motion. That's I want to know what other people think.

MR. KRAYESKI: This is Dave Krayeski. So I think the agency sent out more than one notice-

MR. NEWMAN: Right.

MR. KRAYESKI: --which may or may not have come at an inopportune time in life. And I would have to say that the opportunity to enroll in grandfathering

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     was in fact put out quite well and numerous times.
     I too would be inclined in denying her request given
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     the fact that we can find her on an email that went
     out. So-
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                MR. CHISEM: Carl Chisem. Quick question,
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     Colin. I don't know if you know this. Do they have a
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     State of Connecticut email, or is this a private one
     that she's saying that she changed?
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                MR. NEWMAN: Are you asking if it went to her
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     State of Connecticut email?
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                MR. CHISEM: Yeah. I would imagine that she
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     has a - being in that position, she does; right?
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                MR. NEWMAN: Right, oh, yeah, because she was
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     a - I think she was like an executive secretary. She
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     was (inaudible).
                MR. CHISEM: So she had to have gotten it
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     somehow or another.
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                MR. NEWMAN: Right. Yeah, she got
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     (inaudible).
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                MR. CHISEM: All right. Thank you.
                MR. CAREY: So then Mr. Chairman - this is
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     Mike Carey - I would move that we recommend that the
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     commission deny Ms. Wardwell's request that she be
     allowed to retain the grandfathered normal retirement
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     date.
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MR. CHISEM: Carl Chisem. I'll second.
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                CHAIRMAN ADOMEIT: Any further discussion?
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     Hearing none, all in favor, say aye or raise your hand.
     Opposed, nay or raise your hand. It's unanimous;
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     motion carries.
5
                Okay. You want to revisit Charles Cleary at
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     this point?
                MR. CAREY: Sure. I will move that - this is
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     Mike Carey - that given the very unique fact pattern of
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     this case, including that Mr. Cleary filed the CO-1094
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     in June of 2013, I would move we recommend that the
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     commission grant his request to retain the
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     grandfathered normal retirement date and make all
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     appropriate payments.
                MR. CHISEM: I'll second that. Carl Chisem.
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                CHAIRMAN ADOMEIT: Any further discussion?
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     Hearing none, all in favor, say aye or raise your hand.
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     It's unanimous; the ayes have it.
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                MR. NEWMAN: Okay.
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                CHAIRMAN ADOMEIT: Well, I'm just taking a
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     note here.
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                Okay, Danielle Kyer. Mr. Newman.
                MR. NEWMAN: So Danielle Kyer essentially is
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     a new - relatively new employee, started with the state
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     working with the Department of Mental Health and
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Addiction Services in December of '21. She completed 1 2 the CO-991 retirement credit purchase request form 3 indicating that she wanted to be able to purchase 4 retirement credit for her prior federal employment, the four years that she had with the federal government. 5 She was issued a denial of the application based on the 6 7 fact there are no provisions within SERS, certainly not - certainly within the Tier IV plan provisions, that 8 allow an individual to get retirement credit for prior 9 federal time. She essentially doesn't agree with that 10 and that is the reason why she's appealing it. 11 CHAIRMAN ADOMEIT: Comment first, and motion 12 second in this recording. 13 14 MR. CAREY: This is Mike Carey. I'd put the 15 motion first. MR. HERRINGTON: We sent a letter in this 16 17 case. MR. NEWMAN: Right, yes. I actually did 18 19 speak to her also after she - after we had sent the 20 letter, and she said-MR. CAREY: So Mr. Chairman, this is Mike 21 Carey, and I would move that, given that the division 22 23 is unable to grant the purchase request of retirement credit for Ms. Kyer's prior federal employment, that we 24 recommend that the commission deny Ms. Kyer's request. 25

MR. CHISEM: Carl Chisem, I can second that.

CHAIRMAN ADOMEIT: Any further discussion?

Hearing none, all in favor, say aye or raise your hand.

It's unanimous; the ayes have it.

Okay. Lisa Loeser, Looser (phonetic), Lesser (phonetic).

MR. NEWMAN: Lisa - I didn't want to - yeah, this is Colin. I didn't want to call her Loser (phonetic). Lisa Loeser is an individual that is retired effective January 1st of this year. She retired with approximately 17 years and seven months of service. Her application, everything was completed in December, and she, you know, elected to receive a voluntary retirement, early retirement benefit.

She was put on the payroll timely and has been receiving her monthly benefit ever since. Ms. Loeser emailed the division in March of this year. From what she was saying in the email, it appears that she wanted to change her type of retirement from that - from a voluntary benefit to one of disability. She was sent an email on March 15<sup>th</sup> administratively denying that request, basically that the administrative process had been brought to closure once her benefit had commenced.

Ms. Loeser, she had written in her email that

she had been suffering with a long-term illness, and because of that, she knew she had to retire. She was claiming that she repeatedly asked her HR office regarding what her options were. She's claiming that she was informed that filing for disability was not an option and that nothing more could be done for her.

The division reached out to her agency regarding her claim, and they responded by basically stating that she never inquired or attempted to get information regarding disability retirement, and therefore she was never told that it was never an option. And the fact is that what she was asking about was short-term disability, which they advised her that, because she had not signed up for supplemental benefit - oh, she had not signed up for this particular supplemental benefit.

Because, you know, we had sent the administrative denial, and she requested for it to be looked into further, we moved it to the agenda of this subcommittee.

MR. CAREY: Mr. Chairman, this is Mike Carey.

If you're having déjà vu, it's because we talked about
a similar case in the recent Legal & Personnel

Subcommittee meeting. And I brought up in that meeting
that, you know, I had a procedural question. The fact

patterns are very similar, where an individual opted for regular retirement, and then within 24 months following the commencement of that regular retirement, they came forward to say, well, what I really want is a disability retirement. And I think the fundamental question really is, you know, is that legally proper.

So in other words, when we have an individual who separates for any other reason, they have 24 months to file for a disability retirement. You know, but for her having applied for regular retirement, and that is significant - I don't - you know, I don't dismiss that at all - but for that, she would have been able to apply for a disability retirement right now.

So I don't know if that's something that really is before this committee, or if that fundamental question requires some legal review so that we can look at, you know, similarly situated case files in a consistent fashion.

MR. HERRINGTON: This is John Herrington.

And it's unfortunate because I need to drop for a 2:00 meeting with the comptroller. But I think one issue to consider in that analysis is that the idea that the person has made an option election choice and whether that subsequent retirement or that subsequent retirement change, whether that gives the individual an

opportunity to change that option choice. And I think that there are some facts relating to the case that were just discussed at the Legal & Personnel

Subcommittee that may - that might be an issue. But I'm getting pinged right now, so I absolutely have to drop off. I'm sorry.

MR. CAREY: So I guess my take on that, depending upon how others feel, would be that maybe we table this case so that we can look at the legal issues regarding the two cases, this one and the one that had come before Legal & Personnel, and sort of look at them together, understanding that there may be some variation in the specific facts.

MR. KRAYESKI: This is Dave Krayeski. You know, having dealt with employees many times doing retirement applications, the form does have the ability for someone to access her regular retirement pending a disability. That's clearly stated right on the form, and I can only attest for, you know, having done retirement counseling back when HR people in the field used to do those things. Patty's nodding; Michael's nodding.

You know, that was a discussion we would have with an employee. And so it's difficult for me in this instance not knowing how it's being done today to

happening in the same fashion they once were.

But that, you know, there's actually a place existing on the form to initiate that type of inquiry and discussion with an employee. And so I just put that out there for context, that it's not a complete vacuum, regular retirements, where we have these conversations with employees.

MS. MESKERS: This is Patty Meskers. Oh, I'm sorry. I just wanted to say, this case is Board of Regents, so it's not an in-scope agency. So I believe they do still have more in-person contact, just for context here.

MR. CHISEM: This is Carl Chisem. Only because I'm learning about the procedure and waiting 24 months to be able to change, or a possibility of that, I would be more inclined to have it go to legal, Personnel & Legal.

MR. CAREY: So, Carl, if you want to move to table it for that specific purpose, then I would second that motion.

MR. CHISEM: Okay. This is Carl Chisem. I'd like to table Lisa Loeser, Leeser (phonetic), Lesser (phonetic) - I don't want to say Loser (phonetic) - I make a motion to table it.

MR. CAREY: This is Carey. Second, with the understanding it'll be referred to Legal & Personnel.

CHAIRMAN ADOMEIT: Okay. All in favor, say aye or raise your hand. It's unanimous; the ayes have it. Okay. Next meeting of Legal & Personnel, Cindy, add this one to the calendar, please.

Okay, next one is Stegeman.

MR. HELFAND: Colin, you're muted again.

MR. NEWMAN: Yeah, Cindy had to mute me because they went back to work cutting the trees down.

Yeah, this is Colin. Gregory Stegeman, or G. Scott Stegeman, became employed in November of 2008 with the state police. He's not a trooper, but he was — I think he's like an IT type of employee. Anyway, that's the reason why he was placed in the Tier IIA plan. He's not hazardous duty. When he was hired, he completed the — at that time, it was the CO-1088 form. He signed it in a timely manner, as he was attempting to purchase his prior military service from February of '02 through April of '04.

Unfortunately, at that particular time, that period of military service actually was ineligible, and it was only after the federal government changed the dates for eligible periods of war that that period of time became eligible, which is the reason why the

division processed his request and sent him a purchase invoice in February of 2010, giving him the option of either paying in lump sum or through payroll deduction.

There's no record on file that there was any response from Mr. Stegeman. As such, in June of 2012, he was sent a last-chance opportunity letter, and basically the letter had the clear instructions that if he failed to respond to the letter and any subsequent invoice, that his file would be closed, and that there may not be another opportunity for him to obtain the credit in future.

Mr. Stegeman didn't come forward until June of 2019, where he indicated in an email that he had gone to his HR office to inquire about his prior military purchase application, and they informed him that he had missed the opportunity, and they actually gave him copies of the documentation explaining why. He's claiming that he was never advised - basically he's claiming that when he was first hired, he was never informed that he actually could purchase his military service.

He is claiming that he just - basically it was like, sign this form; sign this form; but he's saying that he was never told that he could actually purchase the time. And additionally, he's claiming

that he never received the documentation from us, that being the invoice in 2010 and the subsequent last-chance opportunity letter in 2012. In fact, he was sort of hanging his hat on the fact that, on his invoice, with the address on the invoice, apparently when it was printed out, it missed a digit and the digit was written in, and he's trying to say, who's to know whether or not that digit was written in after the fact and not when it was sent to him.

But, you know, the division sent an administrative denial saying that even though it really wasn't the correct denial, because we're saying that you have to apply for it within your first year of employment, which he actually did, it's really the denial is the fact that the matter was closed in 2012 when he failed to respond to the last-chance opportunity letter.

MR. CAREY: Colin, this is Mike Carey. I do see that minimally the last-chance letter does indeed have the digit printed on the letter.

MR. NEWMAN: Right.

MR. CAREY: So I will say that I would make a motion that we recommend that the commission deny Mr. Stegeman's request to obtain retirement credit for prior military service based on his failure to respond

to the last-chance notice issued in June of 2012.

MR. CHISEM: Carl Chisem, I'll second.

CHAIRMAN ADOMEIT: Is there any further discussion? Okay, hearing none, all in favor of the motion, raise your hand or say aye. It's unanimous; the ayes have it.

Okay, we have James - is it Houlberg?

MR. NEWMAN: Yes.

CHAIRMAN ADOMEIT: That's the one we amended the agenda to add.

MR. NEWMAN: Right. This is Colin. Yes, we amended the agenda to add Mr. Houlberg. So Mr. Houlberg is an individual that was initially hired in August of 2021 as a sub instructor with the Department of Education. He completed his CO-931 4S designation of retirement plan election, which was to be completed by all sub instructors who were first hired on or after July 31st, 2017. So he was a member of the retirement plan SERS Tier 4S retirement plan.

Approximately a year later, the Department of Education offered him, and he was hired as, a fulltime teacher. At that time, they provided him with a CO-991 retirement credit purchase request for any prior miscellaneous service that he may have had, in which case, Mr. Houlberg had prior military service, and I

had listed the dates that he had served. Sorry about that big bang. I think like half a tree just fell on the ground.

So an application came in in December of last year. The division administratively denied his request based on the fact that the application had not been submitted within his first year of employment. Mr. Houlberg appealed the administrative denial. He claimed during his onboarding, that he was told by the - basically told by the individual or individuals that he was ineligible to purchase his prior military service based on the fact that he was a sub instructor and not, I guess in their minds, a regular fulltime employee.

The division, we reached out to the agency to get their take on what Mr. Houlberg was stating, and the agency came back with that email and said, yes, he's correct in the fact that he was told that he was ineligible back in August of '21 when he first came on board as a sub instructor, and it was due to the fact that he was a sub instructor.

So because the division had already administratively denied his request and he had made a claim, that's - we placed it on the agenda of this meeting.

MR. CAREY: Colin, this is Mike. I've got
kind of a procedural question. I mean, I don't know
how much - if I'm hired as a substitute teacher, I
don't know how much they are - they can anticipate
working.

MR. NEWMAN: Correct. Yeah, it's like a per diem.

MR. CAREY: It's like a per diem. And we don't have any provisions that sort of - I guess what I'm saying is if I'm hired as a per diem, and even if I were told I could purchase the time, I just got hired as a per diem. I don't know that I want to lay out the kind of cash to purchase military service when I've just been hired as a per diem.

MR. NEWMAN: It could be viewed like that, you know, by the agency, but-

MR. CAREY: I mean, I don't know. I understand that, you know, he was hired, and because he was hired, he should have been notified at that time that he was eligible to purchase. But, you know, I'm just kind of wondering, in a practical sense, you know, would we - do we really anticipate people who are eligible to purchase time to do so, unless they're hired on a more permanent basis?

MR. NEWMAN: This is Colin. For the sub

instructors, like a lot of them like continue in that position because they usually end up getting hired as a fulltime teacher, hence the reason why that Tier 4S plan was created for them specifically, you know, for that reason, because like a lot of them do go on and become like employees, like fulltime employees or fulltime teachers.

MR. KRAYESKI: This is Dave Krayeski. In ar instance where hiring, you know, durational employees or per diems or those kinds of things, I'm not sure they go through the full, robust onboarding process that maybe a permanent fulltime employee necessarily does. You know, I have a hard time if somebody was given erroneous information at the moment of hire (inaudible) and would be willing to support him being given the opportunity to apply for purchasing this credit.

MR. CAREY: Given that he immediately, upon hire into a permanent job, he did make that request, I would be inclined to agree.

CHAIRMAN ADOMEIT: Is there any further discussion before we make a motion? Okay.

MS. MESKERS: This is Patty Meskers. Just to clarify for going forward with other cases, I agree, erroneous information should be looked at differently,

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but for eligible SERS positions, they should be getting
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     the same onboarding because it is an eligible position,
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     and Tier 4S was created for substitute teachers. Many
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     of them do then get certified and go to teacher's
     retirement, so they may choose not to do so. But I
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     think the one-year deadline is specific.
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                So I agree, erroneous information. I just
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     kind of wanted to put that out there for clarification,
     if similar, but not the same cases come forward.
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                MR. KRAYESKI: This is Dave Krayeski. I
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     agree with you, Patty. I mean, you know, we - I would
     agree with that. And agencies - some agencies do a
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     little better job than others in that regard. But
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14
     yeah.
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                Mr. Chairman, do you need a motion?
                MR. CAREY: So-
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                CHAIRMAN ADOMEIT: Mr. Carey was about to say
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     something.
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                MR. CAREY: Dave, would you make the motion?
     Go for it.
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                MR. KRAYESKI: This is David Krayeski. I
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     make a motion that we approve the request of - the
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     appeal request of Mr. Houlberg and allow the
     opportunity to make a purchase.
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                MR. CHISEM: Carl Chisem. I'll second it.
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1 CHAIRMAN ADOMEIT: Okay. Any further 2 discussion? 3 MR. CAREY: I would just add, Mr. Chairman, 4 I'd like to suggest a friendly amendment that we include that we are taking this action in light of the 5 agency's acknowledgement of error in communication to 6 7 Mr. Houlberg. CHAIRMAN ADOMEIT: Okay. So how does the 8 motion then read? Because Cindy's got to write it 9 10 down, or somebody does. 11 MR. CAREY: I don't know if David and Carl accept my amendment. 12 13 MR. CHISEM: Uh, yes. MR. KRAYESKI: This is David Krayeski. 14 15 accept your amendment. And I'll restate the motion. So this is David Krayeski. I make a motion to approve 16 the request for appeal by Mr. Houlberg to purchase 17 retirement credit for military service based on the 18 19 fact that he was given erroneous information by his 20 employing agency at the time. MR. CHISEM: This is Carl Chisem. 21 I'11 accept and second it. 22 CHAIRMAN ADOMEIT: Okay. Any further 23 24 discussion? Hearing none, all in favor, say aye or

raise your hand. One, two, three. The ayes have it.

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                We are at the end of our agenda, I believe.
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     Yes.
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                MR. CAREY: Mr. Chairman, this is Mike Carey.
     I move to adjourn.
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                MR. CHISEM: Carl Chisem. I'll second.
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                CHAIRMAN ADOMEIT: All in favor, say aye or
6
     raise your hand. The ayes have it.
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                MR. CAREY: And no amendments to that motion.
                CHAIRMAN ADOMEIT: Hey, thank you all very
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10
     much.
                MR. CAREY: Take care, everybody.
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                (Adjourned at 2:24 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, Subcommittee of Purchase of Service & Related Matters meeting held electronically via Zoom, conducted at 1:04 p.m. on May 11, 2023. Karin G. Empson Karin A. Empson 06/05/2023 Date