STATE OF CONNECTICUT

STATE EMPLOYEES RETIREMENT COMMISSION

SUBCOMMITTEE ON PURCHASE OF SERVICE & RELATED MATTERS MEETING

NOVEMBER 21, 2023 MEETING HELD VIA ZOOM CONVENED AT 11:03 a.m.

Present:

Peter Adomeit, Chairman Michael Carey, Trustee Carl Chisem, Trustee David Krayeski, Trustee John Herrington, Retirement Services Division Director Robert Helfand, Retirement Services Division Colin Newman, Retirement Services Division Benjamin Sedrowski, Retirement Services Division Cindy Cieslak, Rose Kallor, LLP

TRANSCRIPTIONIST: Karin A. Empson

1 (Proceedings commenced at 11:03 a.m.) 2 3 4 CHAIRMAN ADOMEIT: Good morning, everyone. 5 Peter Adomeit here. This is the Purchase of Service & 6 7 Related Matters Subcommittee meeting being held by Zoom technology. 8 9 Cindy, do you have the attendance, please? MS. CIESLAK: Yes. Good morning. This is 10 Cindy Cieslak. Present today, we have Chairman Peter 11 Adomeit, Trustee Michael Carey, Trustee Carl Chisem, 12 Trustee David Krayeski. From the Retirement Services 13 Division, we have Robert Helfand, Ben Sedrowski, and 14 15 Colin Newman. I am Cindy Cieslak from Rose Kallor, General Counsel. 16 CHAIRMAN ADOMEIT: Okay. Item Number 1 is 17 Jose Serrano. 18 19 MS. CIESLAK: My apologies. For the record, 20 this is Cindy Cieslak. I stopped the recording instead of hitting mute. So there was no gap. It was-21 22 CHAIRMAN ADOMEIT: Right. MS. CIESLAK: The Chairman called for Jose 23 Serrano and now there is going to be a presentation on 24 Jose Serrano. 25

1 CHAIRMAN ADOMEIT: Okay. 2 MR. SEDROWSKI: All right. Mr. Serrano, so he was tabled at a previous meeting pending review and 3 4 confirmation that the agency affidavit that was submitted-5 So he was looking to get a retroactive 6 7 grandfathering election. He initially commenced state 8 service in 2007 where he was a hazardous duty employee. In 2013, when the option to grandfather was released 9 10 for state employees, he was still on hazardous duty at that time, so he was not afforded that opportunity. In 11 2015, he moved to the Division for Public Defender 12 Services into a non-hazardous-duty position, at which 13 point, he should have been eligible to elect to 14 15 grandfather at that time. However, he was not afforded that option. This was confirmed by the agency. 16 Also then, later on, in 2023, he had 17 submitted the grandfathering application. So at this 18 19 time, it's before the subcommittee to either allow or 20 to deny the option to grandfather based on the retroactivity and the agency error. 21 22 MR. CAREY: Ben, this is Mike Carey. I just 23 want to confirm that the agency has now submitted an affidavit signed by an attorney attesting to the fact 24 that the member was not afforded the opportunity at the 25

time of transfer; is that correct? 1 2 MR. SEDROWSKI: They have submitted an 3 affidavit. It's not signed by an attorney. It is 4 signed by Ms. Paula Lore (phonetic). She is the head of HR, if I'm not mistaken, over at the agency. She 5 was also the HR representative that did do the 6 7 onboarding process for him in 2015. So she further 8 confirmed that she did not supply him with that information. 9 MR. CAREY: I thought there had been another 10 signature on that now. Maybe not. 11 MS. CIESLAK: This is Cindy Cieslak. 12 Ιt looks like it was signed by Susan Soras (phonetic). 13 MR. CAREY: Soras. 14 15 MS. CIESLAK: And it appears that there is a number associated with that with an expiration date. 16 So my assumption would be that's a notary public. So 17 it was notarized. 18 19 And for the record, John Herrington, Division 20 Director, is joining us. MR. HELFAND: Yeah, I suspect that Susan 21 22 Soras is an attorney and that that's why - well, maybe 23 not. There's an expiration date. You're right, Cindy. CHAIRMAN ADOMEIT: How do you wish to 24 proceed? 25

MR. CAREY: Well, what would be consistent-1 2 MS. CIESLAK: Well-3 MR. SEDROWSKI: Yeah. 4 MR. CAREY: Sorry. MR. KRAYESKI: I was going to ask the 5 question, if this were granted, the member would be 6 7 required to make all retroactive contributions, Ben? MR. SEDROWSKI: That is correct. There is a 8 question on whether they would be paying the full 9 actuarial cost, or if there would just be retroactive 10 11 contributions based upon their earnings in between 2015 and 2023. 12 MR. KRAYESKI: And do we know how we've done 13 that in the past, whether we have the person pay the 14 15 full actuarial value or just the contributions? MR. SEDROWSKI: I'll defer to Bert, John, or 16 Colin, if you could supply. 17 MR. HERRINGTON: Right. So I would say two 18 19 things. The first thing would be, the agreement is that they pay the full actuarial cost. Paying those 20 21 contributions now retroactively would not capture the full actuarial cost for this purchase. 22 23 MR. KRAYESKI: Right. MR. HERRINGTON: And there haven't been many 24 that are in this posture where, you know, eight years 25

1 after the fact, we're allowing them to pay those 2 contributions at that 0.72 percent. 3 MR. CAREY: So how does that work in the 4 context of, let's say for the sake of discussion, that the agency made an error? There should have been 5 contributions made starting on a particular date, 6 7 assuming that the individual would have made that election at the time it was presented. Does that - I 8 understand that that would not reflect current 9 actuarial cost, but if this is agency error, we are 10 11 then putting the cost of the agency error on the employee; are we not? 12 Well, you know - this is Bert 13 MR. HELFAND: And this case is different from the others, 14 Helfand. 15 the other similar cases that I've dealt with, in that the agency is coming forward and attesting, we did not 16 make the offer at the time. But - and the SEBAC 17 agreement provides that the commission can allow 18 19 retroactive grandfathering in cases of agency - where 20 the failure to grandfather is caused by agency error. 21 The question is - and the agreement isn't specific about issues of proximate cause. Because when 22 23 there's been a delay of eight years in which the member hasn't acted, the question becomes whether the failure 24 to seek the opportunity to grandfather is caused 25

1 exclusively by agency error or more proximately by the 2 member's failure to act until he or she was assured of 3 the fact that he would benefit from the grandfathering by continuing to work after the 2022 date. 4 So there's that consideration as well. 5 MR. CHISEM: How much are we putting on the 6 7 member to pay, even though it is partially the agency's 8 error? MR. HERRINGTON: We don't have the actuarial 9 cost at this point. I've reached out to John Garrett 10 to provide the cost. I will say, in my conversations 11 with John Garrett, he feels pretty strongly that we 12 should require the payment of the full actuarial cost, 13 and largely in part to what Bert has suggested. So the 14 15 way that this was costed out, it was costed out with the expectation that individuals paid the 16 grandfathering contributions and they left prior to the 17 2022 changes, those contributions would remain in the 18 19 system and would not be refunded to the member. And so 20 that that was part of the cost. So everyone post-July-1st-of-2022, they've 21 removed that bit of chance from the equation. And so 22 23 now it's all a benefit from them. They all know that by paying for this, they are going to get the value of 24 their money, and that wasn't the case for people prior 25

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So there are people that if the idea would be, you know, I could pay this right now in 2015 and risk losing that contribution, or I could wait until 2023 to come forward, pay that same amount with no risk, you know, those people are benefiting from that agency error, or purported agency error.

MR. CAREY: Well, I would consider permitting the employee to have access to the grandfathering at full actuarial cost. I don't know how the other trustees feel about that.

MR. KRAYESKI: I guess I agree with that in, 12 you know, having - you know, taking a look at the 13 statement from the agency that they, in fact, didn't 14 15 necessarily do that onboarding, but eight years later, there does bear some value that the employee has to -16 has to carry of this decision. You know, I don't think 17 - you know, most of us in state government have heard 18 19 and talked about retirement and pension. It's not like 20 it's a completely uncommon topic in state government and awareness of that. 21

22 So post-July-1-'22, I think that would, if we 23 were charting a path forward, is, as precedential 24 value, I think that would be a sound one under 25 fiduciary responsibility at some point.

It is a benefit to the member. 1 MR. CHISEM: 2 I'm just - I'm just going, in my head, you know, the 3 cost of it, you know. MR. KRAYESKI: Sure. 4 MR. CHISEM: The timeframe, you know, I'm not 5 too happy with that. But-6 7 MR. KRAYESKI: No, and I agree with you, 8 Carl. And I think the myriad of circumstances that could have been in play in something like this-9 10 MR. CHISEM: Yep. 11 MR. KRAYESKI: --are countless. Who knows? So it's really hard to try to predict and determine 12 everybody's individual circumstances. 13 MR. CHISEM: Yeah. 14 15 MR. KRAYESKI: So - but affording him the opportunity to exercise that right, I think is still a 16 benefit, you know (inaudible) circumstantial 17 (inaudible). 18 19 MR. CHISEM: It is, without a doubt. You know, the benefit's there, and it's good they afford 20 21 him the opportunity. MR. KRAYESKI: Mm-hmm. 22 23 MR. CHISEM: I'm just - I'm just really concerned and, you know, bothered by the fact that, you 24 know, this is going to be their burden. 25

1 MR. KRAYESKI: Yep. 2 MR. CAREY: Well, but he's also - I think 3 what, you know, John and Bert were saying before, the 4 element of risk is now gone. MR. KRAYESKI: Gone, yeah. 5 MR. CAREY: Right? So whereas before, 6 7 people, myself, who signed up about the time, may have 8 decided to retire and I may not have, and I - and I didn't. But that was, you know, a risk that I took. 9 And now, he - there's not that risk. He's, you know, 10 11 locked in for grandfathering, and I think that's it. So - and again, it's going to be his choice. 12 All we're doing is voting to permit it at full 13 actuarial value, if we were to vote in that direction. 14 15 And then once it's calculated, he could say, no, thanks. 16 MR. CHISEM: Yeah, of course. 17 CHAIRMAN ADOMEIT: Okay. 18 19 MR. HELFAND: And I actually was making two points there. One was about the fact that the risk has 20 been eliminated, but also the fact that the member 21 22 arguably or it is plausible to conclude that the member 23 knew he wasn't grandfathered for eight years and took no action about it, and that contributed to the 24 causation of the situation he's in now, that is, the 25

attested agency failure to offer him the opportunity is 1 not the sole cause of this situation. 2 3 MR. CHISEM: No, there is some responsibility on the individual as well. I do get that. 4 CHAIRMAN ADOMEIT: Okay. Are we ready for a 5 motion? 6 7 MR. CAREY: Sure. Mr. Chairman, this is Mike 8 Carey. I move that the subcommittee recommend to the full commission that they approve Mr. Serrano's request 9 to apply retroactively for grandfathering with the 10 caveat that it is at full actuarial cost. 11 MR. KRAYESKI: Krayeski, second. 12 CHAIRMAN ADOMEIT: Okay. Any further 13 discussion? Hearing none, all in favor, say aye or 14 15 raise your hand. It's unanimous; the ayes have it. Moving on, Raja Staggers-Hakim. 16 MR. SEDROWSKI: Okay. Ms. Staggers-Hakim was 17 initially hired with the state in June of 2008 where 18 19 she elected eventually to become a member of SERS Tier 20 IIA. There was an undecided period, but that -21 mandatory contributions were collected for that period. 22 She then continued in state employment until 23 June 4 of 2013, where she then terminated. She then refunded all of her Tier IIA contributions, therefore 24 completely divesting from the plan. After a break in 25

service from 2013 to 2019, she was rehired at UCONN as a part-time adjunct faculty member and was limited in her retirement options at that time to either elect ARP or to waive pursuant to the 2005 agreement.

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UCONN received no CO-931 election from her to either affirmatively waive or elect ARP. As such, they defaulted her into ARP 6.5 percent. She had terminated state employment once again with UCONN in December 2019 and then returned in August of 2023, at which time, she attempted to elect into SERS Tier IV, however due to the prior default election into ARP, she was not afforded another opportunity to elect.

She has appealed to the commission to permit 13 a new retirement plan election, therefore she can 14 15 transfer from ARP to SERS based on three factors: the prior SERS IIA service, which I've already discussed as 16 being divested, and because of a permanent break in 17 service between 2013 to 2019, is not available to her; 18 19 participation in the State of Massachusetts defined 20 benefit plan coincidental to that part-time service at UCONN in 2019; and then a lack of adequate information 21 regarding options prior to the default in 2019. 22

This division has received no evidence of any extraordinary circumstances during her employment in 25 2019 that would suggest that she did not receive

1 adequate information, and UCONN has not supported that 2 assertion either. The 2019 default to ARP is 3 irrevocable, and I have provided, alongside the 4 writeup, the memorandums that specify that. And then, in regards to her coincidental 5 employment, there is no provision that allows us or 6 7 precludes her membership into ARP because she is participating in the defined benefit plan in 8 Massechusetts. 9 MR. KRAYESKI: So then we have no attestation 10 11 from the agency saying, hey - from UCONN saying, you know, we didn't provide information or-12 MR. SEDROWSKI: No, sir, to the contrary, 13 14 actually. They specified that they've requested - let 15 me see if this is strict language. They gave multiple written requests to Ms. Hakim, or Staggers-Hakim, 16 regarding the submission of the 931 and they received 17 no response to them. 18 19 MR. KRAYESKI: Okay. 20 CHAIRMAN ADOMEIT: How do you wish to 21 proceed? MR. CAREY: This is Mike Carey. I don't 22 23 think there's too much here. I would be prepared to move that we deny the request. So I will do that. 24 This is Mike Carey and I move that the subcommittee 25

1	recommend that full commission deny Dr. Staggers-
2	Hakim's request to make a new retirement plan election
3	to SERS Tier IV.
4	MR. CHISEM: I'll second.
5	CHAIRMAN ADOMEIT: All in favor, say aye or
6	raise your hand. Unanimous; the ayes have it.
7	Okay, moving on, Shannon Holder.
8	MR. SEDROWSKI: All right. Ms. Holder is in
9	a similar situation where she's looking to get a new
10	retirement plan election. Instead of SERS, she is
11	looking to elect to the Teachers' Retirement System.
12	She was first hired in January of 2023. She
13	did not submit a 931 following her date of hire, so she
14	did not make an affirmative election. As such, UCONN
15	then defaulted her to ARP, once again, pursuant to the
16	collective bargaining agreements. Afterwards, she then
17	terminated her adjunct faculty employment in May of
18	2023 and was rehired in August of 2023. At that time,
19	she submitted a 931 attempting to elect into TRS.
20	Once again, similar to Staggers-Hakim, the
21	default retirement plan election is irrevocable and
22	there is no evidence of any kind of agency error in
23	regards to that. And that she also raises a claim that
24	she has prior membership in TRS. That is solely at a
25	municipal level however and has not - she has never

made an election to TRS at a state level, and therefore 1 2 it doesn't preclude her election into a state 3 retirement plan. 4 CHAIRMAN ADOMEIT: How do you wish to proceed? 5 MR. KRAYESKI: I believe we - this is David 6 7 Krayeski. I believe we make a motion to deny the 8 request. 9 MR. CHISEM: Carl Chisem, second. CHAIRMAN ADOMEIT: Any discussion? Hearing 10 11 none, all in favor, say aye or raise your hand. It's unanimous; the ayes have it. 12 Rosalind Amaker, or Ahmaker (phonetic), 13 Amaker. 14 15 MR. SEDROWSKI: Sir, I'm not sure either. I've been saying Amaker, but I'm not a hundred-percent 16 17 sure. CHAIRMAN ADOMEIT: Well, I've already 18 19 butchered Hakim. 20 MR. SEDROWSKI: So Ms. Amaker, now this is in regards to a purchase of prior military service. She 21 initially submitted her documentation of approximately 22 23 one month after the deadline, the 12-month deadline. She has requested that the retirement commission allow 24 her - or honor her prior military purchase request 25

based on two factors. Her initial agency, when she was hired as a part-time lecturer at Asnuntuck Community College, did not inform her of her right to purchase this service nor the time limit or deadline to submit the paperwork. And then also, upon receiving that information from her second agency, she did promptly file her purchase correctly.

Her purchase request is past the one-year 8 deadline. She was initially hired August 2022 at 9 Asnuntuck, as I had stated, where she became a member 10 of Tier IV. She terminated her employment after the 11 fall semester in December of 2022, and then effective 12 September - sorry, September 22, 2023, she was rehired 13 with the state as a fulltime employee, at which time 14 15 that HR had given her the information regarding her prior military service, and she then submitted her 16 purchase application. 17

18 The agency, Asnuntuck, has confirmed that 19 they did not supply the information to the employee at 20 that time. So the agency does support her assertion.

21 MR. KRAYESKI: Thanks, Ben. This is David 22 Krayeski. I just have a point of personal information 23 question on this.

MR. SEDROWSKI: Sure.

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MR. KRAYESKI: So she was an instructor, some

kind of a part-time faculty (inaudible) part-time 1 2 employee? MR. SEDROWSKI: That's correct. 3 4 MR. KRAYESKI: For a few months; right? MR. SEDROWSKI: Mm-hmm. 5 MR. KRAYESKI: So the one year from 6 7 employment to being able to request the ability to 8 credit - get credit for your - or purchase your prior military time, that's one year from the date of hire no 9 matter whether you work three weeks, three months, or 10 11 364 days in that period of time? MR. SEDROWSKI: I do believe the language is 12 commencement of state service, is the exact language it 13 uses. So it doesn't actually make the determination 14 15 based on how long-16 MR. KRAYESKI: Okay. MR. SEDROWSKI: -- you are employed following 17 it. 18 19 MR. KRAYESKI: Okay. That's helpful for me because I - when I heard that, you know, she, you know, 20 clearly was there a very short period of time. 21 MR. SEDROWSKI: Mm-hmm. 22 23 MR. KRAYESKI: It does sound like we actually 24 have some information from the agency then. They believe that they did not sincerely offer her that 25

1	opportunity.
2	MR. SEDROWSKI: That is correct.
3	CHAIRMAN ADOMEIT: How do you wish to
4	proceed?
5	MR. CAREY: This is Mike Carey. I guess the
6	question for us is, given the fact pattern of it being
7	only a month beyond the deadline anyways, plus the
8	employer asserting that they did not afford this
9	individual the opportunity, are we inclined to toll the
10	limit in these particular circumstances, based upon
11	that fact pattern? I would probably be - I would be
12	leaning in that direction.
13	MR. KRAYESKI: I would support that motion as
14	well.
15	MR. CHISEM: Yes.
16	CHAIRMAN ADOMEIT: Okay. We need a motion.
17	MR. CAREY: Well, Mr. Chairman, this is Mike
18	Carey. In the matter regarding Rosalind Amaker, I move
19	that we recommend to the full commission that, based
20	upon the fact pattern in this specific case, that we
21	toll the limit for application purchase of purchase of
22	prior military service and afford Ms. Amaker the
23	opportunity to make that purchase.
24	MR. CHISEM: Chisem, second.
25	CHAIRMAN ADOMEIT: Any further discussion?

Hearing none, all in favor, say aye or raise your hand. 1 2 It's unanimous; the ayes have it. Thank you. 3 Brooke Grant. MR. SEDROWSKI: All right. And up last today 4 is Brooke Grant, Ms. Brooke Grant. She is requesting 5 that the commission allow her to purchase her time 6 7 spent while as a cadet at the U.S. Coast Guard Academy. 8 She is supporting this on three factors. First, under federal law, students enrolled at military service 9 academies are considered active-duty members. Second, 10 11 service at that military service academy is not creditable towards military service computations for 12 their pension, therefore she would not be double-13 14 dipping should she be allowed to purchase it. And 15 lastly, academy time would be creditable when working for the federal government as a federal civilian, i.e., 16 she would be eligible to purchase that time as active-17 duty credit in that system. 18 19 Ms. Grant was originally hired with the state March 24, 2023. She's a member of Tier IV hybrid. 20 The 21 division received her request for this in April of 2023 and it was administratively denied later in August of 22

2023, specifically, stating that we have consistently applied and the commission has consistently held that service time spent at a military academy is not

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1 creditable or purchasable under 5-180(b). 2 I have also included for discussion points a 3 few prior recommendations and decisions from the 4 commission specifically identifying that the time spent at a military service academy is not active service 5 (inaudible) an honorable discharge or release under 6 7 honorable conditions, therefore it is not purchasable. MR. KRAYESKI: This is David Krayeski. Ben, 8 just a question. So if this individual had been at an 9 10 academy and then gone into service and then got an honorable discharge, that academy time would count if 11 it were continuous right into service and then 12 discharge or-13 MR. SEDROWSKI: Would count towards her 14 15 purchase or would count towards the military service pension? 16 MR. KRAYESKI: Towards her for purchase. 17 MR. SEDROWSKI: No. So it is separated out. 18 19 So we consider that non-purchasable time regardless if 20 it's coincidental to further active-duty service or 21 not. MR. KRAYESKI: Okay. I continue to learn new 22 23 things every day. MR. CHISEM: Ben, this is Carl Chisem. 24 25 MR. SEDROWSKI: Yes, sir.

1 MR. CHISEM: So, just correct me if I'm wrong, so her academy time doesn't count as 2 3 pensionable, but through the federal government, I guess it does, you're saying? 4 MR. SEDROWSKI: So she is making the 5 assertion that - let me just bring up the language 6 7 specifically. So on Exhibit A, her appeal request, the 8 last paragraph on the page, it says, academy time would be creditable when working for the federal government, 9 explicitly includes academy service time at U.S. 10 11 military service academies is creditable, except for the civil service retirement system, yes, and for the 12 federal employees retirement system. 13 So it would be purchasable and creditable 14 15 under that system. MR. CHISEM: Okay. But not the state's, 16 obviously. 17 MR. SEDROWSKI: No. We - it - there's 18 19 nothing explicitly that allows it, and the commission has routinely denied it. 20 21 MR. CHISEM: Okay. Thank you. CHAIRMAN ADOMEIT: We need a motion. 22 23 MR. KRAYESKI: Mr. Chairman, I make a motion that we deny the request based on past practice for Ms. 24 Grant to purchase her military academy time. 25

1 MR. CHISEM: Carl Chisem, second. 2 CHAIRMAN ADOMEIT: Any further discussion? 3 Hearing none, all in favor, say aye or raise your hand. It's unanimous; the ayes have it. 4 Adjournment is not on the agenda, but it 5 should be. 6 7 MR. SEDROWSKI: I will ensure that it gets 8 added next time. My apologies. 9 MR. CAREY: Do we need to amend the agenda to put it on? Or-10 11 CHAIRMAN ADOMEIT: I don't have that kind of 12 courage. MR. CAREY: Mr. Chairman, this is Mike Carey. 13 I'll be so bold as to move that we adjourn. 14 15 MR. KRAYESKI: Krayeski, second. CHAIRMAN ADOMEIT: I need a second. 16 MR. KRAYESKI: Krayeski, second. 17 CHAIRMAN ADOMEIT: All right. All in favor, 18 19 say aye or raise your hand. Ayes have it, unanimous. 20 Thank you all very much. 21 MR. CAREY: Thanks, everybody. 22 (Adjourned at 11:31 a.m.) 23 24 25

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 11:03 a.m. on November 21, 2023. Karin G. Empson Karin A. Empson 12/06/2023 Date