

## **Meeting of the Legal & Personnel Subcommittee of the State Employees Retirement Commission**

DATE: January 10, 2024

### **PRESENT:**

Chairman Peter Adomeit  
Trustee Michael Carey  
Trustee Brian Hill  
Trustee Sal Luciano  
Commission Counsel Michael J. Rose (Rose Kallor, LLP)  
Commission Counsel Cindy Cieslak (Rose Kallor, LLP)  
Commission Tax Counsel Virginia McGarrity (Robinson & Cole LLP)  
John Herrington, Retirement Services Division Director  
Robert Helfand, Retirement Services Division Assistant Director  
Benjamin Sedrowski, Retirement Services Division  
Yamuna Menon, General Counsel and Assistant Comptroller

The Chairman called the meeting to order at 8:35 a.m. Those present were identified by Ms. Cieslak.

At 8:36 a.m., Mr. Luciano moved, seconded by Mr. Carey to approve the agenda. All voted in favor.

### **Executive Session – discussion and possible recommendation**

1. UC ARP 401(a) grandfathering – written legal opinion.
2. Mark Waters appeal – written legal opinion.
3. Linda Cicarella v. SERC – pending litigation.
4. SERC v. Town of Ellington – pending litigation.

At 8:36 a.m., Mr. Luciano moved, seconded by Mr. Carey to suspend the regular meeting, and go into executive session for the purposes of discussing Items 1-4. Cindy Cieslak, Robert Helfand, John Herrington, Virginia McGarrity, Yamuna Menon, Michael Rose, and Benjamin Sedrowski were invited by the Subcommittee to enter executive session for Items 1-4. The Chairman asked if there was any discussion. There being no discussion he called for a vote. The Subcommittee voted unanimously in favor to enter executive session to discuss Items 1-4.

At 9:17 a.m., Mr. Luciano moved, seconded by Mr. Carey to exit executive session. All voted in favor.

**Public Session**

At 9:18 a.m., Mr. Carey moved, seconded by Mr. Hill that the Subcommittee recommend that the Commission instruct the Division to contact UConn and UConn Health Center to instruct UConn and UCHC to make restitution for missed contributions as a result of incorrect application of IRC Section 401(a)(17) in the case of reemployed employees. All voted in favor.

At 9:19 a.m., Mr. Luciano moved, seconded by Mr. Carey that the Subcommittee recommend that the Commission deny Mr. Waters' appeal and direct the Division to advise him of his rights pursuant to Conn. Gen. Stat. § 7-438(b). All voted in favor.

MEETING ADJOURNED: With no further business before the Subcommittee, at 9:19 a.m., Mr. Luciano moved, seconded by Mr. Carey to adjourn. All voted in favor. Meeting adjourned.

Respectfully submitted,

Michael Carey