

## Lawrence Retirement Board Meeting Minutes

January 24<sup>th</sup> 2023 at 8:30 am

Meeting called to order at 8:32

Members Ceballos, Wilson, Ruiz, Wright and Cockroft were present. Attorney Sacco was present.

*Diane Cockroft made a motion to nominate member Ramona Ceballos as Chairman to the Board. Motion was seconded by Robert Wilson. All were in favor 5-0*

*Diane Cockroft made a motion to go into executive session at 8:36 a.m. Motion was seconded by Sheryl Wright. Roll Call Ceballos-yes, Wilson-yes, Ruiz-yes, Wright-yes Cockroft-yes. Motion carries 5-0*

### **New Business**

**– Kathleen Maldonado, Member Survivor Hearing**

**– Adam Goujon, Involuntary accidental/ordinary and accidental disability hearing**

*Diane Cockroft made a motion to come out of executive session at 9:45 a.m. Motion was seconded by Sheryl Wright. Roll Call Ceballos-yes, Wilson-yes, Ruiz-yes, Wright-yes Cockroft-yes. Motion carries 5-0*

### **Waiver Request – Discussion with Attorney Sacco**

Director, Gina Rizzo stated that Back in 2021, she received a call from an LPN who wished to retire and was questioning why her “Bus Stipend” wasn’t included in her pensionable salary. I contacted Mare Fonseca, school payroll supervisor who informed me that the LPN’s had added the stipend in their contract. At this time, I acquired copies of the LPN contract and reached out to Attorney Sacco who began conversing with the LPN union representative at the time. Attorney Sacco determined that the stipend was in fact pensionable and instructed me on how to calculate the percentage owed on the stipend. The school payroll was instructed to begin withholding from the bus stipends at the beginning of the school year in 2021. Letters were sent to all of the LPN’s and affected retired LPN’s with an explanation and repayment instructions. To date, all the retired LPN’s have repaid and their pensions were recalculated. 2 active LPN’s have paid in full and have since retired and one has started on a payment plan. We still have 10 that have not responded.

Recently, Business Agent, UFCW Local 1445 Jack Kenslea reached out on behalf of the Lawrence Public Schools, LPN’s. in regards to their members having to pay back the discrepancies in their pension amounts due to the Bud Stipend not being added toward their overall contribution. He stated that they feel that because our members were informed so late about this issue and the discrepancies are large enough to pose a financial burden on our members it is not enforceable that they should be responsible

for paying back the full amount. In the relevant language in MGL Chapter 32 regarding errors, all three conditions clearly apply. The error lasted several years through no fault of our members, they did not provide any erroneous information to either the school department or the retirement board, and they did not have knowledge of the error or reason to believe that the rate was in error as their paychecks did not breakdown which parts of the money were going toward the pension amount, only the total amount deducted. Therefore we request that as allowed by the relevant state laws the discrepancies owed be waved and previously retired members who paid back such discrepancies be reimbursed for the amounts paid.

Michael Sacco stated that Chapter 32 does allow for boards to waive certain errors, but in his experience it's usually for one individual, not an entire group. I would not recommend waiving for an entire group. Although, Mr. Kenslea says it would be a financial burden the individuals did receive this money in their pay and having the Stipend will increase the amount of their average pay considerable.

*Diane Cockroft made a motion to deny the waiver request. Motion was seconded by Sheryl Wright. All were in favor 5-0*

Member Diane Cockroft left the meeting at 9.56

MGL Ch. 32 s 20 (6) - Discussion

Attorney Sacco stated that in order for the board to increase their stipend from the \$3,000 annually to \$4,500 annually, they would need the Mayor to recommend the increase and the City Council to approve it.

Director Gina Rizzo will gather information for Ramona Ceballos to present to Mayor DePena.

An application for superannuation has been received from **Judith Winslow**, a 74-year-old School Bookkeeper with 31 years and 3 months of service. If approved, member will retire on February 11<sup>th</sup>, 2023 under an annual Option B allowance in the approximate amount of \$ 46,470.72.

*Sheryl Wright made a motion to approve the superannuation retirement for Judith Winslow. Motion was seconded by Robert Wilson. All were in favor. Motion carries 4-0*

**Tabled Items:**

**Coughlin DALA appeal**

**Wood – CRAB appeal**

**Bradley – CRAB appeal**

An application for superannuation has been received from **Maria Encarnacion**, a 66-year-old School, Lunch Aide with 17 years and 4 months of service. If approved, member will retire on February 2<sup>nd</sup>, 2023 under an annual Option B allowance in the approximate amount of \$10,926.54

*Sheryl Wright made a motion to approve the superannuation retirement for Maria Encarnacion. Motion was seconded by Robert Wilson. All were in favor. Motion carries 4-0*

### **New Members:**

<b>Name</b>	<b>UNIT</b>	<b>Dept or Position</b>	<b>Group</b>
Byez Taveras, Luis	VOC	Security	1
Alvarado, Hilda	VOC	Security	1
Urbaez Sanchez, Santo	CTY	Cemetery-MEO	1
Arias, Emely	SCH	Para	1
Colon, Patricia	SCH	Interpreter	1
Lizardo, Ronny	SCH	Para	1
Martinez, Francisca	SCH	Para	1
Perez, Onix	SCH	Para	1
Picon, Perla	SCH	Para	1
Quintanilla, Yasmsi	SCH	Para	1
Rigual, Rose	SCH	Para	1
Rios, Aaliyah	SCH	Para	1
Rosado, Chacity	SCH	Para	1
Santos, Alexander	SCH	Para	1
Monteiro, Cassandra	SCH	BCBA	1
Miranda, Vicky	SCH	Para	1
Jaime, Victor	CTY	Painter	1

*Robert Wilson made a motion to approve the new members as submitted. Motion was seconded by Sheryl Wright. All were in favor. Motion carries 4-0*

### **Refunds:**

Esther Encarnacion	CTY	Director of Economic & Development	\$12,898.44
Kiara Diaz	SCH	IT specialist	\$ 2,990.40
Lauren Kushman	SCH	Dir. of Financial Strategy & Planning	\$ 6,897.85

*Robert Wilson made a motion to approve the refunds as submitted. Motion was seconded by Sheryl Wright. All were in favor. Motion carries 4-0*

### **Monthly Expenses:**

Warrant #	01	Voucher #	1-35	\$	411,804.97
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Retiree End Checks \$ 15,483.37

*Sheryl Wright made a motion to approve the monthly expenses as submitted. Motion was seconded by Robert Wilson. All were in favor. Motion carries 4-0*

**Monthly pension payroll for January 31<sup>st</sup>, 2023 \$ 2,428,687.48**

*Sheryl Wright made a motion to approve the pension payroll as submitted. Motion was seconded by Pascual Ruiz. All were in favor. Motion carries 4-0*

Approval of the December 27<sup>th</sup>, 2022 regular and executive session retirement board minutes as submitted.

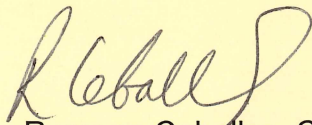
*Sheryl Wright made a motion to approve the December 27<sup>th</sup>, 2022 regular and executive session retirement board minutes as submitted. Motion was seconded by Robert Wilson. All were in favor. Motion carries 4-0*

Copies of bank statements, cashbooks and investment reports are available for review. Warrants and vouchers are present for approval and review.

The next scheduled regular monthly board meeting will be held on Tuesday February 28<sup>th</sup>, 2023 at 8:30 AM.

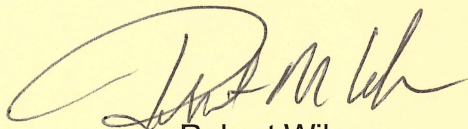
*Being no further business, Sheryl Wright made a motion to adjourn at 10:11 AM, seconded by Robert Wilson. All were in favor. Motion carries 4-0*

Respectfully submitted,



Ramona Ceballos, Chairman

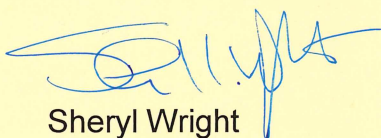
Gina Rizzo, Executive Director



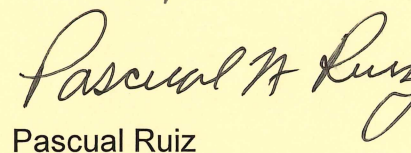
Robert Wilson



Diane Cockroft



Sheryl Wright



Pascual Ruiz