

STATE OF CONNECTICUT
STATE EMPLOYEES RETIREMENT COMMISSION
HAZARDOUS DUTY SUBCOMMITTEE

JANUARY 5, 2021 MEETING
HELD VIA ZOOM
CONVENED AT 2:12 p.m.

Subcommittee Members Present:

Peter Adomeit, Chair
Karen Buffkin, Trustee
Angel Quiros, Trustee

Also Present:

Cindy Cieslak, Rose Kallor, General Counsel to
Retirement Commission
John Herrington, Assistant Director, Retirement
Services Division
Colin Newman, Retirement Services Division

Court Reporter: Karen Vibert

1 (Proceedings commenced at 2:12 p.m.)

2 MR. ADOMEIT: I call the meeting to order.

3 Prior to the meeting we discussed how to proceed in
4 the absence of union members on the Subcommittee.

5 It's my recommendation, and there was no objection,
6 that we go ahead and discuss it and depending on how
7 the vote comes out, if it's favorable to the
8 gentleman, then I'm sure the union would not object
9 to that. If, on the other hand, it's not favorable,
10 then there would be objections and we would not make
11 a recommendation to the full Commission.

12 So, I guess do you want to present
13 the case, Colin?

14 MR. NEWMAN: So, this is a case -- this
15 individual has come before the Hazardous Duty
16 Subcommittee previously while he was in the position
17 of a health administrator II, and the fact that he
18 was in the Alternate Retirement Program as opposed
19 to being in SERS.

20 He has previously requested that his
21 service within that particular title be treated as
22 SERS -- I'm sorry -- treated as hazardous duty. The
23 gentleman was also part of the -- was included under
24 the SAG Award and the Commission, with respect to
25 the SAG Award, determined that if he indeed

1 transferred his service from -- if he transferred
2 under the SAG Award, then the Commission would
3 determine that his duties as a health administrator
4 would be considered hazardous duty. So that was
5 done -- the Commission made that decision back in
6 November -- on November 15th of 2018.

7 Just prior to that meeting,
8 Mr. Furey, because of the fact that he was part of
9 the correctional care management program that had --
10 that particular program had been transferred from --
11 back from UConn Health Center back to the
12 jurisdiction of the Department of Corrections.

13 At the time of his transfer, which
14 was August 31st of 2018, Mr. Furey was placed in a
15 new title, that title being the regional chief
16 operating officer, a position that was not -- did
17 not fall under the hazardous duty provision --
18 hazardous duty guidelines.

19 So, like I said, Mr. Furey actually
20 did complete his transfer (inaudible) service based
21 on the amount of monies that were transferred over
22 from ARP to SERS. Mr. Furey was granted 10 years,
23 one month and 17 days of hazardous duty service for
24 his transfer. Combined with his prior hazardous
25 duty service, prior to him going into ARP, he

1 actually -- at the time of his transfer back to DOC,
2 he had accrued approximately 18 years, five months
3 and 24 days of hazardous duty service.

4 So, essentially, his hazardous duty
5 accruals have basically stopped at the point of his
6 transfer into DOC.

7 Subsequently, he's had approximately
8 two years and four months nonhazardous duty service
9 as the regional chief operating officer. So,
10 Mr. Furey is requesting that his service in that
11 position be also considered for hazardous duty
12 status.

13 In support of his claim, if you look
14 at the packet that I sent, you know, you have the --
15 the title under the classification, what the
16 particular job duties are. I also have, obviously,
17 his letter, his claim, where he's requesting that
18 this period of service from August 31st of 2018 be
19 considered hazardous duty. And we've also received
20 a letter, a supporting letter, from the deputy --
21 Deputy Commissioner Sharonda Carlos, regarding the
22 functions that Mr. Furey had been performing while
23 he's been in that position.

24 So he's -- like I said, he's come
25 forward. I don't know if there's anybody from

1 Corrections human resources on this call, but this
2 is the information that's been provided to support
3 Mr. Furey's claim.

4 MR. ADOMEIT: Okay. Thank you, Colin.

5 Cindy, I just sent you an email, and
6 in the email is a copy from what Colin sent us,
7 Mr. Furey's letter to me and John Herrington and
8 Colin and Angel, of September 9th, and that's what
9 he is saying are the facts. So, with the approval
10 of the group, would you like to have her put that on
11 screen share or do you have access to it?

12 MS. BUFFKIN: I think it's in our packet.
13 Is this the letter dated September 9, 2018?

14 MR. NEWMAN: Exhibit B.

15 MR. ADOMEIT: Yes.

16 MS. CIESLAK: Yes. I have the whole
17 packet open as well, so to the extent anyone needs
18 to see something, if you don't have the packet
19 available to you, I'm happy to screen share.

20 MR. ADOMEIT: If you open your email,
21 Cindy, I have tagged on just that letter, which was
22 my starting point. If you have the whole packet,
23 then we could scroll through it. There we go.

24 MS. CIESLAK: Just for purposes of the
25 recording, I haven't been perfect at it, either,

1 just state your name when you're speaking.

2 MS. BUFFKIN: Mike, I have sort of a basic
3 question in terms of was he promoted into this
4 position? Was he reclassified into this position?
5 It's unclear from his letter and from the letter of
6 the DOC what the circumstances are of that.

7 MR. QUIROS: Colin, you did a great job of
8 explaining. Rich Furey came across the panel in
9 2018 and was granted a hazardous duty pension as a
10 health service administrator. In 2018, Department
11 of Corrections, we merged full-service staff. We
12 had a reorganization based on the vendor that --
13 consultant vendor that came in and made the
14 recommendation, provided the agency with three
15 different models. The model the department chose,
16 the health service administrators were reclassified
17 to regional chief operating officers. The duties
18 never changed. Same duties. In addition, instead
19 of having one facility, now they have four
20 correctional facilities that they're responsible
21 for. So responsibilities we approved 2018. Have
22 never changed. If anything, the department has
23 added more responsibility to them. A title change
24 classification.

25 We're also in the process of working

1 with DAS and OPM to reclassify that position as a
2 hazardous duty.

3 MS. BUFFKIN: That was my next question.
4 How many other people are affected by this
5 classification, and whether or not it's in or out of
6 hazardous duty.

7 MR. QUIROS: There are three other
8 regional chief operating officers and we're also in
9 the process of adding four more in the near future.
10 This has been a case that probably going back and --
11 and Colin will know better -- probably going back
12 into the early '90s where health service
13 administrators have gone through this Committee and
14 been approved. That position is hazardous duty,
15 period, from my experience in working as a warden in
16 two different facilities and knowing exactly what
17 their job function entails. It is hazardous duty.

18 As a matter of fact, I think in 2018
19 or 2019, the last health service administrator,
20 Rick Bush, ending up retiring as a hazardous duty
21 employee.

22 MR. ADOMEIT: Cindy, can you back to the
23 letter I sent you, please, on the scene?

24 MR. HERRINGTON: Colin, can you confirm
25 that what means with respect to the previous health

1 service administrators, whether that position is on
2 the hazardous duty appendix or whether there's been
3 approvals for the individuals that have served in
4 that position?

5 MR. NEWMAN: The approvals were for the
6 individuals that served in that position. It was
7 individually. The title itself was not added to the
8 hazardous duty appendix. It was each individual
9 that came forward.

10 As everybody's aware, Mr. Furey's
11 problem was -- when he came forward, his problem was
12 the fact that he was already in the alternate
13 retirement plan as opposed to everybody else being
14 in SERS. Everybody -- meaning everybody else that
15 applied to get the hazardous duty credit.

16 Each one of those individuals was in
17 SERS. So, you know, obviously, the Commission could
18 act on those individuals; but, there was no
19 provision in ARP, you know, what basically
20 completely tripped up Mr. Furey in his attempt to
21 get hazardous duty credit. Then on top of that,
22 when he was requesting to go into SERS, obviously,
23 he didn't have a bona fide change in employment, so
24 he couldn't -- he didn't fall under -- you know,
25 fall under that either. So, he remained in ARP and

1 his attempts to be approved, you know, were denied.

2 I think that goes back to like 2009.

3 MR. HERRINGTON: Essentially, we're aware
4 that he was the only person in that title that
5 doesn't have hazardous duty credit for that time?

6 MR. NEWMAN: Of the individuals that came
7 forward, I think -- actually, I think there have
8 been individuals -- actually, I believe there's at
9 least one or two more individuals who actually have
10 come forward that were in that title, that were
11 denied -- actually, they were in SERS; but, again, I
12 think it was particular to what they were doing in
13 that particular title. I don't have their names
14 readily in front of me. I could probably find
15 those; but, I believe there's one or two
16 individuals. They were either tabled or denied.
17 It's been quite a while.

18 MR. HERRINGTON: But they weren't employed
19 with him on the --

20 MR. NEWMAN: Excuse me?

21 MR. HERRINGTON: The individuals that
22 we're talking about, they were employed -- they
23 weren't his coworkers on the fifth floor at UConn
24 Health Center, correct. They just had that title?

25 MR. NEWMAN: I'm sorry. I couldn't hear

1 you.

2 MR. HERRINGTON: There were distinguishing
3 facts between Mr. Furey and any of these other
4 individuals that may have been tabled or denied.
5 They weren't his coworkers in the same workplace?

6 MR. NEWMAN: Right.

7 MR. HERRINGTON: Not the same location?

8 MR. NEWMAN: Right, right. I believe so.
9 I believe that was the reason.

10 I think those individuals tried to
11 compare themselves to the individuals that had been
12 approved previously from earlier on in the 2000s. I
13 believe Commissioner Quiros mentioned someone by the
14 last name of Bush.

15 MR. QUIROS: Rick Bush.

16 MS. BUFFKIN: With respect to if there are
17 currently discussions going on as to whether or not
18 to include this job title as a whole for hazardous
19 duty service, wouldn't that negate this action? Or
20 take precedence? In other words, is it still an
21 individual basis? In other words, If that
22 process -- the parties don't reach agreement that it
23 should be a hazardous duty position, then we give
24 Mr. Furey hazardous duty credit, aren't we -- isn't
25 there a disconnect there?

1 MR. HERRINGTON: I don't think there's
2 necessarily a disconnect in the sense there are lots
3 of positions where the position as a whole isn't
4 granted hazardous credit; but, an individual based
5 on their particular circumstances, that that person
6 would qualify for hazardous duties service credit.
7 I think it's possible for us to consider this on the
8 merits and the fact that the parties are not able to
9 reach a global agreement for everyone in that title.
10 I don't think that that that's necessarily a fatal
11 disconnect.

12 MR. NEWMAN: I just -- I just want to
13 mention, in the past for the -- like the title of
14 commissary, the manager in commissary, individuals
15 had been approved on an individual basis, you know,
16 as they came forward, and then the position itself
17 finally was brought before this group to be -- for
18 the position to be approved for hazardous duty. And
19 that occurred, so it didn't have a -- there was no
20 negative effect on the individuals that had come
21 before the Subcommittee prior to the position itself
22 actually becoming hazardous duty.

23 MS. BUFFKIN: Is the standard still
24 guarding or instructional?

25 MR. NEWMAN: Yes. That's still the

1 standard.

2 MR. QUIROS: Colin, you're correct,
3 probably about 10, 12 years ago, we went through the
4 same thing with the commissary managers and they
5 individually came in front of the Subcommittee and
6 were individually granted, and then the agency got
7 smart and we moved towards reclassifying that title.
8 I've been pushing the health service administrator
9 and the regional chief operating officer for us to
10 move into that same format and make that hazardous
11 duty; but, I wasn't able to, as a deputy
12 commissioner, get that accomplished. Now as a
13 commissioner, you know, it's my responsibility now
14 to correct that problem because all we did was just
15 tied a name to the title. The responsibilities
16 remained the same and we added additional
17 facilities -- three additional more facilities for
18 any regional chief operating officer to go into. I
19 would say that these individuals, their offices are
20 inside a correctional facility, inside the medical
21 unit, inside that same office as a nurse that's
22 receiving the hazardous duty, inside the same space
23 as a dentist that's receiving hazardous duty, in
24 that same office that the doctor is receiving
25 hazardous duty. Those are regional chief operating

1 officers. If something goes on in that unit where
2 force needs to be used, they're expected to use
3 force. If an incident happens in front of them,
4 they're expected to engage.

5 MR. ADOMEIT: Okay. Thank you, Angel.

6 Is there any further discussion on
7 the issue? All right. Hearing none, how do you
8 wish to proceed? Should we put it to a vote and see
9 where it comes out? I don't vote because I'll have
10 to vote at the Commission if there's a tie. Or do
11 we want more discussion?

12 MR. QUIROS: I'm ready to vote.

13 MR. ADOMEIT: There's no motion on the
14 floor yet.

15 MR. QUIROS: I'm sorry.

16 MR. ADOMEIT: That's all right. You could
17 put it on the floor if you wish.

18 MS. BUFFKIN: I'm prepared to vote with
19 the understanding as was explained that these are
20 the exact same duties and responsibilities for this
21 individual that were at issue in our prior decision
22 to grant hazardous duty.

23 MR. QUIROS: I second that.

24 MR. ADOMEIT: All right. We're all
25 discussed out. No further discussion. All in favor

1 say aye.

2 Okay. It's unanimous for the group
3 here. Thank you very much. We will make a
4 recommendation, then, to the full Commission at the
5 next Commission meeting. Thank you all very much.

6 (Concluded at 2:34 p.m.)

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1 CONNECTICUT:
2 : ss: Bristol
3 COUNTY OF HARTFORD :

4 I, Karen Vibert, LSR No. 00064, a
5 Notary Public for the State of Connecticut, do hereby
6 certify that the preceding pages are an accurate
7 transcription of the Connecticut State Employees
8 Retirement Commission, Hazardous Duty Subcommittee
9 meeting held electronically via Zoom, convening at
10 2:12 p.m., on January 5, 2021.

11
12 Dated at Bristol, Connecticut,
13 14th 24th day of January, 2021.

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Karen Vibert



Karen Vibert, Notary Public
My commission expires: 08/31/2024.

<p style="text-align: center;">A</p> <p>able 11:8 12:11 absence 2:4 access 5:11 accomplished 12:12 accruals 4:5 accrued 4:2 accurate 15:6 act 8:18 action 10:19 added 6:23 8:7 12:16 adding 7:9 addition 6:18 additional 12:16,17 administrator 2:17 3:3 6:10 7:19 12:8 administrators 6:16 7:13 8:1 Adomeit 1:13 2:2 5:4,15,20 7:22 13:5,13,16,24 agency 6:14 12:6 ago 12:3 agreement 10:22 11:9 ahead 2:6 alternate 2:18 8:12 amount 3:21 Angel 1:14 5:8 13:5 anybody 4:25 appendix 8:2,8 applied 8:15 approval 5:9 approvals 8:3,5 approved 6:21 7:14 9:1 10:12 11:15 11:18 approximately 4:2 4:7 ARP 3:22,25 8:19 8:25 Assistant 1:17 attempt 8:20 attempts 9:1 August 3:14 4:18 available 5:19</p>	<p>Award 2:24,25 3:2 aware 8:10 9:3 aye 14:1</p> <hr/> <p style="text-align: center;">B</p> <p>B 5:14 back 3:5,11,11 4:1 7:10,11,22 9:2 based 3:20 6:12 11:4 basic 6:2 basically 4:5 8:19 basis 10:21 11:15 becoming 11:22 believe 9:8,15 10:8 10:9,13 better 7:11 bona 8:23 Bristol 15:1,12 brought 11:17 Buffkin 1:13 5:12 6:2 7:3 10:16 11:23 13:18 Bush 7:20 10:14,15</p> <hr/> <p style="text-align: center;">C</p> <p>call 2:2 5:1 care 3:9 Carlos 4:21 case 2:13,14 7:10 Center 3:11 9:24 certify 15:6 Chair 1:13 change 6:23 8:23 changed 6:18,22 chief 3:15 4:9 6:17 7:8 12:9,18,25 chose 6:15 Cieslak 1:16 5:16 5:24 Cindy 1:16 5:5,21 7:22 circumstances 6:6 11:5 claim 4:13,17 5:3 classification 4:15 6:24 7:5 Colin 1:18 2:13 5:4 5:6,8 6:7 7:11,24 12:2</p>	<p>Combined 3:24 come 2:15 4:24 9:10 11:20 comes 2:7 13:9 commenced 2:1 commissary 11:14 11:14 12:4 commission 1:3,17 2:11,24 3:2,5 8:17 13:10 14:4,5 15:8 15:25 commissioner 4:21 10:13 12:12,13 Committee 7:13 compare 10:11 complete 3:20 completely 8:20 Concluded 14:6 confirm 7:24 Connecticut 1:2 15:1,5,7,12 consider 11:7 considered 3:4 4:11 4:19 consultant 6:13 CONVENED 1:8 convening 15:9 copy 5:6 correct 9:24 12:2 12:14 correctional 3:9 6:20 12:20 Corrections 3:12 5:1 6:11 Counsel 1:16 COUNTY 15:2 Court 1:25 coworkers 9:23 10:5 credit 8:15,21 9:5 10:24 11:4,6 currently 10:17</p> <hr/> <p style="text-align: center;">D</p> <p>DAS 7:1 dated 5:13 15:12 day 15:13 days 3:23 4:3 decision 3:5 13:21</p>	<p>denied 9:1,11,16 10:4 dentist 12:23 department 3:12 6:10,15,22 depending 2:6 deputy 4:20,21 12:11 determine 3:3 determined 2:25 different 6:15 7:16 Director 1:17 disconnect 10:25 11:2,11 discuss 2:6 discussed 2:3 13:25 discussion 13:6,11 13:25 discussions 10:17 distinguishing 10:2 Division 1:18,18 DOC 4:1,6 6:6 doctor 12:24 doing 9:12 duties 3:3 4:16 6:17 6:18 11:6 13:20 duty 1:4 2:15,22 3:4,17,18,23,25 4:3,4,8,11,19 6:9 7:2,6,14,17,20 8:2 8:8,15,21 9:5 10:19,23,24 11:18 11:22 12:11,22,23 12:25 13:22 15:8</p> <hr/> <p style="text-align: center;">E</p> <p>earlier 10:12 early 7:12 effect 11:20 either 5:25 8:25 9:16 electronically 15:9 email 5:5,6,20 employed 9:18,22 employee 7:21 Employees 1:3 15:7 employment 8:23 engage 13:4 entails 7:17</p>	<p>essentially 4:4 9:3 everybody 8:13,14 8:14 everybody's 8:10 exact 13:20 exactly 7:16 Excuse 9:20 Exhibit 5:14 expected 13:2,4 experience 7:15 expires 15:25 explained 13:19 explaining 6:8 extent 5:17</p> <hr/> <p style="text-align: center;">F</p> <p>facilities 6:20 7:16 12:17,17 facility 6:19 12:20 fact 2:17 3:8 7:18 8:12 11:8 facts 5:9 10:3 fall 3:17 8:24,25 fatal 11:10 favor 13:25 favorable 2:7,9 fide 8:23 fifth 9:23 finally 11:17 find 9:14 five 4:2 floor 9:23 13:14,17 force 13:2,3 format 12:10 forward 4:25 8:9 8:11 9:7,10 11:16 four 4:8 6:19 7:9 front 9:14 12:5 13:3 full 2:11 14:4 full-service 6:11 function 7:17 functions 4:22 Furey 3:8,14,19,22 4:10,22 6:8 8:20 10:3,24 Furey's 5:3,7 8:10 further 13:6,25 future 7:9</p>
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