

NOTE: These minutes from the April 25, 2018 meeting were approved and executed at the May 29, 2018 Benefits Committee meeting.

**Benefits Committee
Board of Trustees
April 25, 2018**

Public Minutes

**New Hampshire Retirement System
54 Regional Drive
Concord, NH 03301**

Committee Members: George Walker, *Chair*; David McCrillis, Germano Martins, *present*. Bill Hart and Don Roy, *telephonically*.

Staff: George Lagos, *Executive Director*; Mark Cavanaugh, Esq., *Associate Counsel & Compliance Officer*; Tim Crutchfield, Esq., *Chief Legal Counsel*; Carolyn Johnson, *Hearings Examiner*; and Margaret Astles, *Executive Assistant*.

Chair Walker called the Benefits Committee meeting to order at 1:05 p.m.

On a motion by Trustee McCrillis, seconded by Trustee Hart, the Committee unanimously voted to approve the public and non-public minutes as presented from the March 29, 2018 Benefits Committee meeting.

Chief Legal Counsel Crutchfield began by giving an overview of last month's JLCAR approval of the Ret 300 and 400 interim rule process, explaining that even before beginning the interim rule review, the staff wanted to take the opportunity to do a complete review and propose revisions for the Ret 300 and 400 rules to further achieve clarity and process improvement. Mr. Crutchfield noted that approval of the proposed revisions is not expected at today's meeting. Trustee Hart commented favorably on the work done by those responsible for taking on the task of reviewing the rules. Lastly, Mr. Crutchfield asked that if Committee members have any questions relative to the proposed rule changes, to email or call either he or Associate Counsel Cavanaugh over the next month.

Associate Counsel Cavanaugh added that procedurally the interim rules were adopted with amendments and he explained the challenges aligning the JLCAR schedule with the Board meetings. He noted that he has gathered suggestions from staff and from OLS to the proposed amendments and OLS has agreed to review the changes before the initial proposal is filed so as to avoid excessive dialogue that could delay the procedure.

Regarding the Ret 200 rules, Mr. Crutchfield noted that the Legal staff has worked on extensive proposed revisions for well over a year. He thanked Hearings Examiner Carolyn Johnson for spearheading the project.

On a motion by Trustee Martins, seconded by Trustee Hart, the Committee unanimously recommended to the full Board that it approve the proposed revisions to the Ret 200 rules, as presented, to begin the rule making process.

Next, Mr. Crutchfield updated the Committee on the Bulkley administrative appeal recommendation that came before the Board last month, resulting in a favorable outcome for Ms. Bulkley. He explained that there had been a similar appeal that has been held in abeyance pending the Bulkley outcome and now raised the question as to whether or not the Bulkley decision sets a controlling precedent. Mr. Crutchfield noted that it is the staff's view that because the legal conclusions in these matters are highly fact-specific, staff suggests going forward with the appeal in the matter that is currently held in abeyance. Trustee Martins and Hart agreed, noting that each case should be evaluated on its own merits.

On a motion by Trustee McCrillis, seconded by Trustee Roy, the Board voted to enter into a non-public session under RSA 91-A:3, II(c) to discuss a matter that would likely adversely affect the reputation of a person other than a member of this public body on a roll call vote as follows:

Ayes: Trustees Walker, McCrillis, Roy, Martins and Hart.

On a motion by Trustee Martins, seconded by Trustee Hart, the Board unanimously concluded the non-public session.

On a motion by Trustee Hart, seconded by Trustee McCrillis, the Board unanimously voted to recommend to the full Board that it accept the recommendation of the Hearings Examiner in the matter of M.O.

With no further business to conduct, on a motion by Trustee Martins, seconded by Trustee McCrillis, the Board voted unanimously to adjourn the meeting.

Respectfully submitted,

Margaret M. Astles