

MINUTES OF THE REGULAR MEETING
OF THE COMMISSIONERS OF THE STATE INSURANCE FUND
HELD ON TUESDAY, SEPTEMBER 18, 2024, AT 10:00 A.M.
AT 199 CHURCH STREET, 12 FLOOR BOARDROOM, NEW YORK, NEW YORK 10007;
15 COMPUTER DRIVE WEST, ALBANY, NY 12205; 100 CHESTNUT STREET,
ROCHESTER, NEW YORK 14604; AND DEPT OF LABOR, HARRIMAN STATE OFFICE CAMPUS,
BUILDING 12, ALBANY, NY 12260

Board

Attendance – New York City

Kenneth Theobalds, Chair
Sean Graham
Navneet Kathuria
David Ourlicht
Eric Dinallo

Attendance – Rochester

Dennis Kessler

Attendance – Albany

Ryan Delgado

Attendance – Dept of Labor, Albany

Scott Melvin, *ex officio*¹

Absent

Alexis Thomas

Executive Staff

Gaurav Vasisht, Executive Director & CEO
Peter Cusick, Chief Operating Officer, Insurance
Operations
Chad Loshbaugh, Chief Operations Officer, Business
Operations
David Wertheim, Acting General Attorney
William Gratrix, Chief Financial Officer
Gregory Francis, Chief Investment Officer

Additional Staff & Guest(s)

Michael Totaro, Assistant Secretary to the Board of
Commissioners
Krystina Smith, Ethics Officer
Lisa Ullman, Director of Healthcare Policy
Melissa Jensen, Director of Policy
Sita Fey, Director of External Affairs & Media,
Communications

Chair Theobalds presided. Commissioner Delgado participated from the NYSIF Albany office, Commissioner Kessler participated from the NYSIF Rochester office, Commissioner Melvin participated from the Department of Labor Albany office, and Chair Theobalds and Commissioners Dinallo, Graham, Kathuria, and Ourlicht participated from the NYSIF New York City office. A quorum was announced and maintained throughout.

1. Report of Executive Director & CEO

Executive Director & CEO Gaurav Vasisht reported that NYSIF's claim app was recently expanded to include access to claims under Disability Benefits or Paid Family Leave. The total number of downloads so far exceeds 17,000 and they continue to rise.

¹ Commissioner Melvin left near the end of Executive Session.

The Hospital Premium Credit Program was launched over the summer, and it is generating a lot of interest in the program. Staff are speaking to hospital, trade groups, and other stakeholders to talk about the novel program.

Lastly, Executive Director Vasisht reported that NYSIF issued guidance to employers about long COVID. He thanked the Department of Health, the Department of Labor, and the Workers' Compensation Board for their assistance and guidance.

2. Report of Acting General Attorney

Acting General Attorney David Wertheim stated that he had a matter to discuss in Executive Session, as it pertained to legal advice, subject to a motion to enter Executive Session.

3. Report(s) of Standing Committees

Business Operations Committee

Commissioner Kathuria, as a member of the Business Operations Committee, reported that the Committee met on August 12th and a full report will be delivered in Executive Session, subject to a motion to enter into Executive Session.

Governance & Legal Affairs Committee

Commissioner Melvin, Chair of the Governance & Legal Affairs Committee, reported that the Committee met on September 16th, and a full report will be delivered in Executive Session, subject to a motion to enter into Executive Session.

Property & Administrative Services Committee

Commissioner Kessler, Chair of the Property & Administrative Services Committee, reported that the Committee met on August 16th and a full report will be delivered in Executive Session, subject to a motion to enter into Executive Session.

Investments Committee

Chairman Theobalds, Acting Chair of the Investments Committee, reported that the Committee met on July 16th and September 17th, respectively. The Committee receive the monthly performance reports and the monthly compliance report. There were no compliance issues to

report. An additional report will be delivered in Executive Session, subject to a motion to enter into Executive Session, as it pertains to the procurement of investment services and investment staff salaries.

Chairman Theobalds also announced that Commissioner Ourlicht will now serve as Chair of the Investments Committee.

4. Motion to Accept Consent Agenda

Upon a motion by Commissioner Kathuria, duly seconded by Commissioner Graham, the Board unanimously voted to accept the minutes of the June 25, 2024, Board meeting and have them filed as the official minutes of the Board, as well as to accept the written reports as submitted. The vote: Commissioner Delgado – yes; Commissioner Kathuria – yes; Commissioner Kessler – yes; Commissioner Melvin – yes; Commissioner Graham – yes; Commissioner Ourlicht – yes; Commissioner Dinallo – yes; Chairman Theobalds – yes.

5. Executive Session

Upon a motion by Commissioner Graham, duly seconded by Commissioner Ourlicht, the Board unanimously voted to enter Executive Session for a discussion regarding matters leading to the appointment and/or employment of a particular person or corporations – specifically this applies to MUNI Asset Managers, investment staff, legal services related to real property and workers' compensation hearings; for a discussion regarding the proposed acquisition of leased real property; and legal advice. The vote: Commissioner Delgado – yes; Commissioner Kathuria – yes; Commissioner Kessler – yes; Commissioner Melvin – yes; Commissioner Graham – yes; Commissioner Ourlicht – yes; Commissioner Dinallo – yes; Chairman Theobalds – yes.

6. Report of Executive Session

Assistant Secretary Michael Totaro reported the following actions were taken in Executive Session:

Upon a motion by Commissioner Kathuria, duly seconded by Commissioner Graham, the Board unanimously voted to approve and authorize the Investment Department to enter into contracts with the following three (3) companies for MUNI Asset management services: Morgan Stanley Investments Management, Inc., Nuveen Asset Management, LLC, and MFS Institutional Advisors, Inc., subject to: (i) legal review and execution by staff in accordance with the "Procurement

Guidelines – Investment.” The vote: Commissioner Delgado – yes; Commissioner Kathuria – yes; Commissioner Kessler – yes; Commissioner Melvin – yes; Commissioner Graham – yes; Commissioner Ourlicht – yes; Commissioner Dinallo – yes; Chairman Theobalds – yes.

Upon motion by Commissioner Kathuria, duly seconded by Commissioner Graham, the Board unanimously voted to approve and authorize the continuation of services on a month-to-month basis for no more than one year with the following MUNI asset manager, Nuveen Asset Management, LLC, subject to: (i) legal review and execution by staff in accordance with the “Procurement Guidelines – Investment.” The vote: Commissioner Delgado – yes; Commissioner Kathuria – yes; Commissioner Kessler – yes; Commissioner Melvin – yes; Commissioner Graham – yes; Commissioner Ourlicht – yes; Commissioner Dinallo – yes; Chairman Theobalds – yes.

Upon motion by Commissioner Ourlicht, duly seconded by Commissioner Kessler, the Board unanimously voted to approve and authorize the requested salary for the Lior Menzly, Chief Investment Risk Officer, in accordance with the memorandum submitted to the Board on September 18, 2024; and further resolved that the Board of Commissioners authorizes the Executive Director to take such steps as may be necessary to implement the intent of this resolution. The vote: Commissioner Delgado – yes; Commissioner Kathuria – yes; Commissioner Kessler – yes; Commissioner Melvin – yes; Commissioner Graham – yes; Commissioner Ourlicht – yes; Commissioner Dinallo – yes; Chairman Theobalds – yes.

Upon motion by Commissioner Ourlicht, duly seconded by Commissioner Kathuria, the Board unanimously voted to authorize staff to enter into a 15-year lease with Phoenix Endicott Industrial Investors, LLC to lease office space located at 1093 Clark Street, Endicott, New York, subject to: (i) successful lease negotiations, (ii) legal review and (iii) approval by the NYS Superintendent of Financial Services. The vote: Commissioner Delgado – yes; Commissioner Kathuria – yes; Commissioner Kessler – yes; Commissioner Melvin – yes; Commissioner Graham – yes; Commissioner Ourlicht – yes; Commissioner Dinallo – yes; Chairman Theobalds – yes.

Upon motion by Commissioner Ourlicht, duly seconded by Commissioner Graham, the Board unanimously voted to approve and authorize staff to enter into a contract with the following three (3) firms to provide commercial lease negotiations: Rozario Touman, P.C., Schoeman Updike &

Kaufman, LLP, and Oquendo Deraco, PLLC, subject to: (i) legal review and execution by staff in accordance with the "Procurement Guidelines – Real Estate." The vote: Commissioner Delgado – yes; Commissioner Kathuria – yes; Commissioner Kessler – yes; Commissioner Melvin – yes; Commissioner Graham – yes; Commissioner Ourlicht – yes; Commissioner Dinallo – yes; Chairman Theobalds – yes.

Upon motion by Commissioner Graham, duly seconded by Commissioner Kathuria, the Board unanimously approved and adopted the NYSIF "Procurement Guidelines – Investments," "Procurement Guidelines – Real Estate," and "Procurement Guidelines – Legal Service & Insurance" as submitted to the Board of Commissioners on September 18, 2024. These Procurement Guidelines shall supersede the Procurement Guidelines adopted in May 2023 and December 2020, respectively. The vote: Commissioner Delgado – yes; Commissioner Kathuria – yes; Commissioner Kessler – yes; Commissioner Melvin – yes; Commissioner Graham – yes; Commissioner Ourlicht – yes; Commissioner Dinallo – yes; Chairman Theobalds – yes.

Upon motion by Commissioner Ourlicht, seconded by Commissioner Kathuria, the Board unanimously approved, pursuant to Section 84 of the New York Compensation Law, the General Attorney to retain the law firms identified on Schedule A of this resolution, which were selected pursuant to a Request for Proposal issued in December 2023, subject to legal review and execution by staff in accordance with the "Procurement Guidelines – Legal Services & Insurance." Such firms were selected to be part of a panel of firms contracted to perform legal services related to hearings and appeals before the Workers' Compensation Board. The specific assignment of legal work to law firms on this approved panel shall be coordinated through the NYSIF General Attorney and their designated legal staff. Schedule A: Barth Condren, LLP, Gitto & Niefer, LLP, Gold Law Group, PC, Hamberger & Weiss, LLP, Lois Law Firm, LLC, Nicosia Law, PC, Rawle & Henderson, LLP, Stockton Barker Mead, LLP, Vecchione Vecchione Connors & Cano, LLP, Walsh and Hacker & Associates, LLP, Weiss Wexler & Wornow, PC, and The Wenderoff Law Group. The vote: Commissioner Delgado – yes; Commissioner Kathuria – yes; Commissioner Kessler – yes; Commissioner Melvin – yes; Commissioner Graham – yes; Commissioner Ourlicht – yes; Commissioner Dinallo – yes; Chairman Theobalds – yes.

7. Presentation – Safety Group Guidelines

Acting General Attorney David Wertheim outlined updates and amendments to NYSIF’s safety group guidelines. These guidelines, meant to reflect a 21st-century approach to group operations and management, revoke and supersede previously adopted rules applicable to the operation of safety groups. The board last addressed operation of safety groups in 2007 and will need to pass a resolution to adopt the proposed changes. The adoption of these guidelines requires the amendment of two of the agency's rules and regulations as codified under Title 12 of the New York Codes, Rules and Regulations. If the board is amenable to approving the proposed operating guidelines, then the Office of General Counsel also recommends that the board adopt the proposed changes to 12 NY-CRR 451.5 Management of Safety Groups, and 12 NY-CRR 451.9 Regulations for Safety Groups.

Upon motion by Commissioner Ourlicht, duly seconded by Commissioner Graham, the Board unanimously approved to amend 12 NYCRR 451.5 and 12 NYCRR 451.9 as denoted in “Appendix A” and “Appendix B,” respectively. Further, the Board authorizes the General Attorney, or their staff, to liaise with the New York State Department of State to publish the amended regulations. The vote: Commissioner Delgado – yes; Commissioner Kathuria – yes; Commissioner Kessler – yes; Commissioner Graham – yes; Commissioner Ourlicht – yes; Commissioner Dinallo – yes; Chairman Theobalds – yes.

Upon motion by Commissioner Kathuria, duly seconded by Commissioner Graham, the Board unanimously approved and adopted the NYSIF “Operating Guidelines for Trade Association Groups” and “Operating Guidelines for Trade Groups” as submitted to the Board of Commissioners on September 18, 2024. The vote: Commissioner Delgado – yes; Commissioner Kathuria – yes; Commissioner Kessler – yes; Commissioner Graham – yes; Commissioner Ourlicht – yes; Commissioner Dinallo – yes; Chairman Theobalds – yes.

Assistant Secretary Totaro then announced that the next Board of Commissioners regular monthly meeting is scheduled for Wednesday, October 16, 2024, at 10:00 a.m.

8. Adjournment of Meeting

Upon motion by Commissioner Kessler, duly seconded by Commissioner Delgado, the Board unanimously approved a motion to adjourn the Board of Commissioners of the State Insurance Fund regular monthly meeting. The vote: Commissioner Delgado – yes; Commissioner Kathuria – yes; Commissioner Kessler – yes; Commissioner Graham – yes; Commissioner Ourlicht – yes; Commissioner Dinallo – yes; Chairman Theobalds – yes.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Michael Totaro', written over a horizontal line.

Michael Totaro, Assistant Secretary