

1. Next Steps

- a. SEBAC Leadership Approval
- b. Individual named plaintiffs approval
- c. GA fails to reject within 30 days
- d. Federal Court Preliminary Approval
- e. Fairness hearing with final approval for those not opting out.

2. Make Whole Relief

a. Economic Damages Which Go Only to Those with Actual Economic Loss.

- i. Definition: Gross economic loss less mitigation earnings less 30% settlement discount plus prejudgment interest calculated from date of loss to date of payment @ the rate of 5% simple interest per annum.

*Salary - Unemployment  
x 70%*

- 1. Gross Economic loss is same as would be awarded in federal court, e.g. lost wages, benefits (including pension if applicable and health insurance), damages from health insurance or medical losses, mileage if increased by 25 miles.
- 2. Special mitigation rules: First year all that is subtracted is 39 weeks unemployment unless you earned equal or more than would have with the State, then actual mitigation. No "failure to mitigate" defense.
- 3. Pension almost certain to be simply fixed.
- 4. Health Insurance will be COBRA or opportunity to show actual losses.
- 5. No double recovery if made whole previously
- 6. Retirees who received notice or were bumped and could not lateral transfer are eligible.

*MUST CERTIFY THAT YOU  
DID NOT MAKE A HIGHER  
SALARY*



*← CAN'T CLAIM*

*REPLACE COSTS  
UP TO COST OF COBRA*

- 7. If there are ongoing losses, either placed where you belong or ask for front pay. → *FRONT PAY IS 10 YRS*

ii. Form of Payment:

- 1. If needed due to extreme hardship (as determined by claims administrator) in cash, or for those not eligible for vacation pay, cash.
- 2. Others paid in vacation pay, cash, or installments (5% interest) at State's discretion
  - a. State can cash in vacation at then current salary
  - b. Member cannot be forced to use, but can request to use beyond what normally allowed
  - c. No carryover limit. Upon retirement does not extend service beyond maximum otherwise allowed but all is cashable at then current salary.

b. Emotional Distress (including punitive damages)

- i. If no economic loss: 1.25 personal days of if not employed or not entitled to Personal Days, \$100.
- ii. Economic loss but not laid off: 4 vacation days and 3 personal days, or \$700.
- iii. Actually laid off: 10 vacation days, 5 personal days, or \$1,500.
- iv. Those getting cash over \$100 get in two installments, 30 days after settlement, and then one year later. No interest on these.

c. Attorneys' fees to be paid by plaintiffs: None

PASSED

Procedure for Claims

- i. Claims administrator appointed by the parties
  - ii. If laid off for less than a year, State makes initial offer of economic loss. If ongoing losses, state either offers to fix or offers front pay (exception?). Member may accept or counter. Disputed aspects go to C.A.
  - iii. If laid off more than one year, State supplies initial information on losses and offer to fix ongoing losses. Member supplies mitigation information and makes offer. Any dispute by State resolved as above.
  - iv. Demotions same rule as above.
  - v. Other economic losses, member makes initial claim, State can counter, and resolved as above.
  - vi. Appeals of CA can go to special 3 person panel, only if total award is over \$30,000 and it's 50% higher than what is offered by the State or 50% or lower than what is demanded by the member. No other appeals.
  - vii. Golub's office will represent individuals at no cost
3. Special Relief
- a. 6 individual named plaintiffs: \$10,000 additional each.
  - b. \$130,000 to named unions (to be divided same as SEBAC dues rules)
4. Attorneys' fees and costs paid by State
- a. Silver, Golub et. al.
    - i. 17.5% of the value of each class member's recovery
    - ii. \$400,000 in reimbursement for litigation costs
  - b. Livingston, Adler et. al.: \$250,000, of which \$70,000 returned to SEBAC

- ① NAMED PLAINTIFFS MUST VOTE
- ② AG WANTS TO INFORM LEGISLATURE
- ③ GOLUB MUST SIGN OFF
- ④