

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of February 28, 2013**

MINUTES

On February 28, 2013, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:10 a.m. in the Board's Conference Room.

Present: Paula Weiss
Harvey Rice
Brian Albert
Celia O'Leary
Carol Stukes-Baylor
Ronald Stagliano
Andrew Thomas
Veronica Pankey
Hilary Cornell

Also Attending: Francis Bielli – Board of Pensions
Mark Murphy – Board of Pensions
Teresa Gray – Board of Pensions
Christopher DiFusco - Law Department
Amy C. Hummler, Legal Intern, Law Department
Sumit Handa – Investment Unit
Brad Woolworth – Investment Unit
Chester Skaziak, Retiree
Jake Walthour, Consultant
Ken Kent, Bob Murray, Anu Patel, Karen Zangara, Cheiron

Paula Weiss stated that the first order of business was the consideration of the Minutes of January 24, 2013.

Ronald Stagliano made a motion to approve the Minutes of January 24, 2013. Brian Albert seconded the motion.

The motion to approve the Minutes of January 24, 2013 carried unanimously 8-0.

CONSIDERATION OF (102) PENSION APPLICATIONS AND (60) WITHDRAWAL APPLICATIONS

Brian Albert made a motion to approve. Celia O'Leary seconded the motion.

The motion to approve carried unanimously 8-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Antoinette Bethel, Application for Service-Connected Disability Benefits – Plan “B”

This is an application by Antoinette Bethel, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Ms. Bethel sustained the injury while on duty when a civilian motor vehicle struck her patrol car causing injury to her leg and jaw. Her date of injury is February 27, 2011.

Ronald Stagliano made a motion to approve. Andrew Thomas seconded the motion.

The motion to approve carried unanimously 8-0.

Case of David Cofield, Application for Service-Connected Disability Benefits – Plan “B”

This is an application by David Cofield, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Mr. Cofield sustained the injury while exiting his vehicle in response to a call and he twisted his right ankle on an uneven road surface. In another incident, Mr. Cofield injured his knee while in foot pursuit of a suspect. His dates of injury are August 24, 1995 and October 23, 1997.

Ms. Cornell made a motion to deny. Ms. Stukes made a motion to table.

Mr. Stagliano led the Board in a discussion and stated that Dr. Korevaar found Mr. Cofield “due solely” but he has also been working in another capacity for 13 years.

Discussion continued and the Board decided to table the case to find out the particulars of his secondary employment.

Hilary Cornell made a motion to table for 30 days. Carol Stukes seconded the motion.

The motion to table for 30 days carried unanimously 8-0.

Case of James Green, Application for Service-Connected Disability Benefits – Plan “B”

This is an application by James Green, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Mr. Green sustained injury to his lower back while working when he was removing a deceased male from their home. His date of injury is September 10, 2009.

Ronald Stagliano made a motion to approve. Andrew Thomas seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Kevin McCloud, Application for Service-Connected Disability Benefits – Plan “B”

This is an application by Kevin McCloud, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Mr. McCloud sustained the injury while working when he tripped over wiring in building. The nature of Mr. McCloud’s disability is to his left wrist. His date of injury is May 6, 2010.

Ronald Stagliano made a motion to approve. Andrew Thomas seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Robert Weitman, Application for Service-Connected Disability Benefits – Plan “D”

This is an application by Robert Weitman, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “D”.

Mr. Weitman sustained the injury while working when he was arresting a male and he resisted arrest. He fell backwards and onto his hip and back. The nature of Mr. Weitman’s disability is to his lower back. His date of injury is April 23, 2009.

Mr. Stagliano requested to speak to Mr. Weitman prior to the Board voting, because due to his many years of service, the service pension would be higher than a service-connected disability would be.

Ronald Stagliano made a motion to table for 30 days. Harvey Rice seconded the motion.

The motion to table for 30 days carried unanimously.

Case of James Allen, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application by James Allen, former Local Area Network Administrator, Free Library of Philadelphia, for Service-Connected Disability Benefits in Plan “Y”.

Mr. Allen sustained the injury while on duty and driving to complete an on-site assignment when his vehicle was struck by another vehicle. The nature of Mr. Allen’s disability is limited mobility due to continuing pain in his neck, lower back, right hand, right hip, right leg, and right foot. His date of injury is November 3, 2010.

Brian Albert made a motion to deny. Hilary Cornell seconded the motion.

The motion to deny carried 4-0-4.

Case of Jeanette Lomax, Application for Service-Connected Disability Benefits – Plan “Y”

This is an “*administrative application*” in regards to Jeanette Lomax, former Clerical Assistant II, First Judicial District, for Service-Connected Disability Benefits in Plan “Y”.

Ms. Lomax sustained the injury while she was leaving her work area and descending a flight of steps, her shoe became lodged in an opening causing her to fall down the stairs hitting her head and back.

The nature of Ms. Lomax’s disability is limited mobility due to inability to sit for long periods of time, memory loss, and difficulty typing. Her date of injury is September 13, 2007.

Brian Albert made a motion to deny. Hilary Cornell seconded the motion.

The motion to deny carried 4-0-4.

Case of Luis Marquez, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application by Luis Marquez, former Correctional Officer, Prisons Department, for Service-Connected Disability Benefits in Plan “Y”.

Mr. Marquez sustained the injury while attempting to restrain an aggressive inmate when the inmate fell back toward him. His date of injury is July 20, 2011.

Carol Stukes made a motion to approve. Ronald Stagliano seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Laura Swint, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application by Laura Swint, former Collection Customer Representative, Water Department, for Service-Connected Disability Benefits in Plan “Y”.

Ms. Swint sustained the injury while she was returning to her work station and tripped over an uneven surface, where she twisted her right knee and ankle. The nature of Ms. Swint’s disability is limited mobility due to pain in neck, left arm, and left leg. Her date of injury is November 19, 2010.

Brian Albert made a motion to deny. Hilary Cornell seconded the motion.

The motion to deny carried 4-0-4.

Case of Russell L. Ferrante, Request for Reconsideration of Application for Service-Connected Disability Benefits – Plan “B”

This case is listed for a request for reconsideration. Attached are the following:

1. Letter dated January 31, 2013 from W. Michael Mulvey, with attachments from Dr. Joseph V. Queenan, Hahnemann University and Dr. Mark Gerner, Methodist Hospital

Hilary Cornell abstained from voting.

Ms. Stukes made a motion to approve. Ms. Pankey seconded the motion.

The vote was 4-3-1. Ms. Weiss voted to tie the vote 4-4 and requested to send the case to a hearing panel to put on the record.

Brian Albert made a motion to send to a hearing panel. Celia O’Leary seconded the motion.

The motion to send to a hearing panel carried 7-0-1.

Case of Harolyn Swintz, Deceased, Application for Survivorship Option 2 Benefits – Plan “Y”

This is an application by Sandra Akins, life partner of Harolyn Swintz, for survivorship benefits under Option 2 in Plan Y.

Harolyn Swintz, a former Correctional Officer, was hired on October 16, 1995. She enrolled in DROP effective September 5, 2011.

At the time of her DROP entry Ms. Swintz chose survivorship option 1 naming Sandra Akins, domestic partner, as her survivor. This form was dated September 13, 2011 and re-dated October 24, 2011. This is the last survivorship form in the file. Ms. Swintz also named Ms. Akins as the beneficiary of her DROP proceeds on a form dated September 13, 2011. This is last form for the DROP proceeds.

She separated from service on October 26, 2012.

She died on November 2, 2012 aged 65.

Per section 22-310(5)(f) of the Code, Ms. Swintz was considered retired at the time of her death and the following became payable to Ms. Akins:

- First and Final Check \$389.44
(for 10/27/2012-11/2/2012)
(Payable to Ms. Akins since there is no estate and Ms. Akins is a registered Philadelphia life partner)
- Remaining contributions under Option 1 \$18,598.85
- DROP \$27,390.20

Ms. Akins originally applied for the remaining contributions on December 14, 2012. However, she called early the next week saying that she felt she should receive a monthly benefit instead. Ms. Akins then wrote a letter on December 26, 2012 requesting a monthly benefit for herself. Her request was administratively denied by Yvonne Hobbs, Pension Program Administrator, in a letter dated January 2, 2013 since Ms. Swintz had chosen option 1.

Ms. Akins appealed the denial and asked for option #2 survivorship benefits in a letter dated January 12, 2013. In her letter Ms. Akins states that Ms. Swintz's original selection was Option 2 and asks for a benefit under this option. There is no paperwork in the file or that Ms. Akins submitted supporting a choice by Ms. Swintz of option 2.

Brian Albert made a motion to deny. Hilary Cornell seconded the motion.

The motion to deny carried 4-0-4.

Case of Jose Santos, Application for Ordinary Disability Benefits Beyond the One Year Deadline – Plan Y

This is a request by Jose Santos, former Airport Communications Center Operator, to make application for Ordinary Disability benefits beyond the one year deadline.

Mr. Santos was separated effective March 3, 2008. He made application for Ordinary Disability benefits on November 29, 2012.

A letter of Administrative denial dated January 14, 2012 was sent to Mr. Santos by Pension Program Administrator Yvonne Hobbs, who cited section 22-402(2)(d) of the Pension code, which refers to the 1-year time limit from date of separation for applying for Disability retirement benefits.

Mr. Santos forwarded a letter to Executive Director Francis X. Bielli dated January 18, 2012 appealing his denial and requesting a hearing on his issue.

Mr. Santos is 40 years of age and has 10 years, 10 months, 1 day of City service.

Brian Albert made a motion to deny. Hilary Cornell seconded the motion.

The motion to deny carried 6-0-2.

NEW BUSINESS

Executive Director's Report – Mr. Bielli stated that he had a discussion with Mr. Stagliano regarding an idea Ron had to make an effort to create a database of retiree email addresses that the Board could use to send out information. They could start by putting a notice in the newsletter and on the Board's website. It was also suggested that when staff converse with retirees, before ending the call they could ask if they would like to give their email address to alert them of any news and/or updates.

Ms. Taliaferro, assisted by Ms. Gray and Mr. Murphy gave a presentation at the request of the Mayor's Office, Labor Relations staff, on an overview of Pensions. Ms. Taliaferro gave a very good presentation which was informative and included a powerpoint presentation that she will also forward to the Board. The presentation was much appreciated by Labor Relations staff.

In other office news, Daina Stanford is now part of the Investment unit and will oversee the administrative staff. Marty Toohey, DOT representative is retiring March 1, 2013 and Rita Williams and Dan Smith will be filling in on the payroll processing duties. Mr. Toohey provided many years of good service and will be missed.

Litigation Summary – Mr. DiFusco stated that oral arguments were held in the DiLacqua and Hummel cases in Commonwealth Court. There is no timetable as to when there will be a decision on those cases.

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The Durkin case was denied in Common Pleas Court on February 14, 2013, and the Board's decision was upheld.

Harvey Rice made a motion to adjourn. Brian Albert seconded the motion

The motion passed unanimously 8-0 and the meeting adjourned at 9:22 a.m.