

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

MINUTES

On March 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
James Leonard

Also Attending: Francis Bielli – Board of Pensions
Sumit Handa – Investment Unit
Christopher DiFusco – Investment Unit
Brad Woolworth – Investment Unit
Katherine Mastrobuoni – Law Department
Shamika Taliaferro – Board of Pensions
Jake Walthour, Cliffwater
Cislyn Brown, Program Analyst, Applicant
John Reilly, Retired Firefighter
Will Greene, LOOP Capital

Paula Weiss stated that the first order of business was the consideration of the Minutes of February 28, 2013.

Brian Albert made a motion to approve the Minutes of February 28, 2013. Andrew Thomas seconded the motion.

The motion to approve the Minutes of February 28, 2013 carried unanimously 8-0.

CONSIDERATION OF (138) PENSION APPLICATIONS AND (52) 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 Donald Pearl, Application for Service-Connected Disability Benefits – Plan “A”

This is an application by Donald Pearl, former Fire Fighter, Fire Department, for Service-Connected Disability Benefits in Plan “A”.

Mr. Pearl sustained the injury when he was subjected to a gas explosion, where he was propelled in the air and landed on the sidewalk. The nature of Mr. Pearl’s disability is limited mobility due to headaches, dizziness and pain in both legs and back. His date of injury is January 18, 2011.

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

The motion to approve carried unanimously 8-0.

Case of Roger Birch, Application for Service-Connected Disability Benefits – Plan “B”

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

Mr. Birch sustained injury to his shoulder while attempting to subdue an unruly and combative suspect in the back of his patrol vehicle, when the suspect began to kick Mr. Birch in the face and chest area causing him to be transported to the emergency room. His date of injury is January 27, 2010.

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

The motion to approve carried unanimously 8-0.

Case of Erroll Patterson, Application for Service-Connected Disability Benefits – Plan “B”

This is an *Administrative Application* in regards to Erroll Patterson, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Mr. Patterson sustained the injury when assisting another officer in making an arrest and while attempting to handcuff the suspect, he injured his back. His date of injury is August 6, 2012.

Ms. Weiss stated her concerns that Dr. Howarth’s last paragraph was unclear and not the standard that the Board is looking for. She questioned the use of the term “temporarily partially disabled” and said that would not be useful going forward.

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

The motion to deny carried unanimously 8-0.

Case of Joseph Donofrio, Application for Service-Connected Disability Benefits – Plan “J”

This is an application by Joseph Donofrio, former Heavy Equipment Operator II, Water Department, for Service-Connected Disability Benefits in Plan “J”.

Mr. Donofrio sustained the injury while he was attempting to retrieve some equipment from the top of his truck when he felt a strain in his back. The nature of Mr. Donofrio’s disability is limited mobility due to persistent pain in back, neck and leg. His date of injury is April 4, 2011.

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

The motion to approve carried unanimously 8-0.

**REQUEST TO APPLY FOR SERVICE CONNECTED DISABILITY BENEFITS
BEYOND THE ONE YEAR DEADLINE**

**Case of Voffee S. Jabateh, Request to Apply for Service Connected Disability Benefits
Beyond the One Year Deadline – Plan Y**

This is a request by Voffee S. Jabateh, former Social Worker 2, to make application for Service-Connected Disability benefits beyond the one year deadline in Plan Y.

Voffee S. Jabateh separated from the Department of Human Services effective October 1, 2005. Letters were mailed to him October 26, 2005 and March 27, 2006 advising him of his benefit options, including the one year deadline to make application for Service-Connected Disability benefits.

Mr. Jabateh applied for Optional Early benefits on January 7, 2013, which he is currently receiving. He then applied for Service-Connected Disability benefits on January 30, 2013.

Brian Albert made a motion to deny. Celia O’Leary seconded the motion.

The motion to deny carried unanimously 8-0.

REQUEST TO PURCHASE PENSION CREDIT FOR EMPLOYMENT WITH PMHCC

Case of Cislyn Brown, Request to Purchase Pension Credit for Employment with the Philadelphia Mental Health Care Corporation (PMHCC) – Plan Y

Cislyn Brown's application to purchase governmental pension credit for her prior employment was received 12/10/12. On the verification form returned by PMHCC, they identified themselves as a private entity.

In an email received 1/25/13, the Law Department confirmed that PMHCC employees are not eligible to purchase service credit. In a letter dated 1/28/13, Ms. Brown's application was administratively denied.

In a letter dated 2/14/13, Ms. Brown appealed the administrative denial.

Ms. Stukes-Baylor stated that she checked with Mr. Bielli to find out if PMHCC was a quasi agency and it isn't. The City contracts out to PMHCC so it is a contract agency and does not fall under the umbrella of a quasi agency.

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

The motion to deny carried unanimously 8-0.

APPLICATION TO PURCHASE PENSION CREDIT FOR PRIOR MILITARY SERVICE RECEIVED AFTER EFFECTIVE RETIREMENT DATE

Case of Michael H. Miller, Application to Purchase Pension Credit for Prior Military Service Received After Effective Retirement Date

Mr. Miller separated from City employment effective 1/17/13 as a member of Plan Y.

His application to purchase pension credit for his prior military service was received on 1/29/13. He applied for service retirement benefits on 2/1/13.

His purchase application was administratively denied because he is a retired member. His timely appeal of the above denial was received via email on 3/1/13.

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

The motion to deny carried unanimously 8-0.

REQUEST FOR RECOGNITION OF COMMON-LAW MARRIAGE

Case of Anthony Monteleone, Request for Recognition of Common-Law Marriage, Plan “J”

This is an application by Anthony Monteleone, retiree, for recognition of his Common-Law Marriage to establish his spouse, Deborah Smith, as his option #4 survivor.

Anthony Monteleone, a former Deputy Sheriff, retired effective April 3, 1993. At that time, he listed Deborah Smith as his fiancée on his City life insurance form.

In a notarized statement signed by Anthony Monteleone and Deborah Smith, the details of the couple's relationship are summarized. In 1985, Mr. Monteleone had been separated from his wife for over a year when he met Deborah Smith, who was single and had had no prior marriages. The couple began living together in 1985 and bought a home together in 1986. Mr. Monteleone's wife, Carol Monteleone, died in 1988. The couple sold their home in 1992 and moved to Florida. Mr. Monteleone retired on April 3, 1993. The couple purchased a home in Florida in 1994. The couple married on December 30, 2011. They have no children from this relationship.

Mr. Monteleone submitted documents and forms to the Board for review.

If approved, Deborah Smith would be eligible to receive a lifetime survivorship benefit of \$1,017.23 as the surviving spouse of Anthony Monteleone.

Carol Stukes-Baylor made a motion to approve. Andrew Thomas seconded the motion.

The vote was 4-4. The Chair voted to deny making the vote 4-5. Motion fails.

REQUEST TO EXTEND DROP DATE

Case of Thomas Peters, Request to Extend DROP Date - Plan “D”

This is an appeal by Thomas Peters, to extend his DROP entry date due to a house fire he experienced on November 28, 2012. He states he lost everything and wishes to push back his DROP end date because he needs the extra money.

Mr. Peters entered DROP January 25, 2010 and is due to retire on January 25, 2014.

In a letter dated January 31, 2013, Shamika Taliaferro, Pension Program Administrator denied his request since participation in the DROP is irrevocable and must cease no later than four (4) years after entrance. The only exception to this rule is the Mayor's declaration of an extraordinary extension.

Mr. Peters' appeal was received February 17, 2013.

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

The motion to deny carried 7-0-1.

REQUEST TO WITHDRAW FROM DROP

Case of Anthony Manes, Request to Withdraw from DROP - Plan D

Anthony Manes signed up in April, 2011 to start DROP on February 4, 2013.

Mr. Manes is requesting to withdraw from DROP due to his wife's recent Parkinson's disease diagnosis after being misdiagnosed for more than a year and a half. Mr. Manes states if his spouse had been correctly diagnosed, participating in DROP would not have been an option for him.

Mr. Manes states this unexpected illness created a family medical hardship and maintaining employment for longer than four years will allow him to provide long term continued care and treatment for his wife.

A letter from Dr. Liang of Jefferson Hospital was also received confirming treatment and that Mr. Manes may need intermittent leave to help care for his wife and to accompany her to medical evaluations.

On February 12, 2013, Shamika Taliaferro, Pension Program Administrator administratively denied Mr. Manes' request on the basis that participation in DROP is irrevocable.

Mr. Manes' appeal was received February 18, 2013.

Brian Albert made a motion to deny. Carol Stukes-Baylor seconded the motion.

The motion to deny carried 7-0-1.

OLD BUSINESS

Case of Thomas Dooley, Application for Service-Connected Disability Benefits Beyond the One Year Deadline/Service Connected Disability Benefits – Plan "Y"

This case was **denied** at the December 20, 2012 Board Meeting. A Hearing Panel was held on February 20, 2013.

The Hearing Panel votes are as follows:

- Mr. James Leonard: Recommend approval.
Approve, as Board sent his letter saying he could apply for SCD and then sent him to doctors for SCD, even though he was beyond the 1 year deadline. Also testimony was credible that pain medication caused him to miss 1 year deadline due to confusion.
- Ms. Veronica Pankey: Recommend approval.
To approve application for “SCD” beyond the one year deadline. Error on behalf of Pension Board by initiating the process of medical evaluations by our medical panel.
- Mr. Harvey Rice: Recommend approval.
Claims received letter from Board advising him of his ability to apply.

The history of the case is as follows:

This is an application by Thomas Dooley, former Deputy Sheriff, Office of the Sheriff, for Service-Connected Disability Benefits beyond the One Year Deadline and for Service-Connected Disability benefits in Plan “Y”.

Mr. Dooley separated on December 27, 2010 and applied for Service-Connected Disability benefits on May 4, 2012. He was denied as it was beyond the one year deadline per Title 22-Section 401 (1) (d) by the Board of Pensions in a letter dated November 19, 2012. Mr. Dooley appealed that decision which was received by the Board of Pensions on December 1, 2012.

Mr. Dooley sustained the injury while on duty when he attempted to subdue an escaping suspect and injured his right leg. The nature of Mr. Dooley’s disability is limited mobility due to Reflex Sympathetic Dystrophy of right shin. His date of injury is September 12, 2008.

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

The motion to approve the application to apply for service-connected disability benefits beyond the one year deadline carried unanimously 8-0.

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

This case was **tabled** at the February 28, 2013 Board Meeting at the request of Hilary Cornell for further information. Attached is a timeline of Mr. Cofield’s secondary employment.

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

Mr. Cofield sustained an injury while exiting his vehicle in response to a call and he twisted his ankle on an uneven road surface. In another incident, Mr. Cofield injured his knee while in foot pursuit of a suspect. The nature of Mr. Cofield’s disabilities is limited mobility due to pain and instability in his ankle and knee. His dates of injury are August 24, 1995 and October 23, 1997.

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

The motion to approve carried unanimously 8-0.

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

This case was **tabled** at the February 28, 2013 Board meeting at the request of Trustee Ronald Stagliano for further information.

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. His date of injury is April 23, 2009.

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

The motion to approve carried unanimously 8-0.

NEW BUSINESS

Executive Director’s Report – Mr. Bielli gave an update on the large number of DROP participants scheduled to retire in June, 2013. A letter was mailed to the June group to find out how many people would be interested in completing the retirement process by mail. The response received was good and approximately 40% selected the mail option. Mr. Bielli stated this initiative was created by Ms. Taliaferro and it’s a good pilot program. They will see how it works from start through completion and it could be expanded going forward.

The Board of Pensions website is being updated. Besides annual reports and actuarial reports there is other information available on the site. The site is being populated with commonly used forms requested by members of the Pension system, and they will eventually have the capability of filling out the forms using Adobe Acrobat. It is hoped that this will create a self-help option and detailed instructions will be included going forward.

The Board was advised of the City Council Budget Hearing schedule and invited to attend.

Litigation Summary – Ms. Mastrobuoni stated that the Court affirmed the Board's decision on the Hummel case and denied Mr. Hummel's appeal. The Board's decision on the Floyd pension disqualification case was reversed. The Judge felt that the cell phone was not enough to connect the crime committed to Mr. Floyd's employment. His pension will be reinstated.

Mr. Leonard congratulated Ms. Mastrobuoni on the job she did on the Hummel case which was a Commonwealth Court appeal. Ms. Mastrobuoni did the oral argument and brief and the Board received a favorable decision and opinion from the Court.

Ronald Stagliano made a motion to adjourn. Brian Albert seconded the motion

The motion passed unanimously 8-0 and the meeting adjourned at 9:18 a.m.