

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of April 25, 2013**

MINUTES

On April 25, 2013, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:07 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
Sumit Handa – Investment Unit
Teresa Gray – Board of Pensions
Shamika Taliaferro – Board of Pensions
Christopher DiFusco – Investment Unit
Brad Woolworth – Investment Unit
Katherine Mastrobuoni – Law Department
Ellen Berkowitz – Law Department
Jake Walthour, Cliffwater
Will Greene, LOOP Capital
Pam McCue, Financial Investment News
Dora Anbonova, PICA

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

Brian Albert made a motion to approve the Minutes of March 28, 2013. Ronald Stagliano seconded the motion.

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

CONSIDERATION OF (145) PENSION APPLICATIONS AND (115) 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 James Frosch, Application for Service-Connected Disability Benefits – Plan “A”

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

Mr. Frosch sustained the injury when he suffered heat exhaustion after working strenuously on the fire grounds. In another incident, Mr. Frosch was removing trash from fire station when he twisted his right ankle on a ramp. Another time, Mr. Frosch was exiting Ladder #15 when he stepped off of the apparatus into a hole in the street and injured his left ankle. On another occasion, Mr. Frosch was returning from fighting a fire when he slipped on some black ice and reinjured his left ankle. His dates of injury are 05/26/07, 01/12/10, 11/29/10, and 02/07/11.

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

The motion to approve carried unanimously 8-0.

Case of James Hubert III, Application for Service-Connected Disability Benefits – Plan B”

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

Mr. Hubert sustained the injury while he became involved in an altercation with a prisoner, when he broke his knuckle and pinky finger on his right hand. His date of injury is December 16, 2010.

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

The motion to approve carried unanimously 8-0.

Case of Nikki Richardson, Application for Service-Connected Disability Benefits –Plan “B”

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

Ms. Richardson sustained injuries to her ankle while fueling her supervisors patrol vehicle when she slipped on a patch of ice and fell. In another incident she slipped on a patch of oil and reinjured her right ankle. Her dates of injury are February 22, 2008 and July 10, 2011.

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

The motion to approve carried unanimously 8-0.

Case of Cheryl Sprague, Application for Service-Connected Disability Benefits – Plan “B”

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

Ms. Sprague sustained the injury while sitting in her assigned vehicle waiting at a red light when her vehicle was struck from behind causing neck and back injuries. Her date of injury is October 26, 2010.

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

The motion to approve carried unanimously 8-0.

Case of Larnella Woods, Application for Service-Connected Disability Benefits – Plan “B”

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

Ms. Woods sustained the injury while attempting to restrain a prisoner during a fight, when she was struck by another officer’s metal stick by mistake. The nature of Ms. Woods’ disability is limited mobility due to inability to use right hand because of a right wrist injury. Her date of injury is April 24, 2008.

Ms. Cornell requested to get additional medical records from a 1998 surgery that one of the doctor’s mentions in his report.

A discussion ensued whether it is the Pension Board’s responsibility to do additional investigating in order to obtain other reports that are not part of the official documentation. Some members felt that it is the Board’s obligation to make sure benefits are not awarded inappropriately, while others felt it is beyond the staff’s responsibility to do further investigating and it is the doctor’s responsibility to follow up, before they give an opinion.

Mr. Bielli stated that Mr. Murphy did an additional check on this case and there was no other documentation brought up to Dr. Korevaar. The 1998 surgery in question was only brought up in Dr. Weinerman’s report.

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

The motion to approve carried unanimously 5-3.

Case of McKinley Battle, Application for Service-Connected Disability Benefits – Plan “J”

This is an “*Administrative Application*” in regards to McKinley Battle, former Heavy Equipment Operator, Department of Streets, for Service-Connected Disability Benefits in Plan “J”.

Mr. Battle sustained the injuries to his lower back leg while lifting a plow and returning it back to his truck. The nature of Mr. Battle’s disability is limited mobility due to lower back and right leg injury. His date of injury is August 19, 2009.

Hilary Cornell made a motion to deny. Veronica Pankey seconded the motion.

The motion to deny carried unanimously 8-0.

Case of Lawrence Bates, Application for Service-Connected Disability Benefits – Plan “Y”

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

Mr. Bates sustained the injury while assisting co-workers in breaking up a physical altercation between inmates. The nature of Mr. Bates’ disability is limited mobility due to a broken right hand. His date of injury is September 18, 2009.

Hilary Cornell made a motion to table for 30 days to obtain additional information about non-work related fracture records. Brian Albert seconded the motion.

The motion to table for 30 days carried 5-1-2.

Case of Jon Pringle, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application by Jon Pringle, former Pumping Station Engineer, Water Department, for Service-Connected Disability Benefits in Plan “Y”.

Jon Pringle sustained injuries to his knee and arm while on a work related routine assignment, when his vehicle encountered a patch of “black ice” and he collided with two other vehicles and a guard rail which caused total damage to his vehicle. His date of injury is January 6, 2008.

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

The motion to approve carried unanimously 8-0.

Case of LaTanya Watson, Application for Service-Connected Disability Benefits –Plan “Y”

This is an application by LaTanya Watson, former Account Clerk, Finance Department, for Service-Connected Disability Benefits in Plan “Y”.

Ms. Watson sustained the injury while returning from a municipal court assignment; she tripped over a damaged area of pavement and fell. The nature of Ms. Watson’s disability is limited mobility due to wrist sprain. Her date of injury is September 8, 2010.

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

The motion to deny carried 6-0-2.

APPLICATION TO PURCHASE PENSION CREDIT AS A DROP PARTICIPANT

Case of George Sumner, Application to Purchase Pension Credit as a DROP Participant – Plan J

Mr. Sumner worked as a temp from 6/30/75-8/29/75; 12/29/75-5/28/76 and from 6/11/80-1/11/81. He was also a CETA employee from 11/9/76-3/31/80. There's a CETA application in his imaged file, dated 5/11/97, to purchase pension credit for his CETA service from 9/6/77-11/8/80. In a letter dated 9/19/97, Linda Donovan advised him that since he had been a contributing member since 11/9/96, it was not necessary for him to purchase pension credit for his CETA employment. Mr. Sumner entered DROP effective 1/4/10. Sometime thereafter, he learned that he had not received pension credit for his prior temporary employment. On 3/3/13, we received his application to purchase pension credit for his prior temporary employment. His application was administratively denied pursuant to §22-310(5) of the Public Employees Retirement Code. His timely appeal of the above denial was received 4/11/13.

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

The motion to deny carried unanimously 8-0.

OLD BUSINESS

Case of Gregory Stevens, Request for Exemption from Interest Charges for Purchase of pension Credit for Prior Military Service and Military Leaves of Absence – Plan B

This case was **deferred** to a Hearing Panel at the January 24, 2013 Board Meeting. A Hearing Panel was held on March 20, 2013.

The Hearing Panel votes are as follows:

Mr. Brian Albert: Recommend denial.
Employee alleges Sgt. Clinkscale informed him that he could purchase his eight years of prior military service one time only. He made application to purchase those eight years, but did not proceed with the purchase. He does not allege that Sgt. Clinkscale said such a purchase, whenever made, would be interest free. Subsequently the employee confused this purchase of prior military service with the purchase of subsequent military leaves of absence. He made no attempt to clear up any confusion by contacting the Pension Board staff directly.

Ms. Celia O'Leary: Recommend denial.
A review of four written communications sent to Officer Stevens between 2001 and 2012 showed that all contained a phone number and contact person for questions, noted that the costs quoted in the letters would expire on a specific date, and further noted that after the expiration date, a new quote containing additional interest charges would be required. Officer Stevens' choice to ask his questions of others does not bind the Board of Pensions to provide financial accommodations to ameliorate the mistakes, misunderstandings or miscommunications provided by people who are not accountable to the Board of Pensions and Retirement.

Ms. Carol Stukes: Recommend approval.
Approve for a percentage of the outstanding interest on purchase of the military time and purchase of the 1st leave.

The history of the case is as follows:

Mr. Stevens was hired effective 2/20/01. A hire letter outlining his purchase rights and responsibilities was mailed to him on 3/9/01. On 7/6/01, we received his application to purchase pension credit for his prior military service from 9/11/88 through 10/11/92 and from 3/11/97 through 11/11/00, along with a copy of form DD214 covering the period from 3/12/97 through 11/11/00. A letter requesting a copy of form DD214 covering the period from 9/11/88 through 10/11/92 and a bill for the period from 3/12/97 through 11/11/00 was forwarded to Mr. Stevens on 9/10/01. After having received a copy of form DD214 covering the period from 9/11/88 through 10/11/92, a bill for the same period was mailed to him on 10/11/01. We did not receive his timely response to either bill.

Mr. Stevens was granted a military leave of absence without pay from 3/10/03 through 10/21/03. A bill for this period was mailed to Mr. Stevens on 11/24/03. We did not receive his timely response to that bill. Mr. Stevens was also granted a military leave of absence without pay from 4/22/07 through 4/22/12. A bill for this period was mailed to him on 7/5/12. His timely request to purchase pension credit for this period via 130 payroll installments was received on 7/10/12

along with his request to be re-billed for his other periods of military service and leave and a copy of form DD214 for the period from 12/18/00 through 2/23/01. An updated bill, including the appropriate past interest due, was mailed to him on 10/16/12. On 11/8/12 we received his request to be exempted from interest. An administrative denial of his request was mailed to him on 11/9/12. His appeal of the administrative denial was received on 12/14/12.

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

The motion to deny carried 4-2-2.

Case of Eduardo Fonseca, Application for Service-Connected Disability Benefits – Plan “J”

This case was **denied** at the June 27, 2012 Board Meeting. A Hearing Panel was held on March 6, 2013.

The Hearing Panel votes are as follows:

- | | |
|----------------------|---|
| Mr. James Leonard: | Recommend denial.
Failed to meet burden that he was disabled. He returned to work for 10 years at full duty. |
| Ms. Veronica Pankey: | Recommend denial.
10 years of full duty work “after” the injury, doesn’t demonstrate a permanent injury. |
| Mr. Harvey Rice: | Recommend denial.
Did not adequately prove that injury was due solely. |

The history of the case is as follows:

This is an application by Eduardo Fonseca, former Correctional Officer, Prisons Department, for Service-Connected Disability Benefits in Plan “J”.

Mr. Fonseca sustained the injury while on duty and he removed the back seat of a van to make room for testing materials. The nature of Mr. Fonseca’s disability is limited mobility due to lower back injury. His date of injury is April 18, 2001.

Harvey Rice made a motion to deny. Hilary Cornell seconded the motion.

The motion to deny carried unanimously 8-0.

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

This case is listed for a motion for **Service-Connected Disability benefits**. The application for **Service-Connected Disability benefits beyond the one year deadline** was **approved** at the March 28, 2013 meeting.

The history of the case is as follows:

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 him 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.
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 leg. His date of injury is September 12, 2008.

Harvey Rice made a motion to approve. Hilary Cornell seconded the motion.

The motion to approve carried unanimously 8-0.

Case of David Lee, Sr., Application for Service-Connected Disability Benefits – Plan “Y”

This case was **denied** at the November 29, 2012 Board Meeting. A Hearing Panel was held on March 6, 2013.

The Hearing Panel votes are as follows:

Mr. James Leonard: Recommend denial.
Failed to meet burden of proof that injury was “solely due.”
Medical evidence showed condition was due to vascular disease.

Ms. Veronica Pankey: Recommend approval.
No prior injury to toe or treatment for poor circulation.

Mr. Harvey Rice: Recommend approval.
Injury to toe due to work injury due solely to loss of toe and disability.

The history of the case is as follows:

This is an application by David Lee, Sr., former Laborer, Streets Department, for Service-Connected Disability Benefits in Plan “Y”.

Mr. Lee sustained injuries to his foot and toe while climbing down off of his assigned truck when he slipped and fell. His date of injury is November 16, 2010.

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

The motion failed 3-5.

Carol Stukes made a motion to approve. Harvey Rice seconded the motion.

The motion to approve carried 5-3.

Case of LaTanya Watson, Application for Service-Connected Disability Benefits Beyond the one year deadline – Plan “Y”

This case was **denied** at the January 24, 2013 Board Meeting. A Hearing Panel was held on April 17, 2013.

The Hearing Panel votes are as follows:

Mr. James Leonard: Recommend approval.
Grant leave to apply for SCD beyond one year deadline.

Ms. Celia O’Leary: Recommend approval.
Ms. Watson sent an email to the Board on the last day of eligibility. She should be permitted to apply.

Mr. Andrew Thomas: Recommend approval.
Evidence in file shows applicant made an attempt to contact the Board of Pensions within the one-year time frame.

The history of the case is as follows:

This is an application by LaTanya Watson, former Account Clerk, Finance Department, for Service-Connected Disability Benefits Beyond the one year deadline in Plan “Y”.

Ms. Watson separated March 24, 2011 and applied for Service-Connected Disability benefits on May 23, 2012. She was denied as it was beyond the one year deadline per Title 22-401 (1) (d) by the Board of Pensions in a letter from the Board of Pensions dated November 19, 2012. Ms. Watson submitted a letter to appeal the Board’s Administrative denial dated December 19, 2012 including emails to and from the Board of Pensions.

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

The motion to approve carried unanimously 8-0.

NEW BUSINESS

Executive Director’s Report – Bill No. 130307 was introduced in City Council to amend the 1963 Ordinance which allowed the Pension Board to enter into agreements with certain quasi agencies to administer their pension funds. The Bill concerns Philadelphia Housing Development Corporation (PHDC) to reimburse the City/Pension Fund at MMO level versus the City Funding Policy level. The difference in contributions for Fiscal Year 2013 will be for \$680,000 less, the MMO being lower. There hasn’t been any action on the Bill yet but a copy of it will be sent to the Board.

Mr. Bielli extended an invitation to the Board members for a budget meeting with PICA on May 7, 2013. Mr. Dubow and Mr. Handa are also going.

Mr. Bielli stated that the May Board meeting has been changed to Wednesday, May 22, 2013, and the Quarterly Travel Reports were included in the Board members folders.

Business and Education Travel Authorizations

- 1) Request for Ms. Stukes-Baylor and Mr. Rice to attend the PAPERS Conference in Harrisburg, PA from May 22-24, 2013

Ronald Stagliano made a motion to approve. Hilary Cornell seconded the motion.

The motion to approve Carol Stukes-Baylor and Harvey Rice carried unanimously 8-0.

- 2) Request for Veronica Pankey, Carol Stukes-Baylor and Andrew Thomas to attend the MAPS Conference in Baltimore, MD from June 4-7, 2013.

Ronald Stagliano made a motion to approve. Celia O'Leary seconded the motion.

The motion to approve Veronica Pankey, Carol Stukes and Andrew Thomas to attend the MAPS Conference in Baltimore, MD from June 4-7, 2013 carried unanimously 8-0.

Litigation Summary – Ms. Mastrobuoni stated that there are two noteworthy cases this month. The Johnson case is a service-connected disability and the appeal went to Commonwealth Court March 28, 2013. The other is the Rosemary Walker case. She has a longstanding survivorship case and has filed a direct action against the Board of Pensions. According to the attorney, this is the first time he has sued at the Court of Common Pleas, not based on the administrative denial.

Ms. Pankey raised a concern to Mr. Bielli and is bringing the issue to the Board in hopes of a response. There was a recent change in the mail out date for workers' compensation payments. The new day is Friday and she had several members who still have not received their payments. She asked if they are given the option of direct deposit. She also inquired how a five day delivery would affect workers' compensation checks being mailed out to members, as well as pension checks for those members not on direct deposit.

Ms. Cornell said she is not aware of any problems but will check on it. They have been working on getting direct deposit since last year and there have been complications. She will update the Board at the next meeting.

Mr. Bielli stated that the Treasurer's Office put out a RFP concerning the banks that do the various payrolls for the City, including the Pension Fund. Part of the RFP included direct deposit so that would be another aspect to look at. Once the RFP is done a full report will be given to the Board along with various aspects such as using debit cards with the direct deposit. They can also address the mail issue at that time.

Ms. Stukes-Baylor stated that the Federal Government will be requiring everyone to have a bank account and direct deposit before they can get a social security payment. She suggested using the same information and “piggybacking” off of them for the direct deposit of pension checks.

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

The motion to adjourn carried unanimously 8-0.