

**CITY OF PHILADELPHIA  
BOARD OF PENSIONS AND RETIREMENT  
Meeting of January 23, 2014**

**MINUTES**

On January 23, 2014, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:03 a.m. in the Board's Conference Room.

Present: Paula Weiss  
William Rubin  
Brian Albert  
Celia O'Leary  
Ronald Stagliano  
Andrew Thomas  
Veronica Pankey  
Hilary Cornell

Also Attending: Francis Bielli, Board of Pensions  
Mark Murphy, Board of Pensions  
Sumit Handa, Brad Woodworth, Chris DiFusco – Investment Unit  
Jo Rosenberger-Altman, Law Department  
Ellen Berkowitz, Katherine Mastrobuoni – Law Dept.  
Steve Nesbitt, Jack Walthour - Cliffwater  
Mondrell Moore - Earnest Partners  
Will Greene – Capital Loop

Ms. Weiss welcomed William Rubin back to the Board as an alternate for City Controller Alan Butkovitz. Mr. Rubin was sworn in as a member of the Board by Paula Weiss.

Ms. Weiss stated they will begin at the back of Agenda with the Executive Director's Report in order to give more time to those people arriving late due to the inclement weather. However, the Minutes will appear as listed on the Agenda.

Ms. Weiss continued with the consideration of the Minutes of December 5, 2013.

Brian Albert made a motion to approve the Minutes of December 5, 2013. Ronald Stagliano seconded the motion.

**The motion to approve the Minutes of December 5, 2013 carried unanimously 6-0-1.**

**CONSIDERATION OF (114) PENSION APPLICATIONS AND (88) WITHDRAWAL APPLICATIONS**

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

**The motion to approve carried unanimously 7-0.**

**APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS**

**Case of Donna O’Day Dunbar Application for Service-Connected Disability Benefits – Plan “B”**

This is an application by Donna O’Day Dunbar, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

According to Ms. O’Day Dunbar, she sustained the injury while working when she fell off a chair and injured her left hip, left ankle, left knee and lower back. She further stated that the date of her injury is October 23, 2011.

Ronald Stagliano made a motion to approve. Veronica Pankey seconded the motion.

**The motion to approve carried unanimously 7-0.**

**Case of Khalid Syed, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application by Khalid Syed, former Police Captain, Police Department, for Service-Connected Disability Benefits in Plan “B”.

According to Mr. Syed, he sustained the injury while working when he was in an unmarked police vehicle and was struck by another car. He further stated that the nature of his disability is to both hands, neck, back, ankle and both knees. The date of his injury is September 11, 2011.

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

**The motion to approve carried 6-0-1.**

**Case of James Bowie, Application for Service-Connected Disability Benefits – Plan “J”**

This is an application by James Bowie, former Custodial Worker, Water Department, for Service-Connected Disability Benefits in Plan “J”.

According to Mr. Bowie, he sustained the injury while working when he slipped and fell. He further stated that his disability is to his right ankle, left elbow and both knees and the date of his injury is November 15, 2010.

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

**The motion to deny carried 4-0-3.**

**Case of Vanessa Carroll, Application for Service-Connected Disability Benefits – Plan “J”**

This is an application by Vanessa Carroll, former Service Worker, Water Department, for Service-Connected Disability Benefits in Plan “J”.

According to Ms. Carroll, she sustained the injury while working when she was in a motor vehicle accident and was hit in the rear of her car. She further stated that her disability is to her back and the dates of her injuries are March 24, 2010 and January 14, 2005.

Mr. Stagliano stated that this is an administrative application and Ms. Carroll has applied for her normal service pension.

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

**The motion to deny carried 4-0-3.**

**Case of Deborah Davis, Application for Service-Connected Disability Benefits – Plan “J”**

This is an application by Deborah Davis, former Workers’ Compensation Manager, Quasi Agency - Philadelphia Parking Authority, for Service-Connected Disability Benefits in Plan “J”.

According to Ms. Davis, she sustained the injury while working when making copies and she fell down. She further stated that her disability is to both wrists, left elbow and right ankle and the dates of her injuries are December 14, 2010 and May 15, 2012.

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

**The motion to deny carried 4-0-3.**

**Case of Nelson Leon Application for Service-Connected Disability Benefits – Plan “J”**

This is an application by Nelson Leon, former Youth Detention Counselor I, Department of Human Services, for Service-Connected Disability Benefits in Plan “J”.

According to Mr. Leon, he sustained the injury while working when he attempted to restrain a resident when he struck his left shoulder. He further stated that the date of his injury is May 9, 2012.

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

**The motion to deny carried 4-0-3.**

**Case of Salvatore Malvestuto, Application for Service-Connected Disability Benefits – Plan “J”**

This is an application by Salvatore Malvestuto, former Housing Rehab Inspection Supervisor II, Quasi Agency – Philadelphia Housing Development Corporation, for Service-Connected Disability Benefits in Plan “J”.

According to Mr. Malvestuto, he sustained the injury while working when a car ran into the back of his city vehicle. He further stated that his disability is to his lower back, right leg and right knee and the date of his injury is April 26, 2012.

Veronica Pankey made a motion to approve. Ronald Stagliano seconded the motion.

**The vote was 4-3. The Chair voted to deny making the vote 4-4. Motion ties and is denied.**

**Case of Harold Parker, Jr., Application for Service-Connected Disability Benefits – Plan “J”**

This is an application by Harold Parker, Jr., former Custodial Worker, Philadelphia Airport, for Service-Connected Disability Benefits in Plan “J”.

According to Mr. Parker, he sustained the injury while working when he was pushing a dumpster up a ramp. He further stated that his disability is to his back and groin and the date of his injury is February 5, 2013.

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

**The motion to deny carried 4-0-3.**

**Case of Sharon Graham Application for Service-Connected Disability Benefits – Plan “Y”**

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

According to Ms. Graham, She sustained the injury while working when an inmate assaulted her causing injury to her face, right leg and right ankle. She further stated that the date of her injury is October 16, 2010.

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

**The motion to approve carried unanimously 7-0.**

**Case of Patrick Love, Application for Service-Connected Disability Benefits – Plan “Y”**

This is an application by Patrick Love, former Communications Systems Crew Chief, MOIS Department, for Service-Connected Disability Benefits in Plan “Y”.

According to Mr. Love, he sustained the injury while working in the tunnel where he hit his shoulder on a valve. He further stated that his disability is to his left shoulder and the date of his injury is June 9, 2010.

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

**The motion to approve carried unanimously 7-0.**

**Case of Monica Scott, Application for Service-Connected Disability Benefits – Plan “Y”**

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

According to Ms. Scott, she sustained the injury while working when she tripped over a curb and fell. She further stated that the nature of her disability is to both - legs, hands and knees, left ankle, neck and back and the dates of her injuries are June 17, 2004, October 18, 2008 and December 20, 2009.

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

**The motion to deny carried 4-0-3.**

**REQUEST TO WAIVE ORDINARY DEATH BENEFITS AS DESIGNATED BENEFICIARY**

**Case of Robert B. Dicker, Deceased, Request to Waive Ordinary Death Benefits as Designated Beneficiary**

This is a request by Eddie H. Dicker, Power of Attorney for Jeannette Dicker, mother of Robert B. Dicker, to waive her rights for Ordinary Death Benefits as the designated beneficiary of Robert B. Dicker, Plan "Y". Robert B. Dicker died as an active employee on November 7, 2013. Jeannette Dicker is the designated beneficiary of Robert B. Dicker, former Airport Pavement & Grounds Group Leader. She was designated at his time of employment on December 28, 1998.

On December 4, 2013, Eddie H. Dicker, on behalf of Jeannette Dicker stated he wants to waive her benefits in order to allow Carol C. Dicker, wife, to receive benefits. Jeannette Dicker currently resides in a nursing home.

Carol Cole Dicker and Robert B. Dicker were married August 8, 1997.

The Board reviewed the submitted case documentation.

Ronald Stagliano made a motion to approve with the understanding that the wife still has to make proper application for the benefit. Hilary Cornell seconded the motion.

**The motion to approve carried unanimously 7-0.**

**Case of Andrea L. Chaney, Application to Apply for Service-Connected Disability Benefits Beyond the One Year Deadline – Plan "Y"**

This is an application by Andrea L. Chaney, a member and former employee, to make an application for Service-Connected Disability Retirement benefits beyond the one year deadline.

Andrea L. Chaney, a former Correctional Officer for the Philadelphia Prisons System, separated from City service effective March 12, 2012, following a leave of absence.

On June 25, 2012, Ms. Chaney applied to withdraw her pension contributions. She also signed the disability filing deadline form. This letter informed her that application for disability benefits must be made within one year of separation of City employment.

On November 20, 2013, Ms. Chaney applied for Service-Connected Disability benefits. Her application was administratively denied on November 26, 2013.

During her interview on November 20, 2013, she was presented with the disability filing deadline paper that she signed on June 23, 2012. She confirmed that it was her signature but said she did not remember signing the form.

Ms. Chaney continues to receive Workers' Compensation since November 1, 2010.

The Board reviewed the forms and letters submitted with the case.

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

**The motion to deny carried 6-0-1.**

## **OLD BUSINESS**

### **Case of April Shaynick – Pension Disqualification, Plan “B”**

This case was *approved to permanently disqualify from pension eligibility and retain contributions to pay court ordered fines and restitution* at the August 21, 2013 Board Meeting.

A Hearing Panel was held on November 20, 2013.

The Hearing Panel votes are as follows:

Mr. James Leonard:	Approved to disqualify.
Mr. Andrew Thomas:	Approved to disqualify.
Ms. Paula Weiss:	Approved to disqualify.

The history of the case is as follows:

April Shaynick was hired on June 22, 1998 with the City of Philadelphia Police Department. She was terminated effective December 31, 2012, after attaining 14 years, 5 months and 14 days of credited service. She is not collecting any benefit at this time.

Inspector General Amy Kurland requested that the Board consider disqualifying Ms. Shaynick from receiving a pension. She provided documentation concerning the conviction of Ms. Shaynick on counts of insurance fraud, theft by deception, tampering with a public record/information, and leaving the scene of an accident.

The criminal complaint reflected that Ms. Shaynick wrote the police report used to support the insurance claim she fraudulently submitted to Allstate after she struck a parked vehicle and left the scene of the accident. Ms. Shaynick pled guilty to the crimes outlined above.

On July 26, 2013, Ellen Berkowitz, Deputy City Solicitor, opined Ms. Shaynick's crimes trigger the forfeiture and disqualification provisions of the Philadelphia Code and the Public Employee Pension Forfeiture Act. Based on the convictions of Theft by Deception, Tampering with a Public Record, and Insurance Fraud, the Law Department recommends that Ms. Shaynick be disqualified from pension eligibility.

Ms. Berkowitz advises the Board must vote on the following:

- Whether Ms. Shaynick should be permanently disqualified and terminated from pension eligibility;
- Whether Ms. Shaynick's pension contributions should be retained for payment of any

Hilary Cornell made a motion to approve for disqualification from pension eligibility and retain contributions to pay fines and restitution. Brian Albert seconded the motion.

**The motion to approve disqualification from pension eligibility and retain contributions to pay fines and restitution carried 6-0-1.**

**Case of Jennifer Leake, Application for Retroactive DROP Acceptance, effective November 15, 2010**

This case was **denied** at the July 23, 2013 Board Meeting. A Hearing Panel was held on October 23, 2013.

The Hearing Panel votes are as follows:

Mr. Brian Albert: Recommend denial.  
Although Ms. Leake relied on being told that her DROP application "was good", she failed to follow up to ask when her DROP interview was scheduled as indicated on the application. Further, she failed to file the additional form (also) indicated in the application that stated: "I understand that there is one additional form I must fill out after the waiting period for the DROP process to be complete."

Mr. Harvey Rice: Recommend denial.

Ms. Carol Stukes-Baylor: Recommend approval.  
Employee attended a retirement seminar and was informed by pension staff that her DROP application was ok.

The history of the case is as follows:



Jennifer Leake submitted a DROP application August 9, 2010. On September 20, 2010, a letter, Memo of Intent, and DROP preview were mailed to Ms. Leake advising her of the earliest participation date of November 15, 2010. The letter also explained what action was required to be scheduled for the DROP seminar and finalize the process for DROP entry.

Ms. Leake phoned the Board of Pensions in March, 2013 expressing that her pension contributions were still being deducted from her paycheck. A review of Ms. Leake's file revealed she had not completed the application/enrollment process by returning a Memo of Intent and therefore was not participating in DROP. Further review of the file revealed no other documentation was ever received to support her intent i.e.; birth certificate, marriage certificate, or any other required paperwork to enroll in the DROP.

On April 17, 2013, a letter was mailed to Ms. Leake advising her that she was not in the DROP program since she did not complete the process. Ms. Leake sent a letter dated June 14, 2013 appealing the determination.

Mr. Rubin felt that Ms. Leake received conflicting information from staff. However, she had an obligation to follow through with the 2010 application and did not do so. He proposed that she be allowed to backdate her DROP date to 9/5/11 which is the date of the seminar in which she testified she wasn't told she needed to fill out the beneficiary form.

The Board discussed the DROP process and how the process is simpler since the seminar has been eliminated.

William Rubin made a motion to approve to backdate Ms. Leake's DROP date to 9/5/11. Veronica Pankey seconded the motion.

**The motion to approve carried 4-2-1.**

**Case of Edward McDonald, Application for Service Connected Disability Benefits Beyond the One Year Deadline – Plan Y**

This case was **denied** at the September 26, 2013 Board Meeting. A Hearing Panel was held on November 20, 2013.

The Hearing Panel votes are as follows:

Mr. James Leonard:	Recommend denial.
Mr. Andrew Thomas:	Recommend denial.
Ms. Paula Weiss:	Recommend denial.
	Mr. McDonald admitted receiving the Board's letter advising him of the application deadline.

The history of the case is as follows:

This is a request by Edward McDonald, former Environmental Health Inspector for the Health Department, to make application for Service Connected Disability benefits beyond the one year deadline.

Mr. McDonald was separated effective August 23, 2010. He made application for Service Connected Disability benefits on July 12, 2013.

A letter of Administrative denial dated August 15, 2013 was sent to Mr. McDonald by Pension Counselor Stephen Martin, who cited section 22-309(a) of the Pension Code, which refers to the 1-year time limit from date of separation for applying for Disability retirement benefits. Mr. McDonald forwarded a letter to Executive Director Francis X. Bielli dated August 20, 2013 appealing his denial and requesting a hearing on his issue.

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

**The motion to deny carried 5-1-1.**

**Case of Thomas Peters, Request to Extend DROP Date - Plan "D"**

This case was denied at the March 28, 2013 Board Meeting. A Hearing Panel was held on June 19, 2013.

The Hearing Panel votes are as follows:

Andrew Thomas: Recommend Denial

Celia O'Leary: Recommend Denial

Deny the appeal. The DROP date cannot be changed.

Brian Albert: Recommend Denial

Participation in DROP is irrevocable and must cease no later than 4 years after entrance.

**Note:** We did suggest in the hearing that a more appropriate avenue would be to have the employee work with his Department for assistance in petitioning the Administrative Board for approval of a DROP reinstatement after his retirement. The Administrative Board has established a policy of reviewing such Departmental requests for reinstatement after DROP. No further participation in DROP is permitted with such a reinstatement, but the retiree might be hired back with Departmental and Administrative Board approval. There is no indication whether the employee followed up with his Department on this suggestion or if the Department submitted such a request to the Administrative Board.

The history of the case is as follows:

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.

Mr. Stagliano stated that the Board did everything they could for Mr. Peters. The Federal Order of Police wrote a letter to the Police Commissioner to be sent to the Administrative Board. To his knowledge, there hasn't been any action with this process and Mr. Peter's DROP end date was 1/24/14.

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

**The motion to deny carried 6-0-1.**

**Case of Nadine Nash-Kendrick, Application for Service-Connected Disability Benefits – Plan “Y”**

This case was **denied** at the September 26, 2013 Board Meeting. A Hearing Panel was held on November 13, 2013.

The Hearing Panel votes are as follows:

Mr. James Leonard:	Recommend denial.
Mr. Harvey Rice:	Recommend denial. - No evidence of “due solely”.
Mr. Ronald Stagliano:	Recommend denial.

The history of the case is as follows:

This is an application by Nadine Nash-Kendrick former Lifeguard, Department of Parks & Recreation, for Service-Connected Disability Benefits in Plan “Y”.

According to Ms. Nash-Kendrick, her injuries are enduring stress, anxiety and aggravation during the course of her employment. Her dates of injury include May 21, 2005, July 9, 2005,

March 10 and 15, 2006. The Department has stated that there are no employee injury reports for the reported dates.

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

**The motion to deny carried 6-0-1.**

#### **Regulation 4 – Payment of Contributions for Prior Overtime Earnings**

This topic was tabled at the December 5, 2013 Board meeting at the request of Trustee Carol Stukes Baylor.

The Subcommittee is working on updating the Regulations. The Law Department advised that this could be rescinded as changes in the Pension Code make it no longer necessary.

Hilary Cornell made a motion to rescind Regulation 4. Brian Albert seconded the motion.

**The motion to rescind Regulation 4 carried unanimously 7-0.**

#### **NEW BUSINESS**

**Executive Director’s Report** – Mr. Bielli stated that the auditors are finalizing a couple of things with the City’s accountants and then they will be finished with the Audit. Cheiron Consulting is making their annual actuarial evaluation presentation at the February Board meeting with a hard copy of the Report to follow in March, 2014. They will also present the Experience Study in March which is done every four years.

The Modernization Project of the Pension system has been renamed the “One Philly Project.” The new project will include People Soft to be integrated into the current Oracle/E-business Suite that the City currently has. The project will require a pension integrator who will integrate the Pension Code, business plans and procedures into the system, as well as payroll, human resources, finance and various other city departments. Mark Murphy has been working on the project for the last year and a half and will likely become coordinator and assigned to the One Philly project beginning near the end of March, 2014. The project will take about two years to be finalized and afterwards Mr. Murphy will come back here to continue system integration.

**Education and Travel Authorization:** A request was received from the Law Department for Katherine Mastrobuoni to attend the NAPPA Conference in Washington, D.C. from February 18-20, 2014.

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

**The motion to approve the Education and Travel Authorization for Katherine Mastrobuoni to attend the NAPPA Conference was carried unanimously 7-0.**

Mr. Bielli stated that the travel report was included in the Board's folders. The letter from the City Controller designating Bill Rubin as his alternate on the Board was included also.

**Litigation Summary** – Ms. Rosenberger Altman stated that the Commonwealth Court affirmed the Common Pleas decision in favor of the DiLacqua case (pension disqualification). The Law Department is not recommending an appeal of the case.

Mr. Leonard will be working with outside tax counsel to prepare to file the Pension fund's next IRS tax determination letter application. These go on a five year cycle. In 2013, a favorable determination letter was received.

Ronald Stagliano made a motion to adjourn. William Rubin seconded the motion.

**The meeting adjourned at 9:50 a.m.**