

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of January 28, 2016**

MINUTES

On January 28, 2016, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:05 a.m. in the Board's Conference Room.

Present: Paula Weiss
William Rubin
Brian Albert
Patricia Fitzgerald
Carol Stukes-Baylor
Ronald Stagliano
Brian Coughlin
Veronica Pankey
David Magaldi

Also Attending: Francis Bielli - Board of Pensions
Shamika Taliaferro – Board of Pensions
Jo Rosenberger Altman – Law Department
Ellen Berkowitz – Law Department
Adam Coleman – Law Department
Seth Hornstein – Controller's Office
Brad Woolworth – Investment Unit
Christopher DiFusco, Dan Falkowski – Investment Unit
Kristyn Bair, Aubrey Hassan – Investment Unit
Pam McCue – Financial Investment News
Mark Johnson – Cliffwater
Pete Keliutis - Cliffwater

Ms. Weiss stated that the first order of business was the consideration of the Minutes of December 3, 2015.

Brian Albert made a motion to approve the Minutes of December 3, 2015. Ronald Stagliano seconded the motion.

The motion to approve carried unanimously 8-0.

CONSIDERATION OF 265 PENSION APPLICATIONS AND 173 WITHDRAWAL APPLICATIONS

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

The motion to approve carried unanimously 8-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Kathy Connors, Application for Service-Connected Disability Benefits Plan "A"

This is an application submitted by Kathy Connors, former fire service paramedic, for Service-Connected Disability benefits under Pension Plan "A".

According to Ms. Connors, on January 19, 2012 while stepping out of an ambulance she suffered a knee injury which required surgery.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried 4-0-4.

Case of Michael L. Bolli Jr., Application for Service-Connected Disability Benefits – Plan "B"

This is an application submitted by Michael L. Bolli Jr., former police officer for Service-Connected Disability benefits under Pension Plan "B".

According to Mr. Bolli, on November 20, 2012 he was a passenger of a police vehicle when the driver ran into a parked vehicle. Mr. Bolli states that the impact caused him to strike his face and arms on the windshield.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried 4-1-3.

Case of Sandra Crichton, Application for Service-Connected Disability Benefits – Plan "B"

This is an application submitted by Sandra Crichton, former police officer for Service-Connected Disability benefits under Pension Plan "B".

According to Ms. Crichton, on September 30, 2012 she was involved in an automobile accident with another police vehicle and suffered injuries.

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

The motion to approve carried unanimously 8-0.

Case of Denise M. Flynn, Application for Service-Connected Disability Benefits – Plan “B”

This is an application submitted by Denise M. Flynn, former police officer for Service-Connected Disability benefits under Pension Plan “B”.

According to Ms. Flynn, on October 24, 2011 while trying to arrest a resisting female she landed awkwardly twisting her knee in the process. Ms. Flynn states that she underwent multiple surgeries to her left knee.

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

The motion to approve carried unanimously 8-0.

Case of Michael Gorman, Application for Service-Connected Disability Benefits – Plan “B”

This is an application submitted by Michael Gorman, former police officer for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. Gorman, on October 29, 2008 he was thrown from his bike injuring his neck and right shoulder; Mr. Gorman further states that on April 14, 2012 while attempting to make an arrest he felt a “pop” or “crack” in his neck followed by a warm sensation in his arm.

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

The motion to approve carried unanimously 8-0.

Case of Thelonius Mack Application for Service-Connected Disability Benefits – Plan “B”

This is an application submitted by Thelonius Mack, former police officer for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. Mack, on August 28, 2009 while in foot pursuit of an offender wanted for rape his foot was injured. Two surgeries were performed to correct the problem but they caused permanent damage.

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

The motion to approve carried unanimously 8-0.

Case of Rosa Robinson-Ramos Application for Service-Connected Disability Benefits – Plan “B”

This is an application submitted by Rosa Robinson-Ramos, former police officer for Service-Connected Disability benefits under Pension Plan “B”.

According to Ms. Robinson-Ramos, on April 12, 2011 while in pursuit of another vehicle, she lost control of her patrol car, striking multiple objects. Ms. Robinson-Ramos states that her foot got stuck beneath the brake and her ankle was broken during the accident.

William Rubin made a motion to approve. Brian Coughlin seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Martin Moskowitz, Application for Service-Connected Disability Benefits – Plan “D”

This is an application submitted by Martin Moskowitz, former police officer for Service-Connected Disability benefits under Pension Plan “D”.

According to Mr. Moskowitz he was rear-ended in two separate car accidents; October 24, 2000 which occurred on the southbound lanes of I-95 and June 27, 2012 while at a stop sign.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried unanimously 8-0.

Case of Joseph A. Penta, Application for Service-Connected Disability Benefits – Plan “D”

This is an application submitted by Joseph Penta, former police sergeant for Service-Connected Disability benefits under Pension Plan “D”.

According to Mr. Penta, on May 30, 2011 as he was running to the aid of a fellow officer, attempting to make an arrest, he “jarred” his ankle as he ran off the curb.

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

The motion to approve carried unanimously 8-0.

Case of Laura C. Jefferson, Application for Service-Connected Disability Benefits Plan "J"

This is an application submitted by Laura Jefferson, former plumbing and heating maintenance worker with the Department of Public Property, for Service-Connected Disability benefits under Pension Plan "J".

According to Ms. Jefferson on May 5, 2014 she was in sitting at a red light in her city van when it was rear-ended by a school bus. Ms. Jefferson states that following the accident she has experienced pain in her back and developed a limp.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried 5-0-3.

Case of Frank W. McKelvey, Application for Service-Connected Disability Benefits – Plan "J"

This is an application submitted by Frank W. McKelvey, former correctional officer with the Department of Corrections, for Service-Connected Disability benefits under Pension Plan "J".

According to Mr. McKelvey, on June 9, 2014 he twisted his knee as he was coming down the stairs. He further states that on December 11, 2014 he fell, injuring his left shoulder and striking his head.

Carol Stukes-Baylor made a motion to approve. Veronica Pankey seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Grailin Slater, Application for Service-Connected Disability Benefits – Plan "J"

This is an application submitted by Grailin Slater, former industrial electrician with the Water Department for Service-Connected Disability benefits under Pension Plan "J".

According to Mr. Slater, on May 30, 2013 he was electrocuted and incurred first (1st) and second (2nd) degree burns to his hands and forearms.

Veronica Pankey made a motion to approve. Carol Stukes-Baylor seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Michael Warlow, Application for Service-Connected Disability Benefits – Plan “I”

This is an application submitted by Michael Warlow, former heavy equipment operator with the Streets Department for Service-Connected Disability benefits under Pension Plan “I”.

According to Mr. Warlow, on November 16, 2013 while working as a heavy equipment operator his left eye was struck by a foreign object. Mr. Warlow states the metal lodged in his eye caused swelling and irritation.

Carol Stukes-Baylor made a motion to approve. Veronica Pankey seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Tracy Haines Application for Service-Connected Disability Benefits – Plan “Y”

This is an application submitted by Tracy Haines, former custodian with the Commerce Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Haines, on November 15, 2013 while mopping the bathroom floor she felt a sharp pain and did not stop mopping until the pain worsened, which resulted in a shoulder injury.

Carol Stukes-Baylor made a motion to approve. Veronica Pankey seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Dennis Lynch, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application submitted by Dennis Lynch, former youth detention counselor with the Department of Human Services for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Lynch, on October 23, 2014 he was attempting to restrain a resident when he grabbed his right thumb and bent it backwards toward his wrist. Mr. Lynch states that the resident was attempting to assault staff at the time of the incident.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried 5-0-3.

Case of Catherine Young, Application for Service-Connected Disability Benefits - Plan "Y"

This is an application submitted by Catherine Young, former youth detention counselor with the Department of Human Services, for Service-Connected Disability benefits under Pension Plan "Y".

According to Ms. Young on December 15, 2012 while breaking up a fight between residents she fell into a chair hitting her hip and arm against the metal arm. She reports that during the physical altercation her partner and the two combatants fell on her pinning her to the chair. Ms. Young states that over the course of her career she also sustained other injuries.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried 4-0-4.

Case of Marion Hudson, Application for Service-Connected Disability Benefits - Plan "Y"

This is an **administrative application** submitted by Marion Hudson, former abatement worker with the Department of License and Inspection for Service-Connected Disability benefits under Pension Plan "Y".

According to Mr. Hudson, he has incurred injuries throughout his career but cites the following two timeframes: February 2013 while carrying a section of plywood he was thrown into the back of the truck hurting his knees and back; September 2014 he states that he hurt his lower back.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried 4-0-4.

Case of Howard A. Lloyd, Application for Service-Connected Disability Benefits - Plan "Y"

This is an **administrative application** submitted by Howard Lloyd, former laborer with the Streets Department for Service-Connected Disability benefits under Pension Plan "Y".

Mr. Lloyd was struck by a car on August 26, 2011 while emptying a trash can on his route resulting in injuries.

Carol Stukes-Baylor made a motion to approve. Brian Coughlin seconded the motion.

The motion to approve carried unanimously 8-0.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried unanimously 8-0.

APPEAL OF ADMINISTRATIVE DENIAL TO PURCHASE PENSION CREDIT FOR AN UNPAID LEAVE OF ABSENCE

Case of Rex Rosiji, Appeal of Administrative Denial to purchase pension credit for an unpaid Leave of Absence - Plan B

Police Officer Rex Rosiji was dismissed effective June 13, 2006 and reinstated without back pay effective December 2, 2008, pursuant to the terms of a settlement agreement that characterized 30 days of that period as a suspension and the rest as an unpaid leave of absence. Mr. Rosiji applied to purchase credit for the period of unpaid leave in December 2008 pursuant to this agreement, was administratively denied, and did not appeal the denial.

In late 2014, Mr. Rosiji again approached the Board asking to purchase service credit for this period, pursuant to the December 2008 settlement agreement and a January 2009 settlement amendment, which eliminated the phrase “unpaid leave of absence” and stated that “[t]he Grievant shall be given seniority credit for the intervening period between the day after the end of the suspension, 7/13/06, and 12/2/08 for the purposes of his pension plan, to the extent that he will be allowed to purchase, at his own expense, any benefit that would have accrued during the intervening period pursuant to standard practice. This purchase should include any contributions that would have been made by the City of Philadelphia.”

By letter of 2/2/15, Mr. Rosiji’s attorney, David S. Dessen, Esq., requested that Mr. Rosiji be permitted to purchase pension credit for the period identified in the settlement. His request was forwarded to the Law Department, which opined that it should be denied. The request was administratively denied by letter of 3/3/15, which informed Mr. Rosiji’s attorney that he had thirty (30) days to appeal the denial to the Board. Mr. Dessen bypassed the appeal to the Board and filed an action for declaratory judgment in the Court of Common Pleas. The Board filed preliminary objections. On 5/19/15, the CCP sustained the Board’s preliminary objections and dismissed the complaint without prejudice to allow Mr. Rosiji to file an appeal of the 3/3/15 denial with the Board. Mr. Dessen appealed to the Board by letter of May 20, 2015. Mr. Dessen’s appeal of Administrative denial to Purchase Pension Credit for unpaid leave of absence beyond the thirty (30) day appeal period was approved at the December 3, 2015 Board of Pensions’ meeting.

Veronica Pankey made a motion to approve. Carol Stukes-Pankey seconded the option.

The motion to approve to make the application to purchase pension credit carried unanimously 8-0.

REQUEST TO BE BILLED WITHOUT INTEREST FOR PRIOR MILITARY SERVICE

Case of Timothy P. Kelly, Request to be Billed, Without Interest, for the Balance of his Prior Military Service Credit – Plan Y

Prior to Mr. Kelly's separation, effective 11/13/98, he had been purchasing, via payroll installments, pension credit for his prior military service of 3 years, 11 months and 28 days. At the point he separated, the required payroll installments had not been completed. In a letter dated 12/9/98, he was advised of the balance due to complete the purchase and given thirty (30) days to submit it. This letter was not returned by the postal service and the balance due was not received by the deadline. In a telephone conversation on 9/12/07 and by letter dated 9/13/07, Margaret Kelly confirmed, for Mr. Kelly, that since we had not received the balance due, he was being credited with 2 years, 2 months and 5 days of his prior military service. This letter was not returned by the postal service. Mr. Kelly's application to purchase pension credit for the balance of his prior military service was received on 10/23/15. In a letter, dated 11/3/15, he was advised of the cost which included the accrued interest due. On 11/6/15, his request to be billed, without interest, for his prior military service was received. In a letter dated 11/17/15, his request was administratively denied. On 11/30/15, his timely appeal was received.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried unanimously 8-0.

NEW BUSINESS

- **Executive Director's Report** – Mr. Bielli stated that Cheiron will be making their annual actuarial presentation to the Board at the February meeting. There will also be an update on the Pension Adjustment Fund.

The Legislative Subcommittee will reconvene. Ms. Weiss, Mr. Stagliano and Ms. Pankey will remain on the committee and Mr. Rubin has volunteered to be a member.

- **Business and Education Travel Report for 4th Quarter, 2015** – The report for the fourth quarter was distributed to the Board members.
 - a. **Litigation Summary** – Ms. Berkowitz stated there are three cases in Common Pleas Court. Findings are due from us in two cases in early February and the appellant's brief is expected back in February for Tepper (Pension Disqualification).

William Rubin made a motion to adjourn. Brian Albert seconded the motion.

The meeting adjourned at 9:25 AM.