

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

MINUTES

On April 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 Abernathy
Brian Albert
Carol Stukes-Baylor
Ronald Stagliano
Brian Coughlin
Veronica Pankey
Francois Dutchie

Also Attending: Francis Bielli - Board of Pensions
Ellen Berkowitz – Law Department
Jo Rosenberger Altman – Law Department
Brendan O'Rourke – Law Department
Adam Coleman – Law Department
Brad Woolworth – Investment Unit
Christopher DiFusco, Dan Falkowski – Investment Unit
Dominique Cherry, Kristyn Bair, Aubrey Hassan – Investment Unit
Mark Johson – Cliffwater
Matt Coyne – Torrey Cove, UP
Jeff Francis – NRS – Nationwide
Hazel Furand – NRS – Nationwide
Emanuel Mahand- NRS – Nationwide
Claudia Vargas – Philadelphia Inquirer

Ms. Weiss called the meeting to order and stated that the first order of business was the consideration of the Minutes of March 24, 2016.

Brian Albert made a motion to approve the Minutes of March 24, 2016. Ronald Stagliano seconded the motion.

The motion to approve carried unanimously 8-0.

CONSIDERATION OF 169 PENSION APPLICATIONS AND 87 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 Todd Banks, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Mr. Banks, on July 5, 2000 he chased and then caught a fleeing offender between two parked cars when a violent altercation ensued. Mr. Banks states that during the conflict he sustained an injury.

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

The motion to approve carried unanimously 8-0.

Case of Emil J. Bucceroni, Application for Service-Connected Disability Benefits Plan “B”

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

According to Mr. Bucceroni, on August 13, 2013 while attempting to restrain a male suspect he discharged his weapon 3-6 inches away from his face striking his partner. Also during the tussle, the suspect bit him twice; he along with two other officers finally disarmed the suspect.

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

The motion to approve carried unanimously 8-0.

Case of Bonnie Guercio, Application for Service-Connected Disability Benefits Plan “B”

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

According to Ms. Guercio, on June 7, 2011 while transferring an intoxicated male to a cell room the prisoner lost his balance and landed on top of her. Ms. Guercio states that she first landed on her knees and then face down against the concrete floor with the prisoner on top of her causing multiple injuries.

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

The motion to approve carried unanimously 8-0.

Case of Stacey Hurst, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Ms. Hurst, on November 15, 2013 while walking at a quick pace from Traffic Court to her vehicle to retrieve documents she tripped over a cinderblock and injured her foot and ankle.

Brian Albert made a motion to deny. Brian Abernathy seconded the motion.

A discussion ensued regarding the injury and whether the Workers’ Compensation was received for the 2013 injury or a prior injury in 2000. The Board decided to table the case for clarification of the injuries and Workers’ Compensation.

Brian Albert withdrew his motion to deny and made a motion to table for further information. William Rubin seconded the motion.

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

Case of Shawn A. Loduca, Application for Service-Connected Disability Benefits Plan “B”

This is an application submitted by Shawn Loduca, former police sergeant, for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. Loduca, on or about March 9, 2010 while making an arrest he had to pull and flip an armed male over a couch in order to disarm him and complete the arrest. During the struggle he felt a pop in his shoulder and was unable to move his arm the following morning.

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

The motion to approve carried unanimously 8-0.

Case of Raymond Masciocchi, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Mr. Masciocchi, on June 16, 2012 while assisting a fellow officer who was being attacked an altercation ensued. Mr. Masciocchi states that he was injured during the conflict.

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

The motion to approve carried unanimously 8-0.

Case of Alan J. Petrosky, Application for Service-Connected Disability Benefits Plan “B”

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

According to Mr. Petrosky, on March 19, 2012 he believes that he was struck by a car mirror which caused him to bend over the trunk and twist some 180 degrees. Mr. Petrosky states that he handcuffed and placed the driver in the rear seat of his patrol car and radioed for help.

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

The motion to approve carried unanimously 8-0.

Case of Dana Thompson, Application for Service-Connected Disability Benefits Plan “B”

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

According to Ms. Thompson, on September 2, 2010 her city vehicle was rear-ended by another vehicle. The driver was arrested for leaving the scene and driving under the influence (DUI). Ms. Thompson sustained multiple injuries.

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

The motion to approve carried unanimously 8-0.

Case of Michelle Ximines, Application for Service-Connected Disability Benefits Plan “B”

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

According to Ms. Ximines on September 6, 2009 while responding to a priority at 63rd and Lancaster Avenue she was involved in a motor vehicle accident as she crossed the intersection. Ms. Ximines chief complaints include pain in her head, neck, shoulders, lower back, legs, arms, and wrists.

Brian Albert made a motion to deny. Brian Abernathy seconded the motion.

The motion to deny carried 4-0-4.

Case of Diane M. Green-Morris, Application for Service-Connected Disability Benefits Plan “D”

This is an **administrative** application submitted by Diane M. Green-Morris, former police sergeant, for Service-Connected Disability benefits under Pension Plan “D”.

According to documents provided regarding Ms. Green-Morris, on October 17, 2011 she fell and sustained injuries. On March 11, 2015 another injury occurred; no descriptive injury/incident information was provided by the applicant.

Brian Albert made a motion to deny. Brian Abernathy seconded the motion.

The motion to deny carried 4-0-4.

Case of Raymond Garner, Application for Service-Connected Disability Benefits Plan “J”

This is an **administrative** application submitted for Raymond Garner, former laborer with the Streets Department, for Service-Connected Disability benefits under Pension Plan “J”.

According to Mr. Garner, on July 13, 1994 he slipped and fell at the South Philadelphia transfer station.

Brian Albert made a motion to deny. Brian Abernathy seconded the motion.

The motion to deny carried 4-0-4.

Case of John Giles, Application for Service-Connected Disability Benefits – Plan “J”

This is an **administrative** application submitted by John Giles, former water distribution repair worker with the Water Department for Service-Connected Disability benefits under Pension Plan “J”.

According to Mr. Giles, on May 8, 2006 while operating a jackhammer it became lodged in the concrete. Mr. Giles states that in an attempt to dislodge the jackhammer, he began hitting the trigger and lifting the hammer until a sharp pain in his back forced him to the ground.

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

The motion to approve carried unanimously 8-0.

Case of Valerie D. Hudson-Evans, Application for Service-Connected Disability Benefits Plan “J”

This is an application submitted by Valerie Hudson-Evans, former semi-skilled laborer with the Department of Parks & Recreation, for Service-Connected Disability benefits under Pension Plan “J”.

According to Ms. Hudson-Evans, on January 13, 2013 she was removing bags from the trashcans when she lifted a bag that was half filled with cement bricks and sustained an injury.

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

The motion to approve carried unanimously 8-0.

Case of Deborah Taylor, Application for Service-Connected Disability Benefits Plan “J”

This is an application submitted by Deborah Taylor, former parking enforcement supervisor with the Philadelphia Parking Authority, for Service-Connected Disability benefits under Pension Plan “J”.

According to Ms. Taylor, on or about January 6, 2014 while on patrol she states that she stepped down off a high curb and her knee snapped or twisted over; she further states that she felt a sharp snap of the knee that has not been right since.

Ms. Weiss stated that this needs to go back to the Parking Authority for the injury on duty (IOD) information and records.

Brian Albert made a motion to table for further information. Veronica Pankey seconded the motion.

The motion to table for further information carried unanimously 8-0.

Case of Diane L. DiMichele-Ciliberti, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application submitted by Diane DiMichele-Ciliberti, administrative technician III with the Courts Department, for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. DiMichele-Ciliberti, on November 28, 2012 she was reporting to her supervisor’s desk when her foot became entangled in the exposed computer cords and she fell causing multiple injuries.

William Rubin made a motion to approve. Veronica Pankey seconded the motion.

The motion to approve carried 5-3.

Case of Kia L. Johnson, Application for Service-Connected Disability Benefits Plan “Y”

This is an application submitted by Kia Johnson, former laborer with the Streets Department, for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Johnson, on July 28, 2014 she sustained an injury when she dragged a heavy trash can to the rear of the truck, lifted it and felt a “pop” type sensation in her shoulder.

Carol Stukes made a motion to approve. Brian Albert seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Edgardo Negron, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application submitted by Edgardo Negron, former pre-trial warrant investigator with the Police/First Judicial District of PA for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Negron, on September 12, 2014 while moving a piece of furniture to complete a house arrest installation he felt a big pain in his back. Mr. Negron states that he fell onto his knees injuring them.

Carol Stukes made a motion to approve. Brian Albert seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Howard Randolph, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application submitted by Howard Randolph, code enforcement inspector with the Department of Licenses and Inspection for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Randolph, on February 20, 2014 while working he threw a large trash bag into a five (5) yard dump truck and immediately suffered pain in his shoulder.

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

The motion to approve carried unanimously 8-0.

Case of Charles Thomas, Application for Service-Connected Disability Benefits Plan “Y”

This is an **administrative** application submitted for Charles Thomas, former laborer with the Streets Department, for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Thomas, on July 14, 2010 while picking up a trash can he felt a sharp pain in his right hand.

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

The motion to approve carried unanimously 8-0.

Case of Michael T. White, Application for Service-Connected Disability Benefits – Plan “Y”

This is an **administrative** application submitted by Michael White, former plumbing and heating maintenance worker with the Water Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. White, on May 26, 2011 while drilling with a jack-hammer he experienced a flash which was followed by a buzz and explosion.

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

The motion to approve carried unanimously 8-0.

Case of Eddie H. Smith, Application for Service-Connected Disability Benefits beyond the One-year deadline – Plan “J”

This is an application submitted by Eddie Smith, former industrial electrician with the Water Department for Service-Connected Disability benefits beyond the one-year deadline under Pension Plan “J”.

Eddie Smith separated from City service September 2, 1998 with 8 years, 10 months, and 6 days of credited service.

According to Mr. Smith, he was never informed that his right to apply for Service-Connected Disability benefits expired one (1) year from his date of separation. He states that a counselor informed him that he was only eligible to apply for a Service-Connected Disability pension. Mr. Smith has requested that he be permitted to apply beyond the one-year deadline.

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

The motion to approve carried 5-3.

**APPLICATION TO PURCHASE PENSION CREDIT FOR PRIOR VESTED
EMPLOYMENT WITH PPA**

**Case of Felipe Velasquez, Application to Purchase Pension Credit for Prior Vested
Employment with the Philadelphia Housing Authority (PHA)**

Mr. Velasquez's application to purchase pension credit for his prior employment with the PHA was received 3/1/16. Verification received from the PHA indicated that he is entitled to receive a retirement benefit resulting from his employment there. As a result, his application was administratively denied on 3/8/16. On 4/1/16, his timely appeal was received.

Ms. Weiss stated that he has already vested with the Housing Authority.
Ms. Stukes questioned if he was asked if he was willing to divest.

Mr. Bielli stated that we would not encourage divesting a pension to anyone. Staff can tell them if they are asked but we never give advice unilaterally.

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

The motion to deny carried unanimously 8-0.

**REQUEST TO ELECT 30% OVERTIME EARNINGS ON LEAVE OF ABSENCE
WITHOUT PAY TO SERVE AS UNION OFFICIAL BEYOND THE DEADLINE**

**Case of Lorenzo North, Request to Elect to Claim 30% Overtime Earnings on his Leave of
Absence Without Pay to Serve as a Union Official Beyond the Deadline**

Mr. North was granted a leave of absence without pay to serve as a union official effective from 5/25/06 through the present. In a letter to his home address of record, dated 12/12/06, and pursuant to a settlement agreement between the City of Philadelphia and AFSCME District Council 33, Mr. North was advised of his option to elect overtime earnings. The letter also stated that his option would expire 1/12/07 and was not returned from the postal service. In a letter to Joseph Tolan, then Director of Labor relations, dated 1/25/07, we advised that we had not received Mr. North's response. On 3/28/16, we received Mr. North's request to elect overtime earnings at the rate of 30%. In a letter dated 3/30/16, staff advised Mr. North that the deadline to elect this option was due on 1/12/07. In a letter dated 4/7/16, Mr. North's request was administratively denied. On 4/14/16, we received his timely appeal.

Veronica Pankey made a motion to allow Mr. North to purchase two (2) years back and going forward. Ronald Stagliano seconded the motion.

The motion allows Mr. North to purchase two (2) years going back from the effective date of April 28, 2016. The motion to approve carried 5-3.

Case of Glen Guadalupe – Pension Disqualification, Plan “J”

Glen Guadalupe was hired on April 19, 1982 as a Correctional Officer in the Prisons Department and was promoted to Deputy Warden July 26, 1999. He was terminated on May 2, 2002, one day after he was convicted in federal court of one count of witness intimidation in connection with his attempted cover-up of a beating of an inmate while he was Deputy Warden. After serving 15 months in prison, he was hired by the Department of Licenses and Inspections on June 19, 2006 and resigned on July 24, 2015 with 29 years and 29 days of credited service. Inspector General Amy Kurland requested that the Board consider disqualifying Mr. Guadalupe from pension eligibility and provided documentation concerning Mr. Guadalupe’s conviction for witness intimidation pursuant to 18 U.S.C. § 1512(b)(3). While Mr. Guadalupe was Deputy Warden at CFCF, Ms. Burnette, a correctional lieutenant, witnessed a brutal beating of an inmate, after which Mr. Guadalupe directed her to omit certain facts from her memo recounting the event. Mr. Guadalupe was found guilty of one count of obstruction of justice under 18 U.S.C. § 1512(b)(3). He was sentenced to 15 months of imprisonment, two years of supervised release, and fines.

On April 20, 2016, Ellen Berkowitz, Deputy City Solicitor, opined that Mr. Guadalupe’s crimes triggered the disqualification provisions of the Public Employee Pension Forfeiture Act, 43 P.S. §1311 et seq., and the Philadelphia Retirement Code, § 22-1302(1)(a)(.5).

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

- Whether Mr. Guadalupe should be permanently disqualified from pension eligibility

The following were reviewed by the Board:

1. Opinion from Ellen Berkowitz, Deputy City Solicitor
2. Certified Record, including appellate decisions and indictment
3. Docket

Brian Albert made a motion to permanently disqualify Mr. Guadalupe from pension eligibility. Brian Abernathy seconded the motion.

Discussion ensued and the Board moved into an Executive session.

The motion to permanently disqualify Mr. Guadalupe from pension eligibility carried 7-0-1.

OLD BUSINESS

Case of Martina Gorham, Appeal of Denial of Application for Service-Connected Disability Benefits – Plan Y

This case was denied at the Board meeting held on February 27, 2014. A hearing panel was held on Wednesday, February 24, 2016.

The hearing panel recommendations are as follows:

Paula Weiss, Esq.: Deny – Testimony of injuries sustained prior to City employment contribute to any disability, therefore, “due solely” standard is not met.
Brian Albert: Denied – No Evidence that disability is related to work injury
David Magaldi: Deny – There is no evidence that the disability is “due solely” to injuries suffered as a City employee.

Case Summary:

This is an application by Martina Gorham, former Social Work Services Manager, Prisons Department, for Service-Connected Disability Benefits in Plan “Y”.

According to Ms. Gorham, on various dates: June 22, 2004 as a result of restraining a resident at the Youth Study Center, Ms. Gorham states that she stumbled backwards over her supervisor’s feet onto the floor; August 2, 2005, April 2, 2006 and July 29, 2006 she states that she was re-injured while again restraining a resident.

Brian Albert made a motion to deny. Brian Abernathy seconded the motion.

The motion to deny carried 6-0-2.

NEW BUSINESS

Executive Director’s Report

- Business & Education Travel Report for 1st Quarter of 2016 was handed out.
- The 27th Annual NASP Conference will be held June 12-15, 2016 in Atlanta, Georgia.

Ronald Stagliano made a motion to approve any trustee requesting to attend the NASP Conference. Brian Coughlin seconded the motion.

The motion to approve trustees for the NASP conference June 12-15, 2016 in Atlanta, Georgia carried unanimously 8-0.

FYI

- a. Litigation Summary – Ms. Berkowitz stated there is Federal litigation on the Daily matter as well as a State Court appeal.

Brian Albert made a motion to adjourn. Brian Abernathy seconded the motion.
The meeting adjourned at 9:37 AM.