

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of September 26, 2016**

MINUTES

On September 26, 2016, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:04 a.m. in the Board's Conference Room.

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

Also Attending: Francis Bielli - Board of Pensions
Shamika Taliaferro – Board of Pensions
Ellen Berkowitz – Law Department
Jo Rosenberger Altman – Law Department
Brendan O'Rourke, Adam Coleman – Law Department
Christopher DiFusco, Bernard Buckley – Investment Unit
Tyrone Jordon, Kristyn Bair, Aubrey Hassan – Investment Unit
Skip Corkran, V.P. Delaware Investments
Toni Robbins – Delaware Investments
Dave Smith – Marquette
Pam McCue – Financial Investment News
Alan Domb – City Councilman
Jeff George, Brian Higgins – City's Councilman Aides

Ms. Weiss called the meeting to order and stated that the first order of business was the consideration of the Minutes of August 25, 2016.

William Rubin made a motion to approve the Minutes of August 25, 2016. Ronald Stagliano seconded the motion.

The motion to approve carried unanimously 7-0.

CONSIDERATION OF 134 PENSION APPLICATIONS AND 133 WITHDRAWAL APPLICATIONS

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

The motion to approve carried unanimously 7-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Jeanine L. Jacobson, Application for Service-Connected Disability Benefits under Pension Plan "A"

This is an application submitted by Jeanine Jacobson, former paramedic, with the Fire Department for Service-Connected Disability benefits under Pension Plan "A".

According to Ms. Jacobson, on January 20, 2012, while lifting a patient from the floor to a stretcher she twisted hurting her right side. She further reports that on April 19, 2012 while placing a patient on a gurney it slipped and slammed into her right groin and hip causing injuries.

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

The motion to approve carried unanimously 7-0.

Case of Shawn T. Church, Application for Service-Connected Disability Benefits - Plan "B"

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

According to Mr. Church, on May 2, 2012, while on traffic detail he turned his body and neck to look at the traffic and pinched a nerve in his neck.

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

The motion to approve carried unanimously 7-0.

Case of Robert W. Lutz, Jr., Application for Service-Connected Disability Benefits – Plan "B"

This is an application submitted by Robert W. Lutz, Jr., former Police Officer for Service-Connected Disability benefits under Pension Plan "B".

According to Mr. Lutz, on September 14, 2013, while responding to a shooting his police vehicle struck a car head on. He sustained multiple injuries.

David Magaldi made a motion to deny. William Rubin seconded the motion.

The motion to deny carried 3-0-4.

Case of Thomas J. McGinley Jr., Application for Service-Connected Disability Benefits – Plan “B”

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

According to Mr. McGinley, on February 10, 2012 he was physically assaulted while attempting to arrest a suspect under the influence of narcotics. Mr. McGinley states that during the struggle the suspect became combative and caused injuries to his shoulder.

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

The motion to approve carried unanimously 7-0.

Case of John Scott, Application for Service-Connected Disability Benefits – Plan “B”

This is an application submitted by John Scott, former Police Officer for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. Scott, on August 6, 2013 he was the front passenger in a police vehicle responding to an emergency call, when his partner struck a large man-made pothole in the street. His partner then lost control and struck a metal fence and brick wall, trapping him inside the vehicle until paramedics came. He further states that he sustained several injuries.

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

The motion to approve carried unanimously 7-0.

Case of Ileana Muniz, Application for Service-Connected Disability Benefits - Plan “B”

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

According to Ms. Muniz, on June 2, 2009, while apprehending a robbery suspect her hand and finger became caught on the handcuff. She further reports that suspect was resisting arrest.

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

The motion to approve carried unanimously 7-0.

Case of John D. Thompson, Application for Service-Connected Disability Benefits – Plan “B”

This is an application submitted by John D. Thompson, former Police Officer for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. Thompson, on June 15, 2012 he was responding to an assist officer call with his lights and siren activated when his vehicle was hit in the intersection which knocked him unconscious. He sustained multiple injuries.

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

The motion to approve carried unanimously 7-0.

Case of Carl J. Woods, Application for Service-Connected Disability Benefits – Plan “J”

This is an administrative application submitted by Carl J. Woods, former Industries Shop Supervisor, for Service-Connected Disability benefits under Plan J.

According to Mr. Woods, on June 30, 2011 while working near the compressor area he slipped in the bathroom and injured his lower back. He also stated that he was injured in 1997 when furniture fell on him.

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

The motion to approve carried 6-1.

Case of Charles D. Pickford, Application for Service Connected Disability Benefits Beyond the One Year Deadline – Plan A

This is a request by Kenneth D. Berman on behalf of his client, Charles D. Pickford, former Firefighter, to make application for Service Connected Disability benefits beyond the one-year deadline.

Mr. Pickford was separated effective March 16, 2015 as a result of a settlement agreement. He made application for Optional Early Retirement benefits on May 24, 2015 with Pension Counselor Vicki Mikus. Mr. Pickford’s imaged pension file contains Service Connected Disability pension estimate information. At that time, however, he elected not to apply for Service Connected Disability pension benefits. Staff would not have been compelled to complete an administrative Service Connected Disability application at that time as the code does not require firefighters to apply for Service Connected Disability in lieu of some other Service Retirement benefit if they are also receiving Workers’ Compensation benefits.

Pension Program Administrator Stacey White was contacted by Kenneth D. Berman, attorney for Charles D. Pickford, on August 8, 2016 regarding his client's wish to apply for Service Connected Disability retirement benefits. Ms. White issued a letter of administrative denial citing code section 22-309(a) requiring applications for disability retirement to be submitted to the board within 1 year of separation from City employment. Ms. White stated that Mr. Pickford would have had to submit an application by March 15, 2016 to apply for Service Connected Disability pension benefits.

Mr. Berman forwarded a letter dated August 24, 2016 appealing the denial of his request on behalf of his client.

Brian Coughlin made a motion to defer to a hearing panel. Pedro Rodriguez seconded the motion.

The motion to defer to a hearing panel carried unanimously 7-0.

Case of Jacqueline Fields, Appeal of Administrative Denial Regarding Offset of WC Benefits in Regard to SCD pension Benefits – Plan “Y”

This is the case of Jacqueline Fields, former correctional officer, for appeal of the administrative denial of her request to reverse the offset of her specific loss Workers' Compensation benefits from her Service Connected Disability pension benefits.

Ms. Fields retired effective April 11, 2004. She has 1 year, 10 months, and 27 days of credited service. Her Service Connected Disability application was approved at the January 20, 2005 board meeting.

Ms. Field's pension was approved based on a diagnosis by Dr. Andrea Hanaway.

Ms. Fields has contacted the board and stated that she believes that the Board of Pensions may be offsetting her Service Connected Disability pension in error due to her receipt of specific loss benefits paid by Amerihealth Casualty for injuries sustained to her arm and both legs. In her letter she cites her injury date as January 11, 2003. This is the same injury date for which Dr. Hanaway issued a determination of due solely for her left hand.

Pension Program Administrator Stacey White issued a letter of Administrative Denial referencing section 22-401(4)(a)(.1) of the pension code which prohibits offset for a specific loss as compensation for any incapacity resulting from a completely different incident from the one that is the basis for the member's Service Connected Disability benefits. She further stated that since Ms. Field's specific loss award and Service Connected Disability result from the same incident, the Code requires the offset of the Service Connected Disability in the amount she is entitled to receive as compensation from the City Treasury.

Ms. Fields responded with a letter of appeal dated August 2, 2016. Her attorney, Robert Huber, also forwarded letter dated August 16, 2016 informing the board's staff of Ms. Field's wish to appeal the decision in her case.

Ms. Field's Service Connected Disability amount is \$1,774.87 monthly. As her specific loss exceeds her monthly Service Connected Disability amount, her pension is fully offset at this time. If approved, she would be entitled to receive her Service Connected Disability pension benefit without offset.

David Magaldi made a motion to deny. William Rubin seconded the motion.

The motion to deny carried 6-0-1.

Case of Reda Kroma, Application for Service-Connected Disability Benefits – Plan “J”

This case was tabled at the August 25, 2016 Board meeting for further information from the Philadelphia Parking Authority which is listed below.

Case History:

This is an application submitted by Reda Kroma, former Parking Enforcement Officer in the Philadelphia Parking Authority for Service-Connected Disability benefits under Pension Plan “J”.

According to Ms. Kroma, on March 5, 2015 she was carrying heavy equipment for a long period and experienced sharp stabbing pain that was shooting up her arm. She also stated that she reported early in her employment an ankle injury, left leg pain and knee and back spasms that make it hard to stand, sit and get up.

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

The motion to approve carried 5-2.

Ms. Weiss re-opened the Benefits meeting for a re-consideration.

Mr. Rubin had a question concerning one of the Disability boxes on the back of the report from MMRO. The Board discussed the actual uniform language they need to see from MMRO going forward.

Mr. Bielli stated that he would request an amended medical report that clarifies the answers on the back box consistent with the body of the report so that the Board knows exactly what they are voting on. In the future, the reports from MMRO will be accurate.

Ms. Weiss added that if anyone has suggestions to please inform Mr. Bielli. While the reports from MMRO are thorough they are new and we are still making sure they are tweaking the language to meet our standards and the Code.

Carol Stukes-Baylor requested a reconsideration of the case 6A. Ronald Stagliano seconded the motion.

The motion to reconsider carried unanimously 7-0.

Carol Stukes-Baylor made a motion to table the matter for 30 days in order to obtain an amended medical report from MMRO. Brian Coughlin seconded the motion.

The motion to table for 30 days to obtain an amended medical report from MMRO carried 6-0-1.

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

This case was deferred at the Board meeting held on June 2, 2016. A hearing panel was held on August 10, 2016.

The hearing panel recommendations are as follows:

Paula Weiss, Esq.: Approve – sufficient supporting documentation to confirm injured on duty incident

Carol Stukes-Baylor: Approve

David Magaldi: Approve – claimant reported an ankle injury to both safety and emergency room (ER)

Case History:

This case was tabled at the Board meeting held April 28, 2016. The Board requested clarification of the applicant’s injury dates and disbursement of Workers’ Compensation.

It was found that Ms. Hurst received a monthly Workers’ Compensation benefit for a prior injury sustained December 21, 1994. She did not receive Workers’ Compensation benefits for the injury sustained November 15, 2013.

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. Ms. Hurst states that her foot and ankles were affected.

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

The motion to approve carried unanimously 7-0.

Case of Michael Jones, Deceased, Application for Survivorship Benefits as Common Law Spouse – Plan J

This is an application by Cynthia Garrett-Jones for survivorship benefits in Plan J.

This case was denied at the Board meeting held on July 23, 2015. A hearing panel was held on Wednesday, August 10, 2016.

The hearing panel recommendations are as follows:

Paula Weiss, Esq.:	Approve
Carol Stukes-Baylor:	Approve
David Magaldi:	Approve

Case Summary:

Michael Jones, an Equipment Operator II with the Streets Department retired effective May 7, 1997. Mr. Jones died on January 21, 2015. At the time of his retirement, Mr. Jones chose survivorship option 4 and named his two sons as the survivors of his pension benefit. At that time, he named a girlfriend as his life insurance beneficiary.

Cynthia Garrett-Jones is applying to have the Board of Pensions recognize her 32 year relationship with Mr. Jones as a common law marriage.

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

The motion to approve carried unanimously 7-0.

Case of Jerome G. Spearman, Application for Service-Connected Disability Benefits – Plan “Y”

This case was denied at the board meeting held on August 27, 2015. A hearing via conference call was held on Wednesday, February 24, 2016.

The hearing panel recommendations are as follows:

Paula Weiss, Esq.: Deny – does not meet the standard for due solely
Brian Albert: Deny – not due solely to a work related injury
David Magaldi: Deny – Mr. Spearman did not present any evidence that the disability is “due solely” to the work injury

Case summary:

This is an application submitted by Jerome Spearman, former sanitarian specialist with the Health Department, for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Spearman his injuries occurred over a long period of time due to typing without wrist support and constant lifting and pulling of tote bag which contained his equipment. Mr. Spearman states that he reported hand pain at some date in February 2014. He states that a wrist pad was provided following this complaint.

Ms. Pankey questioned that he received Workers’ Compensation for the injury.

Ms. Weiss stated that the Board didn’t find that he wasn’t injured on duty but that his final disability was not due solely to that injury.

David Magaldi made a motion to deny. William Rubin seconded the motion.

The motion to deny carried 4-0-3.

Case of Geneva Gallagher, Application for Service-Connected Disability Benefits – Plan “B”

This case was denied at the board meeting held on March 26, 2015. A hearing panel was held on Wednesday, January 13, 2016.

The hearing panel recommendations are as follows:

Patricia Fitzgerald: Deny
Carol Stukes-Baylor: Approve – The disability is due solely to her work injury of 1/25/12. The injury has left Officer Gallagher with a curled up hand due to the injuries. The employee can no longer use a gun in her performance of her duties as a police officer.
Brian Coughlin: Approval recommended

Case Summary:

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

According to Ms. Gallagher, on January 25, 2012, while attempting to arrest a female suspect she felt a "pop" in her right arm. Ms. Gallagher further states that when the swelling subsided she experienced a shooting pain that radiated upwards from her arm toward her neck.

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

The motion to approve carried unanimously 7-0.

NEW BUSINESS

- **Executive Director's Report** – Mr. Bielli stated that the election ballots for Board trustees are due to True Ballot by October 12th. The ballot count will take place at the Board of Pensions and Retirement on October 19, 2016.
- The Controllers buy-out proposal meeting will be scheduled sometime in mid-November. This is a preliminary meeting and will last no more than two hours.
- PAPERS Workshop – Mr. Rubin stated that the PAPERS Workshop will be held in Philadelphia at the Wyndham Hotel on November 15-16, 2016. There was a discussion whether to have the workshop in Harrisburg or Philadelphia and Mr. Rubin lobbied to have it in Philadelphia in hopes that many can attend.

FYI

- a. **Litigation Summary** – Ms. Berkowitz stated there no updates. The Dailey case in Federal Court is still stayed. The appellant's brief is due today in Commonwealth Court and the brief in Common Pleas Court is due October 20, 2016.

Ronald Stagliano made a motion to adjourn. David Magaldi seconded the motion. The meeting adjourned at 9:20 a.m.