

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of August 27, 2020**

MINUTES

On August 27, 2020, Jacqueline Dunn called the Regular Meeting of the Board of Pensions and Retirement to order at 9:30 AM. The meeting was conducted by Microsoft Teams Conference App due to the State's recommendation to close the City due to the Covid-19 epidemic.

Ms. Dunn asked the Board to approve the revised procedures of the Rules of Order for Motions, Discussion and Voting that were prepared by James Cousounis. For substantive motions the Chair will state the motion in the affirmative, the Board will consider the motion moved and seconded and then the Chair will ask for any comments or discussion before going into a roll call vote. For a procedural motion, the Chair will ask the Board for discussion, unless there are any objections, the motion will be declared and adopted unanimously. The Board adopted the procedures unanimously.

Present: Jacqueline Dunn
 Ronald Stagliano
 Carol Stukes-Baylor
 Kellan White
 Christopher Rupe
 Marsha Greene-Jones
 Brian Coughlin
 Veronica Pankey
 Sharolyn Murphy

Also Attending: Francis Bielli, Shamika Taliaferro, Bill Rubin – Board of Pensions
 Ellen Berkowitz, Adam Coleman – Law Department
 Christopher DiFusco, James Cousounis – Investment Unit
 Bernard Buckley, Kristyn Bair – Investment Unit
 Dominique Cherry, Abdel-Aziz Ibrahim – Investment Unit
 Brad Nyce, Bina Kumar, Jeff Francis – Nationwide
 Sara DeNault
 Lindsay Saienni
 Tom Ginsberg – PEW
 Nat Kellogg
 Dave Smith, Nat Kellogg, Jesus Jimenez - Marquette
 Kweku Obed, Brett Graffy – Marquette
 Will Greene – Loop Capital

Jacqueline Dunn called the meeting to order and stated that the first order of business was the Consideration of the Minutes of July 23, 2020.

The motion to approve carried unanimously 8-0 on a roll call vote.

CONSIDERATION OF 173 PENSION APPLICATIONS AND 37 WITHDRAWAL APPLICATIONS

The motion to approve carried unanimously 8-0 on a roll call vote.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Frank Gilbert, Application for Service-Connected Disability Benefits - Plan Y

This is an application submitted by Frank Gilbert, former Laborer with the Department of Sanitation for Service-Connected Disability benefits under Pension Plan Y.

According to Mr. Gilbert, on September 1, 2017 while loading trash into the rear of the truck (hopper) he banged his right knee against the "hopper". Mr. Gilbert states that he immediately felt pain from the impact but continued with his duties. Mr. Gilbert reports that he began to experience swelling and discomfort as the day progressed.

The Board voted as follows:

Brian Coughlin – Approve
Marsha Greene-Jones – Deny
Sharolyn Murphy – Deny
Veronica Pankey – Approve

Christopher Rupe – Deny
Carol Stukes-Baylor - Approve
Kellan White - Deny
Ronald Stagliano - Approve
Jacqueline Dunn – Deny

The motion to approve tied 4-4. The Chair voted to break the tie 4-5. The motion fails and is denied 4-5.

Case of Kenneth B. Gross, Application for Service-Connected Disability Benefits – Plan Y

This is an application submitted by Kenneth Gross, former Physician with the Department of Public Health for Service-Connected Disability benefits under Pension Plan "Y".

According to Dr. Gross, beginning sometime in June of 2018 he began to encounter extreme distress as a result of various anti-Semitic incidents. He further states that fall-out from these incidents induced a hostile work environment which attributed to his distress.

The Board voted as follows:

Brian Coughlin – Deny
Marsha Greene-Jones – Deny
Sharolyn Murphy – Deny
Veronica Pankey – Deny

Christopher Rupe – Deny
Carol Stukes-Baylor - Deny
Kellan White - Deny
Ronald Stagliano - Deny

The motion to approve failed 0-8 unanimously.

Case of Maurice N. Carter, Application for Service-Connected Disability Benefits - Plan Y

This is an application submitted by Maurice Carter, former Machinery and Equipment Mechanic with the Water Department for Service-Connected Disability benefits under Pension Plan "Y".

According to Mr. Carter while climbing out of the "pit" carrying his tool bucket, he reports that something "popped" in his arm. Mr. Carter states that he immediately dropped the bucket and had to be helped up the twenty-foot (20) ladder which led out of the pit.

The Board voted as follows:

Brian Coughlin – Approve
Marsha Greene-Jones – Deny
Sharolyn Murphy – Deny
Veronica Pankey – Approve

Christopher Rupe – Deny
Carol Stukes-Baylor - Approve
Kellan White - Approve
Ronald Stagliano - Approve

The motion to approve carried 5-3.

Case of Denise Parker-St. John, Request to Apply for Service-Connected Disability benefits beyond the one-year deadline – Plan J

This is a request from Denise Parker-St. John to apply for Service-Connected Disability benefits beyond the one-year deadline.

Ms. Parker-St. John retired from the Department of Corrections as a Correctional Officer effective September 12, 2003 with an Ordinary Disability pension benefit.

The Board of Pensions received a letter from Ms. Parker-St. John on July 8, 2020 requesting to change her Ordinary Disability to a Service-Connected Disability, stating that she was distraught at the time she signed her paperwork and did not understand the procedure.

The Board of Pensions issued an Administrative Denial letter to which Ms. Parker-St. John submitted two letters of appeal dated July 23 and 24, 2020.

Marsha Greene-Jones requested that the case go directly to a hearing panel.

Kellan White made a motion to send to a hearing panel. Sharolyn Murphy seconded the motion. The Board voted as follows:

Brian Coughlin – Approve
Marsha Greene-Jones – Approve
Sharolyn Murphy – Approve
Veronica Pankey – Approve

Christopher Rupe – Approve
Carol Stukes-Baylor - Approve
Kellan White - Approve
Ronald Stagliano - Approve

The motion to send to a hearing panel carried unanimously 8-0.

Case of William Hall, Deceased, Application for Survivorship Benefits- Plan J

This an application by Barbara Hall, for survivorship benefits in Plan J.

William Hall, Sanitation Worker for the Streets Department, died February 19, 2020. Submitted is a copy of his death certificate.

William Hall retired effective May 14, 2002. At the time of his retirement, Mr. Hall elected Survivorship Option #4. He elected Barbara Lyons for his pension and Life Insurance.

On January 10, 2005, William Hall married Barbara Lyons, submitted is a copy of the marriage certificate.

The Board reviewed the documents submitted by Mrs. Hall in addition to the documentation from the pension file.

The Board voted as follows:

Brian Coughlin -- Approve
Marsha Greene-Jones -- Approve
Sharolyn Murphy -- Approve
Veronica Pankey -- Approve

Christopher Rupe -- Approve
Carol Stukes-Baylor - Approve
Kellan White - Approve
Ronald Stagliano - Approve

The motion to approve carried unanimously 8-0.

APPLICATION TO HAVE PENSION RECALCULATED

Case of Bryant Fuller, Application to Have Pension Recalculated Plan Y

This is an application by Bryant Fuller, former Public Health Program Analyst requesting recalculation of pension benefit with less than 3 years.

Mr. Fuller retired effective September 20, 2012 under optional early retirement with 22 years, 3 months and 26 days. He was rehired by the City effective October 26, 2015. He entered DROP effective March 26, 2018. At the time Mr. Fuller entered DROP he had 2 years and 5 months of credited City service.

In order to receive a recalculation of his total service, Mr. Fuller needs to have 3 years of credited City service prior to entry in DROP.

Mr. Fuller began payroll deductions to purchase an additional 2 years, 4 months of prior government service and had completed 111 out of 130 payroll deduction at the time of his separation. This purchase does not qualify towards the 3 years of credited City service.

Section 22-204(2) Indicates that if the Plan 87 member is reemployed for less than 3 years, then the regular contributions during reemployment are refunded and the member resumes the previous pension.

Mr. Fuller is requesting that his pension benefit be recalculated due to the purchase of the prior government service.

The Board reviewed the pertinent documentation.

The Board voted as follows:

Brian Coughlin – Deny
Marsha Greene-Jones – Deny
Sharolyn Murphy – Deny
Veronica Pankey – Deny

Christopher Rupe – Deny
Carol Stukes-Baylor - Deny
Kellan White - Deny
Ronald Stagliano - Deny

The motion to approve failed 0-8.

Case of David Cowden, Deceased, Application for Survivorship benefits as a Common-law Spouse – Plan X

This is a request by Patricia Cowden, wife of David Cowden, to make application for benefits under Survivorship option 4.

David Cowden, worked as a Firefighter for the City with a total of 26 years, 1 month and 25 days of credited service.

Mr. Cowden entered DROP on January 20, 2002 and retired January 20, 2006. He elected survivorship option 4 and named his wife, Patricia Cowden.

Mr. Cowden provided a marriage certificate showing that he and Mrs. Cowden were married on May 22, 2004.

Mr. Cowden passed away on January 22, 2020.

Mrs. Cowden applied for survivorship benefits on February 9, 2020. Her application was denied on February 27, 2020 on the grounds that they had not been married for two years prior to Mr. Cowden's retirement.

Patricia Cowden wrote a letter to Executive Director Bielli appealing the denial of her request. In response to the appeal, Mr. Bielli advised Mrs. Cowden to provide evidence of a common-law marriage existing specifically for the period prior to January 20, 2004.

Mrs. Cowden provided letters, statements, mortgage information and other documentation for the Board to review.

The Board voted as follows:

Brian Coughlin – Approve
Marsha Greene-Jones – Approve
Sharolyn Murphy – Approve
Veronica Pankey – Approve

Christopher Rupe – Approve
Carol Stukes-Baylor - Approve
Kellan White - Approve
Ronald Stagliano – Approve

The motion to approve carried unanimously 8-0.

APPLICATION TO CHANGE OPTION 2 SURVIVOR

Case of Brian P. Scully, Appeal of Administrative Denial of Request to Change Option #2 Survivor – Plan B

This is the case of Brian P. Scully, former police officer, for appeal of the administrative denial of his request to change his option #2 survivor from his former spouse to his current spouse for his Service Connected Disability pension.

Mr. Scully separated from employment on January 28, 2007 and his subsequent application for Service Connected Disability pension benefits was approved by the board. He has 11 years, 6 months, and 29 days credited service.

At the time he made application for Service Connected Disability pension benefits, he named his former spouse, Susan Scully, as his option #2 survivor.

On June 22, 2020, Mr. Scully contacted the board's office requesting to change his option #2 survivor from his former spouse to his current spouse, Jillian M. Melvin-Scully. After advising Mr. Scully that his request was not permissible under the pension code, and advising him of his right to petition the board, Mr. Scully indicated that he wished to change his option #2 survivor from his former spouse to his current spouse effective August 1, 2020. After further determining that his original election was not the result of a Qualified Domestic Relations Order and explaining to Mr. Scully that if his request was ultimately approved, the amount of his monthly pension would decrease from \$3,538.97 to \$3,299.84. He indicated that he understood the ramifications of the approval of his request and wished to proceed.

A letter of Administrative denial was forwarded to Mr. Scully on August 6, 2020. Mr. Scully forwarded a letter appealing his denial to Executive Director Francis X. Bielli on August 10, 2020.

If Mr. Scully's request is approved, his Service Connected Death benefit would reduce from \$3,538.97 monthly to \$3,299.84 monthly effective August 1, 2020. Upon his death, his wife Jillian M. Melvin-Scully would be entitled to the same amount for the remainder of her lifetime.

The Board voted as follows:

Brian Coughlin – Deny
Marsha Greene-Jones – Deny
Sharolyn Murphy – Deny
Veronica Pankey – Deny

Christopher Rupe – Deny
Carol Stukes-Baylor - Deny
Kellan White - Deny
Ronald Stagliano - Abstain

The motion to approve failed 0-7-1.

OLD BUSINESS

Board Trustee Election -- Amendment to Article 1-Administration, Section 1. Board
Authorization to postpone election of employee representative members during the existence of a declared disaster emergency and ongoing public health crisis

The Board voted as follows:

Brian Coughlin – Approve
Marsha Greene-Jones – Approve
Sharolyn Murphy – Approve
Veronica Pankey – Approve

Christopher Rupe – Approve
Carol Stukes-Baylor - Approve
Kellan White – Approve
Ronald Stagliano - Approve

The motion to approve an Amendment to Article 1-Administration, Section 1. Board - Authorization to postpone the Board trustee election during the existence of a declared disaster emergency and ongoing public health crisis carried unanimously 8-0.

NEW BUSINESS

Executive Director's Report – Mr. Bielli stated he received the amendment to Regulation 1, the virtual hearing panel procedures and asked the Board if they wanted time to review it. The Board decided to have Mr. Cousounis go through the procedures and after discussion they continued with the vote.

Mr. Cousounis explained the virtual hearing would provide an option for the appellant to have a hearing sooner than the in-person hearing, since hearing panels have been suspended since March, consistent with the Mayor's and Department of Public Health's guidelines for the Covid-19 pandemic.

The hearings would be conducted with the consent of the appellant via a secure video platform determined by the Board to comply with the Mayor's emergency orders, in order to protect the health of all participants involved in a hearing panel.

The Board will have the ability to make changes to the amendment as circumstances warrant.

**Virtual Hearing Procedures -- Resolution for Proposed Amendment to Regulation No. 1 --
Virtual Hearing Panel Procedures**

Veronica Pankey made a motion to accept the new procedures for hearing panels with a change to the log in signature. Brian Coughlin seconded the motion.

The Board voted as follows:

Brian Coughlin -- Approve
Marsha Greene-Jones -- Approve
Sharolyn Murphy -- Approve
Veronica Pankey -- Approve

Christopher Rupe -- Approve
Carol Stukes-Baylor -- Approve
Kellan White -- Approve
Ronald Stagliano - Approve

The motion for an Amendment to Regulation No. 1 -- Virtual Hearing Panel Procedures carried unanimously 8-0.

Litigation Summary -- Ms. Berkowitz stated there were no changes.

An Executive Session was held.

The meeting adjourned at 10:09 AM.