

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of February 22, 2018**

MINUTES

On February 22, 2018, Jacqueline Dunn called the Regular Meeting of the Board of Pensions and Retirement to order at 9:35 AM in the Board's Conference Room.

Present: Jacqueline Dunn
 Rebecca Rhynhart
 Brian Abernathy
 Pedro Rodriguez
 Carol Stukes-Baylor
 Ronald Stagliano
 Brian Coughlin
 Veronica Pankey
 Sharolyn Murphy

Also Attending: Francis Bielli - Board of Pensions
 Shamika Taliaferro – Board of Pensions
 William Rubin – Board of Pensions
 Rosamond Howard, Kellan White – Controller's Office
 Ellen Berkowitz, Adam Coleman– Law Department
 Christopher DiFusco, Bernard Buckley – Investment Unit
 Tyrone Jordon, Jim Cousounis – Investment Unit
 Dominique Cherry, Eryn-Ashlei Bailey, Kristyn Bair – Investment Unit
 Ken Kent – Cheiron
 Anu Patel, Brett Warren – Cheiron
 Dave Smith - Marquette
 Will Green – Loop Capital Markets
 Bradley Nyce - Nationwide

Jacqueline Dunn called the meeting to order and stated that the first order of business was the Consideration of the Minutes of January 25, 2018.

Carol Stukes-Baylor made a motion to approve the Minutes of January 25, 2018. Pedro Rodriguez seconded the motion.

The motion to approve carried unanimously 7-0.

CONSIDERATION OF (92) PENSION APPLICATIONS AND (76) WITHDRAWAL APPLICATIONS

Veronica Pankey 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 Kathleen A. Barr, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Ms. Barr, on April 6, 2015 she was responding to a radio call for “non-responsive person in a vehicle inside a cemetery” when she sustained multiple injuries. Ms. Barr states that upon arrival she observed a woman in the driver’s seat of a locked vehicle. The woman had plastic over her head secured with tape around her neck along with an open bottle of pills nearby. A police officer on scene attempted to break the rear window of the driver’s side but was unsuccessful. Ms. Barr states that she reached for her “asp“, turned her head away to shield her eyes and punched open the passenger’s side window thereby sustaining injuries to her right arm, wrist, and hand. Police and medics were then able to gain access, provide lifesaving treatment, and transport the woman to the hospital.

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

The motion to approve carried unanimously 7-0.

Rebecca Rhynhart arrived at the meeting.

Case of Renee Hollomon, Application for Service-Connected Disability Benefits - Plan “Y”

This is an application submitted by Renee Hollomon, former School Crossing Guard with the Police Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Hollomon, on March 15, 2015 while crossing children at the intersection of 58th and Media Street she slipped on the ice. Ms. Hollomon states that she sprained her knee and wrist.

Sharolyn Murphy made a motion to deny. Pedro Rodriguez seconded the motion

The motion to deny carried 3-0-4.

Case of Michael D. Burton Sr., Application for Service-Connected Disability Benefits – Plan “Y”

This is an application submitted by Michael Burton, former Correctional Officer with the Department of Corrections for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Burton, on March 2, 2007 while breaking up a fight he tussled with an inmate attempting to remove a knife when he went down to the ground injuring his knee. Mr. Burton further states that on July 7, 2015 while cutting grass he fell into a hole in the ground striking his knee on the concrete.

Veronica Pankey made a motion to approve. Brian Coughlin seconded the motion.

The motion to approve carried unanimously 7-0.

PENSION DISQUALIFICATION

Case of Kenneth Gassman – Pension Disqualification, Plan Y

Kenneth Gassman, a former inspector with Licenses & Inspections, was first hired through the Water Department on July 11, 1994, transferred to L&I on August 25, 1997, and separated from City employment on August 23, 2010. He pleaded guilty to one count of extortion under the Hobbs Act, 18 U.S.C. § 1951. At the time of his separation, he had approximately 15 years, 10 months, and 19 days of credited service. At age 60 he would be entitled to \$1,795.00 per month and has \$15,748.90 in the system.

On February 12, 2018, Ellen Berkowitz, Senior Attorney, opined that Mr. Gassman's crime triggered the disqualification provisions of the Public Employees' Pension Forfeiture Act and the Philadelphia Retirement Code and that through his criminal conduct he had severed his entitlement to his pension. He currently owes \$5,075.00 in fines and restitution in Federal court.

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

1. Whether Mr. Gassman should be permanently disqualified from pension eligibility
2. Whether his contributions should be held in part to pay his outstanding fines and restitution.

Ronald Stagliano made a motion to approve to permanently disqualify Mr. Gassman from pension eligibility. Pedro Rodriguez seconded the motion.

The motion to permanently disqualify Kenneth Gassman from pension eligibility carried unanimously 7-0.

Carol Stukes-Baylor made a motion to approve the withholding of pension contributions to pay fines and restitution. Brian Coughlin seconded the motion.

The motion to approve withholding Kenneth Gassman's pension contributions to pay fines and restitution carried unanimously 7-0.

OLD BUSINESS

Case of Margaret Blunt, Application for Service-Connected Disability Benefits - Plan “J”

This case was tabled for 30 days at the January 25, 2018 Board meeting at the request of trustee Carol Stukes-Baylor.

This is an administrative application submitted for Margaret Blunt, former Parking Enforcement Officer with the Philadelphia Parking Authority for Service-Connected Disability benefits under Pension Plan “J”.

According to Ms. Blunt, on July 13, 2010 while patrolling her assigned area she slipped and fell, injuring her right leg.

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

The motion to approve carried unanimously 7-0.

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

This case was tabled for 30 days at the Board meeting of January 25, 2018 at the request of Sharolyn Murphy. Risk Management was unable to locate any records for an injury on October 2, 2003.

This is an application submitted by James Petrone, former Grounds Maintenance Worker with the Office of Supportive Housing for Service-Connected Disability benefits under Plan “J”.

According to Mr. Petrone sometime during 2003 he was involved in a tractor accident and experienced other accidents thereafter. His bodily complaints involve his lower back, neck, shoulder, ankle, hip, and wrist.

Ms. Stukes-Baylor stated that she didn't understand why this case was denied when two doctors found that Mr. Petrone's injuries were due-solely and the doctor who denied it did not see the applicant and only reviewed reports.

Ms. Dunn stated that they voted on the evidence most credible and there was no record of a tractor incident on file.

Sharolyn Murphy made a motion to deny. Pedro Rodriguez seconded the motion. The vote was 4-4. The Chair voted to break the tie.

The motion to deny carried 5-4.

Case of Timothy B. Davenport, Application for Service-Connected Disability Benefits – Pension Plan “Y”

This case was tabled for 30 days at the Board meeting of January 25, 2018 at the request of trustee Carol Stukes-Baylor.

This is an application submitted by Timothy Davenport, former Police Tow Truck Supervisor for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Davenport, on June 3, 2015 he stepped out of his tow truck and felt a sharp pain in his lower back.

Carol Stukes-Baylor made a motion to approve. Veronica Pankey seconded the motion. The vote was 4-4. Motion fails.

Sharolyn Murphy made a motion to deny. Pedro Rodriguez seconded the motion. The vote was 4-4. The Chair voted to break the tie.

The motion to deny carried 5-4.

Case of Viola A. Leigertwood, Application for Service-Connected Disability Benefits – Pension Plan “B”

This case was denied at the Board meeting held on July 20, 2017. A hearing panel was held on Wednesday, December 6, 2017.

The hearing panel recommendations are as follows:

Carol Stukes-Baylor:	Deny
Brian Coughlin:	Deny
Francois Dutchie:	Denied. There was no evidence presented at the hearing of any casual connection between the work-related fall in 2007 and the injury which is the cause of applicant’s pain.

Case Summary:

This is an application submitted by Viola Leigertwood, former Police Corporal for Service-Connected Disability benefits under Pension Plan “B”.

According to Ms. Leigertwood, on May 30, 2007 she sat down in a chair that toppled over and she fell to the floor injuring her hands, back, and buttocks.

Sharolyn Murphy made a motion to deny. Pedro Rodriguez seconded the motion.

The motion to deny carried 4-0-4.

Case of Nadiyah Vance, Application for Service-Connected Disability Benefits – Plan “Y”

This case was denied at the Board meeting held on April 30, 2015. A hearing panel was held on Wednesday, January 13, 2016. The case remained open for 30 days for additional documentation and Ms. Vance’s case was sent for reconsideration to Drs. Weirnerman and Rosenzweig.

The hearing panel recommendations are as follows:

Patricia Fitzgerald:	Deny
Brian P. Coughlin:	Deny
Carol Stukes-Baylor:	Approved

Case Summary:

According to Ms. Vance from 2007 through 2013 she was repeatedly harassed by other Correctional Officers and constantly threatened by inmates. Ms. Vance states that her requests for hardships and transfers were never approved causing stress. On June 24, 2011 and December 7, 2012 Ms. Vance was required to seek medical attention for injuries sustained through altercations with inmates.

Carol Stukes-Baylor made a motion to approve. Veronica Pankey seconded the motion. The motion to approve was 3-4-1. Motion fails.

Brian Abernathy made a motion to deny. Sharolyn Murphy seconded the motion.

The motion to deny carried 4-3-1.

Ms. Stukes-Baylor asked about the hiring process for Correctional Officers and if background checks were done. Discussion ensued. Mr. Abernathy felt that was an issue for the operations of the Prisons and not the Pension Board. Ms. Stukes-Baylor said it became a pension issue when the person applied for a service-connected disability benefit.

Mr. Bielli stated that the overall personnel point is a good one but strictly from a pension perspective the Board’s job is to determine if the disability is due solely to the work-related injury.

NEW BUSINESS

- **Executive Director’s Report** – Mr. Bielli stated that all the requested information was provided for the State Audit and we await report. We were advised and expect one de-minimis finding.

Mr. Coughlin stated that to only have one finding in the Audit is very impressive. Mr. Bielli thanked Mr. Coughlin for his remarks and Ms. Taliaferro for her work with the Audit.

Mr. Bielli stated that the NCPERS 2018 Annual Conference is May 13-16 in New York City. Ms. Stukes-Baylor is on the Board of NCPERS and running for reelection. Anyone who would like to be a voting delegate has to be registered for the conference. The delegate form is due to NCPERS by April 16th. Please contact Teresa Devine if you wish to attend.

- Business & Education Travel Requests
 - 1) RSK Strategy Development Group, Institutional Investors' Forum, March 11-13, 2018 in Monterey, California

Mr. Bielli stated that Ms. Stukes-Baylor was chosen as the representative of MAPS (Mid Atlantic Plan Sponsor) which is a non-profit group and she will be attending the conference. This is no cost to the City or Pension Board.

- 2) Mid Atlantic Plan Sponsors (MAPS) – 2018 Annual Trustee Education Conference in Baltimore, Maryland June 3-7, 2018

Veronica Pankey made a motion to approve any trustee wishing to attend the MAPS Conference. Sharolyn Murphy seconded the motion.

The motion to approve any trustee wishing to attend the MAPS Conference in Baltimore, MD June 3-7, 2018 carried unanimously 8-0.

Ms. Pankey asked for an update on the responses to the Opting Out letter that was sent to members.

Mr. Bielli stated that 21 folks declared their interest in switching from Plan 10 to Plan 16 and they were sent estimates. Of that 21 we received approximately 5 to date making the switch. The deadline for that is March 12, 2018 and there were 490 mailings sent out.

FYI

- **Litigation Summary** - Ms. Berkowitz stated that there are a number of cases in Common Pleas Court and oral argument for the Dailey case is scheduled for March 6, 2018.

Ronald Stagliano made a motion to adjourn. Sharolyn Murphy seconded the motion.

The meeting adjourned at 9:55 AM.