

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of July 26, 2018**

MINUTES

On June 28, 2018, Jacqueline Dunn called the Regular Meeting of the Board of Pensions and Retirement to order at 9:32 AM in the Board's Conference Room.

Present: Jacqueline Dunn
 Kellan White
 Pedro Rodriguez
 Christopher Rupe
 Carol Stukes-Baylor
 Ronald Stagliano
 Brian Coughlin
 Veronica Pankey
 Sharolyn Murphy
 Matthew Stitt

Also Attending: Francis Bielli - Board of Pensions
 Shamika Taliaferro – Board of Pensions
 Bill Rubin – Board of Pensions
 Marsha Greene-Jones – Human Resources
 Ellen Berkowitz, Adam Coleman – Law Dept.
 Christopher DiFusco, Bernard Buckley – Investment Unit
 Jim Cousounis, Tyrone Jordan – Investment Unit
 Dominique Cherry, Kristyn Bair – Investment Unit
 Jeffrey Francis, Bina Kumar, Emanuel Mahand – Nationwide
 Pam McCue – Financial Investment News
 Dave Smith – Marquette, Marc Matzger – Nationwide
 Natalie Toumazos-Flowers – Counsel-Nationwide
 Kweku Obed, David Smith – Marquette
 Will Greene – Loop Capital
 Aaron Tellier – Merkle
 Fagbemi Oluwabomi – Risk Management Intern
 Jeff George – City Council

Jacqueline Dunn called the meeting to order and stated that the first order of business was the Consideration of the Minutes of June 28, 2018.

Ronald Stagliano made a motion to approve the Minutes of June 28, 2018. Sharolyn Murphy seconded the motion.

The motion to approve carried 7-0.

CONSIDERATION OF (111) PENSION APPLICATIONS AND (81) WITHDRAWAL APPLICATIONS

Ronald Stagliano made a motion to approve. Veronica Pankey seconded the motion.

The motion to approve carried 8-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Terry Bond, Application for Service-Connected Disability Benefits - Plan B

This is an application submitted by Terry Bond, former Police Officer for Service-Connected Disability benefits under Pension Plan "B".

According to Mr. Bond, sometime during the year of 2013 he and another police officer were tasked with transporting the remains of a 19-year old male shooting victim to the medical examiner's office. He also describes a fight he had with a male patient during which his knees were injured. In his narrative, Mr. Bond did not indicate the date the altercation occurred. However, he indicated to Dr. Smith that the injury occurred on or around April 10, 2008.

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

The motion to deny carried 4-0-4.

Case of Magdaline Lugo, Application for Service-Connected Disability Benefits – Plan B

This is an application submitted by Magdaline Lugo, former Police Officer for Service-Connected Disability benefits under Pension Plan "B".

According to Ms. Lugo, on March 27, 2012 while carrying a deceased body out of a small, tight, and cluttered bathroom (bathtub) into a body bag, down two flights of stairs, and into a police wagon she sustained multiple injuries.

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

The motion to deny carried 4-0-4.

Case of Broderick L. Green, Application for Service-Connected Disability Benefits – Plan J

This is an **administrative** application submitted for Broderick Green, former Revenue Collection Supervisor with the Philadelphia Parking Authority for Service-Connected Disability benefits under Pension Plan "J".

According to Mr. Green, on September 9, 2014 while working in the money counting room he sustained an injury to his knee. Mr. Green states that he lifted a can from the money cart, turned to dump the coins into the counting machine, and during the process twisted his knee. He stated he heard a popping sound and was unable to apply pressure on his right leg and knee.

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

The motion to deny carried 5-3.

Case of Anthony Demming, Application for Service-Connected Disability Benefits – Plan Y

This is an application submitted by Anthony Demming, former Automotive Maintenance Technician with the Office of Fleet Management for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Demming, on February 16, 2016 while working beneath a Medic vehicle on a lift, he states that a Fire-engine ran into the elevated vehicle. Mr. Demming further states that in his haste to move away from the impact he injured his back.

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

The motion to deny carried 4-0-4.

Case of Dominick Gibbs, Application for Service-Connected Disability Benefits - Plan “Y”

This is an application submitted by Dominick Gibbs, former Semi-Skilled Laborer with the Water Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Gibbs on September 22, 2016 while removing debris from the inlets by hand he felt a sudden and sharp pain in his lower back and stomach. Mr. Gibbs states that at home he continued to feel discomfort (extreme spasm) in his back and sought medical attention.

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

The motion to approve carried 5-3.

Case of Myriam Robinson, Application for Service-Connected Disability Benefits – Plan Y

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

According to Ms. Robinson, on December 31, 2016 she was assaulted by an inmate and sustained injuries.

Carol Stukes-Baylor and Sharolyn Murphy made a motion to approve. Pedro Rodriguez seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Joseph Messina, Application for Service-Connected Disability Benefits - Plan Y

This is an application submitted by Joseph Messina, former Vacant Lot Crew Chief with the Mayor's Office of Community Services for Service-Connected Disability benefits under Pension Plan "Y".

According to Mr. Messina, on August 26, 2011 while operating a lawnmower it became stuck in some pieces of concrete. Mr. Messina states that he attempted to dislodge the mower causing his injuries in the process.

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

The motion to deny carried 5-0-3.

APPLICATION TO ENTER DROP PRIOR TO ATTAINING NORMAL AGE OF PLAN

Case of Daniel Stango, Application to Enter DROP Prior to Attaining Normal Retirement Age - Plan A

This is an application by Daniel Stango, Battalion Chief, Fire Department requesting to participate in DROP, prior to attaining the normal retirement of age 50 in Plan "A".

Mr. Stango submitted a DROP application on April 16, 2018 to go into DROP effective pay period ending September 28, 2018. On June 4, 2018 Mr. Stango received a letter from the Board notifying him that he had less than the required minimum age for his Plan.

On June 8, 2018, Mr. Stango emailed Stacey M. White, Assistant to the Director of Pensions, asking for re-consideration. His reasoning being that members of Plan A and Plan B can retire with twenty-five (25) years of service without a reduction in their monthly pension and no age requirement.

Members of Plan A and B can retire with twenty-five (25) years of service without a reduction in their monthly pension, but this falls under the Optional Early requirements. (22-303(c-d)). DROP is a benefit for all City employees, which requires minimum retirement age at the time of entry into DROP. The required age for Plan A is 50. (22-310 (4)).

On June 11, 2018 Stacey M. White, Assistant to the Director of Pensions, administratively denied Mr. Stango's request to go into DROP prior to attaining the required minimum age for his plan.

Mr. Coughlin said he understands the Code and believes it is clear but questioned why the language is different: Why can you retire and not enter DROP.

Mr. Bielli explained that Mr. Stango is applying for retirement because he attained 25 years of service which allows him to retire without any reduction penalty of his pension, however he still has not reached minimum retirement age which is required for entry into DROP.

Ms. Stukes-Baylor said the pension board decided on the language because there are four different unions and non-represented employees. The Board concluded that everyone had to reach retirement age to enter DROP. The language then went to City Council to approve and is reflected in the legislation.

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

The motion to deny carried unanimously 8-0.

OLD BUSINESS

Case of Robert Hargrove, Application for Service-Connected Disability Benefits - Plan "Y"

This case was **denied** at the Board meeting held on March 28, 2018. A hearing panel was held on Wednesday, June 27, 2018.

The hearing panel recommendations are as follows:

Jacqueline Dunn:	Deny
Carol Stukes-Baylor:	Not approved
Marsha Greene-Jones:	Denial

Case Summary:

This is an application submitted by Robert Hargrove, former Recreation Facilities Caretaker with the Department of Parks and Recreation for Service-Connected Disability benefits under Pension Plan "Y".

According to Mr. Hargrove, on November 1, 2011 he tripped and fell striking his left side. It is reported that Mr. Hargrove fell onto a leaf-blower that he was operating at the time which he states caused his shortness of breath.

Carol Stukes-Baylor made a motion to deny. Pedro Rodriguez seconded the motion.

The motion to deny carried unanimously 8-0.

Case of Joy Kalaparambath, Application for Service-Connected Disability Benefits - Plan Y

This case was **tabled** at the June 28, 2018 Board meeting at the request of Co-chair Ronald Stagliano.

This is an application submitted by Joy Kalaparambath, former Welder with the Department of Public Property for Service-Connected Disability benefits under Pension Plan "Y".

According to Mr. Kalaparambath on or about November 15, 2015 while loading barricades into a work issued truck, he states he sustained an injury when he fell onto his left shoulder.

Sharolyn Murphy made a motion to deny. Pedro Rodriguez seconded the motion. The motion to deny failed 3-5.

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

The motion to approve carried 5-3.

Case of Tyvia Robinson, Application for Service-Connected Disability Benefits - Plan Y

This case was **tabled** at the June 28, 2018 Board meeting at the request of Co-chair Ronald Stagliano.

This is an application submitted by Tyvia Robinson, former Correctional Officer with the Department of Corrections for Service-Connected Disability benefits under Pension Plan "Y".

According to Ms. Robinson on August 10, 2015 while reporting to her post she entered into the "Sallyport" and sustained an injury when the door slammed onto her right thumb.

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

The motion to approve carried 5-3.

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

This case was **tabled** at the Board meeting held on June 28, 2018 at the request of Co-chair Ronald Stagliano.

This case was **denied** at the Board meeting held on February 22, 2018. A hearing panel was held on Wednesday, May 9, 2018.

The hearing panel recommendations are as follows:

Sharolyn L. Murphy, Esq.: Deny
Ronald Stagliano: Approve the application
Brian Coughlin: Approve

Case Summary:

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 right knee and right wrist.

Sharolyn Murphy made a motion to deny. Pedro Rodriguez seconded the motion. The motion to deny failed 3-5.

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

The motion to approve carried 5-3.

Case of Kevin Jones, Application for Service-Connected Disability Benefits - Plan "Y"

This case was **tabled** at the Board meeting held on June 28, 2018 at the request of Co-chair Ronald Stagliano.

This case was **denied** at the Board meeting held on February 22, 2017. A hearing panel was held on Wednesday, May 9, 2018.

The hearing panel recommendations are as follows:

Sharolyn L. Murphy, Esq.: Deny
Ronald Stagliano: Approve the application
Brian Coughlin: Approve

Case Summary:

This is an application submitted by Kevin Jones, former semi-skilled laborer with the Water Department for Service-Connected Disability benefits under Pension Plan "Y".

According to Mr. Jones, on November 5, 2013 while attempting to remove a chain saw from a tree he sustained multiple injuries.

Sharolyn Murphy made a motion to deny. Pedro Rodriguez seconded the motion. The motion to deny failed 3-5.

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

The motion to approve carried 5-3.

APPLICATION FOR SURVIVORSHIP BENEFITS AS COMMON LAW SPOUSE

Case of Perry S. Faison, Deceased, Application for Survivorship Benefits under Option 4 as a Common Law Spouse/Legal Spouse – Plan D

This case was **tabled** at the Board meeting held on June 28, 2018 at the request of Co-chair Ronald Stagliano.

This is an application for survivorship benefits by Diane Faison as the common law/legal spouse of Perry S. Faison, deceased, under Option 4 in Plan D.

Perry S. Faison, a Police Officer, retired on July 7, 1995. He died on March 14, 2018. At the time of his retirement, Mr. Faison chose survivorship option 4. Perry and Diane Faison were married on December 23, 1993. Mrs. Faison is applying for common law status prior to that date in order to meet the survivorship option 4 two-year marriage requirement.

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

The motion to approve carried 5-3.

PENSION DISQUALIFICATION

Case of Patrick Pelosi – Pension Disqualification, Plan B

Patrick Pelosi, a former detective with the Philadelphia Police Department, was first hired on October 16, 1989 as an officer and separated as a detective on January 23, 2017. He is a member of Plan B and has been receiving a monthly pension of \$4,007.94 since January 24, 2017. He pleaded guilty to one count of honest services mail fraud, 18 U.S.C. § 1341, 1346 and one count of making false statements within federal jurisdiction, in violation of 18 U.S.C. § 1001, arising from his misuse of his position as a detective in exchange for payments from a private businessman. At the time of his separation, he had approximately 27 years, 3 months, and 7 days of credited service. He has used most of his contributions and currently has \$4931.57 remaining in contributions.

On July 19, 2018, Ellen Berkowitz, Senior Attorney, opined that Mr. Pelosi'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. His sentence has been sealed, but the docket reflects that he will be surrendering to federal custody on August 27, 2018.

Ms. Berkowitz stated she will check to make sure there isn't any restitution owed to the Court.

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

The motion to approve the pension disqualification of Patrick Pelosi carried unanimously 8-0.

NEW BUSINESS

- **Executive Director's Report** –Mr. Bielli reminded the Board that the One Philly team will be making a power-point presentation at the August 23, 2018 Board meeting.
 - New Plan Summaries – Mr. Cousounis is fine tuning the language and the new booklets should be available in September or October 2018.
 - The Reexamination process is being streamlined and will be presented to the Board in September.
 - Medical Panel Subcommittee – There will be an update at the August Board meeting
 - The Business & Education Travel report for the second quarter of 2018 was distributed to the Board.

Ms. Stukes-Baylor had some questions regarding the tiered pension plans which Ms. Dunn addressed.

- **Litigation Summary** - Ms. Berkowitz stated there are a lot of cases in common pleas court and they are in a holding pattern for Daley for commonwealth court to issue a decision.

Ronald Stagliano made a motion to adjourn. Veronica Pankey seconded the motion.

The meeting adjourned at 9:45 AM.