

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of September 27, 2018**

MINUTES

On September 27, 2018, Jacqueline Dunn called the Regular Meeting of the Board of Pensions and Retirement to order at 9:34 AM in the Board's Conference Room.

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

Also Attending: Francis Bielli - Board of Pensions
 Shamika Taliaferro – Board of Pensions
 Bill Rubin – Board of Pensions
 Ellen Berkowitz, Adam Coleman – Law Dept.
 Christopher DiFusco, Bernard Buckley – Investment Unit
 Jim Cousounis, Tyrone Jordan – Investment Unit
 Dominique Cherry, Kristyn Bair – Investment Unit
 Jeff Francis, Bradley Nyce, Bina Kumar – Nationwide
 Pam McCue – Financial Investment News
 David Smith, Kweku Obed – Marquette
 Tony Agentowicz – Voya Financial
 Matt Coyne – Torrey Cove

Jacqueline Dunn called the meeting to order and stated that the first order of business was the Consideration of the Minutes of September 27, 2018.

Ronald Stagliano made a motion to approve the Minutes of September 27, 2018. Veronica Pankey seconded the motion.

The motion to approve carried 8-0.

CONSIDERATION OF (117) PENSION APPLICATIONS AND (108) WITHDRAWAL APPLICATIONS

Veronica Pankey made a motion to approve. Sharolyn Murphy seconded the motion.

The motion to approve carried 8-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Nadine Ector, Application for Service-Connected Disability Benefits – Plan B

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

According to Ms. Ector, on April 20, 2015 she slipped on an unknown liquid, hyper-extending her knee causing injuries to her knee and hand.

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

The motion to approve carried 4-3-1.

Case of Monaie Pistoria, Application for Service-Connected Disability Benefits – Plan B

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

According to Ms. Pistoria, on April 17, 1997 while in training at the Police Academy she sustained an injury to her knee. Ms. Pistoria further states that on October 6, 2015 while responding to a vehicular accident she slipped on motor oil and twisted her knee.

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

The motion to approve carried unanimously 8-0.

Case of Kendall Robinson, Application for Service-Connected Disability Benefits - Plan B

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

According to Mr. Robinson, on August 25, 2015 while attempting to remove a prisoner from a cell he was physically assaulted and sustained multiple injuries.

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

The motion to approve carried unanimously 8-0.

Case of Lynda Smith, Application for Service-Connected Disability Benefits - Plan "B"

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

According to Ms. Smith, on April 9, 2016 she injured her ankle stepping out of a wagon.

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

The motion to approve carried unanimously 8-0.

Case of Constantine Stylios, Application for Service-Connected Disability Benefits Plan B

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

According to Mr. Stylios, on September 25, 2015 while on security detail he stepped into a pothole injuring his ankle.

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

The motion to approve carried unanimously 8-0.

Case of George Sweeney, Application for Service-Connected Disability Benefits - Plan B

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

According to Mr. Sweeney, on May 26, 2012 while on bicycle patrol he struck the curb snapping his head forward then back which caused him to sustain multiple injuries.

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

The motion to approve carried 5-3.

Case of Elbert Fields, Application for Service-Connected Disability Benefits – Plan Y

This is an application submitted by Elbert Fields, former Automotive Maintenance Technician with the Department of Fleet Management for Service-Connected Disability benefits under Pension Plan "Y".

According to Mr. Fields, on March 15, 2010 while removing tires from a vehicle in order to check the brakes he injured his back.

Sharolyn Murphy made a motion to deny. Kellan White seconded the motion.

The motion to deny carried 4-0-4.

Case of Victoria Smith, Application for Service-Connected Disability Benefits - Plan Y

This is an application submitted by Victoria Smith, former Custodial Worker with the Department of Human Services for Service-Connected Disability benefits under Pension Plan Y.

According to Ms. Smith, on May 19, 2014 as she was lifting freshly laundered (clean) clothing out of a laundry bin she sustained a shoulder injury.

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

The motion to approve carried unanimously 8-0.

Case of Donald Glenn, Application for Service-Connected Disability Benefits - Plan Y

This is an **administrative** application submitted for Donald Glenn, former Semi-Skilled Laborer with the Water Department for Service-Connected Disability benefits under Pension Plan "Y".

It is reported that Mr. Glenn sustained a hip injury on or about July 31, 2014. It is further reported that Mr. Glenn was sweeping trash and sludge on October 12, 2016 when he felt pain in his knee and hip.

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

The motion to approve carried unanimously 8-0.

APPLICATION FOR SURVIVORSHIP BENEFITS

Case of Ernest J. Colwell, Deceased, Application for Survivorship Benefits Option 4-Plan D

This is an application by Geraldine Colwell, as ex-spouse for survivorship benefits in Plan D.

Ernest J. Colwell, former Police Officer died February 4, 2018.

Mr. Colwell retired effective April 6, 1986. On April 7, 1986 Mr. Colwell signed his retirement papers. He elected Option #4 naming Geraldine Colwell, spouse as his survivor.

On February 7, 2018, Geraldine Colwell reported the death of Ernest Colwell to the Board of Pensions. On February 26, 2018 a survivorship application was sent to Geraldine Colwell.

On July 30, 2018 Mrs. Colwell submitted the survivorship application, a copy of her marriage certificate to Ernest J. Colwell dated June 11, 1958 and her divorce from Ernest J. Colwell dated April 19, 2005.

On August 1, 2018, a letter from the Board of Pensions was sent to Mrs. Colwell stating her application for survivorship benefits under Option 4 was denied.

On August 4, 2018 Mrs. Colwell sent a letter appealing the decision that she did not meet the requirements for survivorship benefits under Option #4.

On August 13, 2018 the Board of Pensions sent Mrs. Colwell an administrative denial letter.

On August 24, 2018 Mrs. Colwell sent a letter appealing the administrative denial.

The Board reviewed the documents submitted from Mrs. Colwell.

Sharolyn Murphy made a motion to deny. Kellan White seconded the motion.

The motion to deny carried unanimously 8-0.

REQUEST TO RESCIND DROP ENROLLMENT

Case of Majid Partovi, Request to Rescind DROP enrollment - Plan "J"

This is a request from Majid Partovi, Staff Engineer 2, Free Library, to rescind his DROP enrollment.

Mr. Partovi submitted a DROP application on February 8, 2016 to go into DROP effective pay period ending May 16, 2016. On February 8, 2016 he was sent a letter confirming his DROP enrollment.

On August 1, 2018 the Board of Pensions administratively denied Mr. Partovi's request to rescind his enrollment in DROP. Once accepted into DROP, election to participate is irrevocable.

On August 28, 2018, Mr. Partovi submitted a letter dated August 23, 2018 appealing the administrative denial.

Sharolyn Murphy made a motion to deny. Kellan White seconded the motion.

The motion to deny carried unanimously 8-0.

REQUEST TO PURCHASE PRIOR CITY SERVICE WITHOUT INTEREST

Case of Frank Lovett, Request to Purchase Prior City Service without Interest – Plan Y

Effective 9/9/2002 Frank Lovett was dismissed from the Commerce/Aviation department.

On 2/28/2003, Mr. Lovett applied to withdraw his pension contributions. His contributions were refunded on the 3/17/2003 Pension Withdrawal Payroll.

As the result of a settlement agreement, Mr. Lovett was reinstated to his former position effective 9/4/2006. The period from his dismissal until reinstatement was to be treated as a leave of absence. The City made a pension contribution on Mr. Lovett's behalf, so that he received pension credit for the period.

On 10/5/2006, a letter informing Mr. Lovett that he may apply to purchase pension credit for any prior City service was sent to him. The letter stated that to avoid additional interest, his application must have been received by 9/4/2007.

On 11/27/2017, Mr. Lovett applied to purchase pension credit for his period of employment prior to his dismissal.

On 2/23/2018, Mr. Lovett was quoted the cost to purchase pension credit for his prior City service. This quote included the additional past interest, which was referenced in the 10/5/2006 letter.

On 3/16/2018, the Board of Pensions received Mr. Lovett's appeal of the cost of pension credit for his prior City service.

Sharolyn Murphy made a motion to deny. Kellan White seconded the motion.

The motion to deny carried unanimously 8-0.

OLD BUSINESS

Case of Michelle Ximines, Application for Service-Connected Disability benefits - Plan "B"

This case was **denied** at the Board meeting held on April 28, 2016. A hearing panel was held on Wednesday, July 25, 2018.

The hearing panel recommendations are as follows:

Jacqueline Dunn:	Deny
Veronica M. Pankey:	Approve – All reported injuries not treated
Kellan White:	Deny

Case Summary:

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 which caused multiple injuries.

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

The motion to approve carried 5-3.

Case of Keith A. Jones, Application for Service-Connected Disability Benefits – Plan Y

This case was **denied** at the Board meeting held on May 24, 2017. A hearing panel was held on Wednesday, August 15, 2018.

The hearing panel recommendations are as follows:

Jacqueline Dunn:	Deny
Carol Stukes-Baylor:	Approve
Kellan White:	Approve

Case Summary:

This is an application submitted by Keith Jones, former Street Crew Chief with the Streets Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Jones, on January 26, 2015 during a snow removal and salting operation, while stepping down from the top step of a vehicle he injured his knee and leg.

Sharolyn Murphy made a motion to deny. Christopher Rupe seconded the motion. The motion to deny failed 3-5.

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

The motion to approve carried 5-3.

Case of Louise Marchetti, Application for Service-Connected Disability Benefits – Plan Y

This case was **denied** at the Board meeting held December 7, 2017. A hearing panel was held on Wednesday, July 25, 2018.

The hearing panel recommendations are as follows:

Jacqueline Dunn: Deny
Veronica Pankey: Deny
Kellan White: Deny

Case Summary:

This is an application submitted by Louise Marchetti, former Recreation Leader III with the Parks & Recreation Department for Service-Connected Disability benefits under Pension Plan Y.

According to Ms. Marchetti, on October 18, 2013 while attempting to open a stuck entrance door she states that the sudden opening of the door caused injuries to both of her shoulders and neck.

Sharolyn Murphy made a motion to deny. Christopher Rupe seconded the motion.

The motion to deny carried 5-0-3.

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

This case was **denied** at the Board meeting held on May 24, 2018. A hearing panel was held on Wednesday, August 15, 2018.

The hearing panel recommendations are as follows:

Jacqueline Dunn: Deny
Carol Stukes-Baylor: Approve
Kellan White: Deny

Case Summary:

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

According to Mr. Meredith, on September 19, 2016 he fell while trying to replace a manhole cover and injured both wrists. Mr. Meredith states that when he returned to work on or about December 20, 2016 he injured his neck and shoulder while shredding boxes of paper.

Carol Stukes-Baylor made a motion to approve. Veronica Pankey seconded the motion. The motion tied 4-4. The Chair voted to deny. The motion fails 4-5.

Sharolyn Murphy made a motion to deny. Christopher Rupe seconded the motion.
The motion tied 4-4. The Chair voted to deny. The motion to deny carried 5-4.

Case of Leora M. Tucker, Application for Service-Connected Disability Benefits - Plan "Y"

This case was **denied** at the Board meeting held on January 19, 2017. A **SAMMONS** hearing panel was held on Wednesday, August 22, 2018.

The hearing panel recommendations are as follows:

Jacqueline Dunn:	Approve
Ronald Stagliano:	Approve the application
Kellan White:	Approve

Case Summary:

This is an application submitted by Leora Tucker, former Deputy Sheriff for Service-Connected Disability benefits under Pension Plan "Y".

According to Ms. Tucker, on July 21, 2014 she was assisting a security guard with a woman in the ladies' room when she sustained her injuries. Ms. Tucker states that as they pulled the woman she heard her back crunch and immediately felt pain in her shoulders and back.

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

The motion to approve carried unanimously 8-0.

Case of Michael Rodgers, Request to Apply for Service-Connected Disability Benefits beyond the One-Year Deadline – Plan Y

This case was **denied** at the Board meeting held on June 28, 2018. A hearing panel was held on Wednesday, August 15, 2018.

The hearing panel recommendations are as follows:

Jacqueline Dunn:	Approve
Carol Stukes-Baylor:	Approve
Kellan White:	Approve

Case Summary:

This is a request by Michael Rodgers, former Water Operations Repair Helper to make application for Service-Connected Disability benefits beyond the one-year deadline under Pension Plan Y.

Michael Rodgers separated employment effective January 4, 2016.

On May 15, 2018 Mr. Rodgers submitted a letter requesting to make application for a Service-Connected Disability beyond the one-year deadline.

On May 16, 2018 an administrative denial was mailed to Mr. Rodgers. On May 21, 2018 an appeal to the Board's administrative denial was submitted by Mr. Rodgers.

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

The motion to approve carried unanimously 8-0.

Case of Kenneth Gassman – Appeal of Pension Disqualification, Plan Y

This case was **approved for permanent disqualification and contribution retention** at the Board meeting held February 22, 2018. A hearing panel was held on Wednesday, August 22, 2018.

The hearing panel recommendations are as follows:

Jacqueline Dunn:	Deny
Ronald Stagliano:	Deny the application
Kellan White:	Deny

Case Summary:

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:

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

Sharolyn Murphy made a motion to deny the appeal of the pension disqualification. Carol Stukes-Baylor seconded the motion.

The motion to deny the appeal of Kenneth Gassman's pension disqualification carried unanimously 8-0.

NEW BUSINESS

- **Executive Director's Report** – Mr. Bielli stated that training on the One Philly program will begin the second week of October, 2018.
- **Medical Panel Subcommittee** – Mr. Rubin stated that the Medical Panel Subcommittee met on April 26, 2018 and issued an RFP for Independent Medical Examination services. An RFP was initiated, and staff received and reviewed a number of responses. The subcommittee recommended keeping Dr. Weinerman as well as Eastern Orthopedics Associates. In addition, the panel recommended contracting with Rothman Institute, Juris Solutions, Inc. and the Medical Consultant Network. Mr. Rubin thanked committee members Ms. Dunn, Ms. Stukes-Baylor and Mr. White for their participation.

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

The motion to approve Dr. Brent Weinerman, Eastern PA Orthopedic Associates, Rothman Institute, Juris Solutions, Inc. and the Medical Consultant Network for the 2018 Medical Panel carried unanimously 8-0.

- **Service-Connected Disability Reexamination**

Ronald Stagliano made a motion to table the SCD Reexamination Process for 30 days. Carol Stukes-Baylor seconded the motion.

The motion to table the SCD Reexamination Process for 30 days carried unanimously 8-0.

- **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. Sharolyn Murphy seconded the motion.

The meeting adjourned at 9:45 AM.