

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of December 6, 2018**

MINUTES

On October 25, 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
 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, Abdel-Aziz Irbrahim– Investment Unit
 Jeffrey Francis, Bradley Nyce - Nationwide
 Bina Kumar, Emanuel Mahand – Nationwide
 Pam McCue – Financial Investment News
 David Smith, Kweku Obed – Marquette
 Joe Teague – VP, ICMA-RC

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

Veronica Pankey made a motion to approve the Minutes of October 25, 2018. Ronald Stagliano seconded the motion.

The motion to approve carried unanimously 8-0.

CONSIDERATION OF (127) PENSION APPLICATIONS AND (97) WITHDRAWAL APPLICATIONS

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

The motion to approve carried unanimously 8-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Lindsey M. (Carlin) Ditizio, Application for Service-Connected Disability Benefits – Plan B

This is an application submitted by Lindsey (Carlin)Ditizio, former Police Officer for Service-Connected Disability benefits under Pension Plan “B”.

According to Ms. Ditizio, on April 15, 2015 while attempting to remove an intoxicated suspect from a vehicle a struggle ensued causing injury to Ms. Ditizio’s shoulder.

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

The motion to approve carried unanimously 8-0.

Case of Jeffrey Hannan, Application for Service-Connected Disability Benefits – Plan B

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

According to Mr. Hannan, on December 30, 2015, while in the Criminal Justice Center he used the bathroom on the 7th floor. He states that while entering the room the right-hand urinal was leaking onto the floor. He further states he slipped on the floor causing injury to his left leg.

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

The motion to approve carried unanimously 8-0.

Case of Keanon Gilliam, Application for Service-Connected Disability Benefits – Plan B

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

According to Mr. Gilliam, on April 15, 2015 while breaking up a fight between a group of students his left hand and finger was injured.

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

The motion to approve carried unanimously 8-0.

Case of Walter Nejman, Application for Service-Connected Disability Benefits – Plan B

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

According to Mr. Nejman, on June 15, 2017 while placing a male suspect under arrest the suspect attempted to flee and he grabbed the strap of the suspect’s backpack entangling his hand and fingers. Mr. Nejman states that during the struggle he sustained injuries to the fingers of his left hand.

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

The motion to approve carried unanimously 8-0.

Case of Aliya T. Taylor, Application for Service-Connected Disability Benefits – Plan B

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

According to Ms. Taylor, on April 16, 2012 while responding to a sick assist call she and her partner found an elderly and rather “large” woman on the floor of her cluttered room. Ms. Taylor further states that while she and her partner were lifting the woman into her hospital bed she felt a sharp pain in her back.

Sharolyn Murphy made a motion to deny. Marsha Greene-Jones 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 Robert DeBlasis, Application for Service-Connected Disability Benefits – Plan D

This is an **administrative** application submitted on behalf of Robert DeBlasis, former Police Sergeant for Service-Connected Disability benefits under Pension Plan “D”.

Mr. DeBlasis stated that on November 18, 2017 while coming to the aid of a fellow officer, he jumped a cement barricade and injured his ankle.

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

The motion to deny carried 6-0-2.

Case of John D. Lang, Application for Service-Connected Disability Benefits- Plan D

This is an application submitted by John Lang, former Police Officer for Service-Connected Disability benefits under Pension Plan "D".

According to Mr. Lang, on April 20, 2016 while assisting five or six officers in the transportation of a deceased male the body shifted; he fell injuring his back. Mr. Lang states that the deceased male weighed between 400 to 450 pounds.

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

The motion to deny carried 4-2-2.

Case of Robin Allen, Application for Service-Connected Disability Benefits- Plan Y

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

According to Ms. Allen, on September 24, 2013 while on tour of the medical area she slipped on a slippery substance on the floor. Ms. Allen states that she attempted to get up from the floor but was hampered in her efforts because of the placement of her legs. Fire rescue transported her to the hospital.

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

The motion to approve carried 5-3.

Case of Elmo Swanson, Application for Service-Connected Disability Benefits – Plan Y

This is an application submitted by Elmo Swanson, former Laborer with the Streets Department for Service-Connected Disability benefits under Pension Plan "Y".

According to Mr. Swanson, on April 26, 2016 while pulling trash to the truck he tripped over the curb and tried to catch himself injuring both wrists and his right knee.

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

The motion to deny carried 4-0-4.

Case of Varghese Thampan, Application for Service-Connected Disability Benefits – Plan Y

This is an application submitted by Varghese Thampan, former Electronic Technician with the Streets Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Thampan, on May 5, 2015 while performing a routine street light repair he suffered second and third degree burns to his face, head, neck, chest, right arm, and left wrist.

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

The motion to approve carried unanimously 8-0.

REQUEST TO APPLY FOR SCD BENEFITS BEYOND THE ONE-YEAR DEADLINE

Case of Carlon J. Brown, Request to Apply for Service-Connected Disability Benefits Beyond the One-Year Deadline – Plan A

This is a request by Carlon J. Brown, former Firefighter, to apply for Service-Connected Disability benefits beyond the one-year deadline in Plan A.

Carlon J. Brown separated from the Fire Department effective December 1, 2002. He is currently receiving an Ordinary Disability Retirement benefit.

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

The motion to deny carried unanimously 8-0.

APPLICATION FOR SURVIVORSHIP BENEFITS

Case of John Vaccarelli, Deceased, Application for Survivorship Benefits – Plan X

This is an application for survivorship benefits by Leslie Vaccarelli as the common law/legal spouse of John A. Vaccarelli, deceased, under Option 4 in Plan X.

John A. Vaccarelli, a Firefighter, retired on August 21, 1995. He died on January 10, 2017. At the time of his retirement, Mr. Vaccarelli chose survivorship Option 4 and named his wife Leslie as his beneficiary. John and Leslie were married on August 11, 1995. Mrs. Vaccarelli is applying for common law status prior to that date to meet the survivorship option 4 two-year marriage requirement.

Carol Stukes-Baylor made a motion to approve. Brian Coughlin seconded the motion.

The motion to approve carried 5-3.

APPEAL OF ADMINISTRATIVE DENIAL TO CHANGE SURVIVORSHIP OPTION FROM 2 TO 4

Case of Angel Obozian, Appeal of Administrative Denial to Change Survivorship Option from 2 to 4 – Plan J

This is an appeal of an administrative denial by Angel Obozian to change her survivorship option from 2 to 4 in plan J.

Angel Obozian, a Social Service Program Analyst, retired on August 28, 2006. She chose survivorship option 2 naming her son, Paul Keene, then age 7 as her survivor.

On November 1, 2018, she wrote a letter to the Board requesting to change her survivorship option to 4. She stated that she is estranged from her son now age 19 and expects this estrangement to continue.

Ms. Obozian's request was administratively denied. On November 21, 2018 the Board received a letter from Ms. Obozian appealing the administrative denial.

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

The motion to deny carried unanimously 8-0.

OLD BUSINESS

Case of David Ford, Deceased, Application for Survivorship Benefits as Common-Law Spouse, Plan J

This case was denied at the Board meeting held on August 25, 2016. A hearing panel was held via telephone conference on Wednesday, June 27, 2018.

The hearing panel recommendations are as follows:

Jacqueline Dunn:	Deny
Carol Stukes-Baylor:	Approve
Marsha Greene-Jones:	Approve

Case Summary:

This is an application by Mazie Ford, widow of David Ford for Survivorship benefits in Plan J.

David Ford, former Laborer in the Streets Department, retired February 4, 1987. He elected Survivorship Option 4 at the time of retirement. He named Mazie Ashmore as the beneficiary for his life insurance.

David Ford and Mazie Ashmore were married on September 10, 1994. Mr. Ford died on February 21, 2016. Mrs. Ford submitted an application for survivorship benefits on April 4, 2016. The application was administratively denied because it did not meet the two-year requirement for Survivorship Option 4.

Mrs. Ford's attorney, Mr. William Simms, III, sent a letter dated June 8, 2016 appealing the administrative denial.

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

The motion to approve carried 5-3.

Case of Mary Hines, 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, October 24, 2018.

The hearing panel recommendations are as follows:

Leontyne Freeman:	Approve
Sharolyn Murphy, Esq.:	Approve

Case Summary:

This is an administrative application submitted by Mary Hines, former Medical Clerk with the Department of Human Services for Service-Connected Disability benefits under Plan "Y".

According to Ms. Hines sometime during 2013 she began to experience pain in her right shoulder while pulling charts. On September 3, 2013 while climbing a ladder retrieving charts her (right) foot slipped injuring her toes.

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

The motion to approve carried unanimously 8-0.

Case of James Womack, Application for Service-Connected Disability Benefits – Plan J

This case was **tabled** at the October 25, 2018 Board meeting at the request of trustee Brian Coughlin for further clarification from Dr. Robert Draper, Jr. Attached below is an addendum submitted by Dr. Draper dated November 16, 2018.

The history of the case is as follows:

This is an administrative application submitted by James Womack former Stockroom Technician with the Philadelphia Parking Authority (PPA) for Service-Connected Disability benefits under Pension Plan “J”.

According to Mr. Womack, on June 15, 2011 while lifting a case of copier paper he felt and heard a “pop” in his back, he further reports that the pain radiated down his left leg.

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

The motion to deny carried 6-0-2.

Case of Gary Rebstock, Application for Service-Connected Disability Benefits – Plan A

This case was tabled at the October 25, 2018 Board meeting at the request of trustee Brian Coughlin for further clarification. Attached is Dr. Weinerman’s report received in our office December 3, 2018.

The history of the case is as follow:

This is an application submitted by Gary Rebstock, former Firefighter for Service-Connected Disability benefits under Pension Plan “A”.

According to Mr. Rebstock, on February 15, 2016 while walking back into the fire station with his captain he slipped and fell on wet apparatus floor. Mr. Rebstock states that his knees wound up under his buttocks.

Brian Coughlin made a motion to approve. Carol Stukes-Baylor seconded the motion.

The motion to approve carried 5-3.

NEW BUSINESS

- **Executive Director’s Report** – Mr. Bielli stated we have a review of the reexamination policy for the board’s consideration – copy in the packet
- **Resolution Authorizing A Policy for Reexamination of Employees Receiving Service-Connected Disability Retirement Benefits, pursuant to The Philadelphia Public Employees Retirement Code Section 22-403**

Mr. Cousounis, Chief Compliance Officer presented to the Board a resolution authorizing a reexamination of members receiving service-connected disability benefits (SCD). He stated that the Board is at the forefront and proactive in fulfilling its fiduciary duties and monitoring the administration of the retirement system.

The recommendation is that the Board adopt the policy through a Resolution. This policy resulted from consultation from all the stakeholders, administration and elected trustees, Office of Human Resources and the Law Department. The basic guidepost was to remain faithful to the Code, fulfill the Board's fiduciary duty and be fair to the members.

In this policy there are primary documents and a manual for the procedures. Only members receiving SCD benefits that are outside of 36 months from their minimum retirement age are subject to reexamination as set forth by the Code. The Board will accept a third-party administrator through an RFP process that will administer a fair selection of that pool. Approximately 10 members will be selected annually. Once the selection has been made the files will be sent to the medical panel. There will be an initial phase where the medical exam is not necessary for those members that have certain injuries or disorders. That list is part of the packet of excluded conditions. The Board will then send out a notice to members explaining the procedure and schedule a medical exam 90 days from the date of the letter. The physician will perform the medical exam and complete a report with findings which will be submitted to the Board. The Board will decide if the member is able to resume the duties of their former position. The member will have the opportunity to appeal to the Board. If there is an appeal the Board will schedule a hearing, that hearing will be done by a panel of three members of the Board, one being an elected representative and one from administration. It would then go back to the full Board for a final determination. If the Board decides that the member is able to resume their duties it will be referred to the Office of Human Resources for reemployment consideration.

The Procedures Manual sets this all out. The initial benefit approval letter will include language that includes this new policy.

Carol Stukes-Baylor made a motion to adopt a resolution authorizing a policy for reexamination of employees receiving service-connected disability benefits. Ronald Stagliano seconded the motion.

The motion to adopt the resolution authorizing a policy for reexamination of employees receiving service-connected disability benefits, pursuant to the Philadelphia Public Employees Retirement Code Section 22-403 carried unanimously 8-0.

- **Business and Education Travel Requests**

- a. KORIED Plan Sponsor Educational Institute, Key West, Florida, January 15-18, 2019

Ronald Stagliano made a motion to approve anyone wishing to attend the KORIED Plan Sponsor Educational Institute conference in Key West, Florida. Kellan White seconded the motion.

The motion to approve Board attendance at the KORIED Plan Sponsor Educational Institute conference in Key West, Florida carried unanimously 8-0.

- Mr. Bielli stated that the Office of Open Data has been working with City departments to put information on the City's website. They have requested contract information, payments to vendors, DROP information and pension payments made. Nothing confidential will be posted online. The goal is to post public information to increase transparency.
- Plan Summary Booklets – Mr. Bielli stated that now that all of the contracts are done we are close to completing the Plan summary booklets. They should be available in the next 30-60 days.
- Mr. Bielli stated that One Philly will be done in three phases. Benefits/Human Resources, Payroll and Pensions will be phased in individually and then integrated after that point. The 20% reduction for deferred compensation and Roth are tied to the payroll piece and they will go second.
- **Litigation Summary** – Ms. Berkowitz stated that Judge Anders dismissed a couple cases because appellants did not file their briefs. The opt-out case was denied, and the commonwealth court rejected the disqualification appeal in the Dailey matter which is connected to what is going on in Federal Court. There was a conference call with Federal court and Ms. Dailey's attorney asked for the federal proceedings to remain in stay status. They are asking for permission to appeal from the Pennsylvania Supreme Court. They don't have an automatic right to appeal and the commonwealth opinion was a non-reported opinion. The commonwealth court did not think there were novel issues; they ruled on the maleficence and cited all of the cases including Tepper and found this is a valid basis.

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

The meeting adjourned at 10:00 AM.