

**CITY OF PHILADELPHIA  
BOARD OF PENSIONS AND RETIREMENT  
Meeting of April 26, 2012**

**MINUTES**

On April 26, 2012, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:12 a.m. in the Board's Conference Room.

Present: Paula Weiss  
Brian Albert  
Celia O'Leary  
Carol Stukes  
Anne Kelly King  
Ronald Stagliano  
John Reilly  
Veronica Pankey  
James Leonard

Also Attending: Francis Bielli, Mark Murphy – Board of Pensions  
Shamika Taliaferro, Dave Fegan – Board of Pensions  
Christopher DiFusco - Law Department  
Sumit Handa - Board of Pensions, Investment Unit  
Andrew Thomas – Fire Department  
Catherine Lucey – Daily News  
Chester Skaziak – Retired firefighter  
Wayne Pollack - Citizen

Paula Weiss stated that the first order of business was the consideration of the Minutes of March 22, 2012.

Ronald Stagliano made a motion to approve the Minutes of March 22, 2012. John Reilly seconded the motion.

**The motion to approve the Minutes of March 22, 2012 carried unanimously 7-0.**

**CONSIDERATION OF (130) PENSION APPLICATIONS AND (96) WITHDRAWAL APPLICATIONS**

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

**The motion to approve carried unanimously 7-0.**

**APPLICATIONS FOR SERVICE-CONNECTED DISABILITY BENEFITS****Case of Deneen Miller, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application by Deneen Miller, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Ms. Miller sustained an injury to her right shoulder while she was attempting to break up a fight while on duty. Her date of injury is July 25, 2006.

Ronald Stagliano made a motion to approve. John Reilly seconded the motion.

**The motion to approve carried unanimously 7-0.**

**Case of Ronald Page, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application by Ronald Page, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Mr. Page sustained an injury to his elbow while assisting an elderly man who had fallen on the floor. His date of injury is September 10, 2009.

Ronald Stagliano made a motion to approve. John Reilly seconded the motion.

**The motion to approve carried unanimously 7-0.**

**Case of Tanya Stancil, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application by Tanya Stancil, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Ms. Stancil sustained the injury while attempting to transport a patient in her patrol vehicle when a struggle ensued and she injured her left hand and wrist. Her date of injury is June 30, 2010.

Ronald Stagliano made a motion to send directly to a hearing panel. John Reilly seconded the motion.

**The motion to send directly to a hearing panel carried unanimously 7-0.**

**Case of Shawn W. Wilson, Application for Service-Connected Disability Benefits – Plan “B”**

This is an application by Shawn W. Wilson, former Police Sergeant, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Mr. Wilson sustained the injury while on duty and was involved in a vehicle accident. In a separate incident, he fell down a flight of stairs. He sustained injuries to his neck, back, shoulder, knee and ribs. His dates of injury are September 25, 2006 and December 4, 2009.

Ronald Stagliano made a motion to approve. John Reilly seconded the motion.

**The motion to approve carried unanimously 7-0.**

**Case of Richard Williams, Application for Service-Connected Disability Benefits – Plan “D”**

This is an “*administrative application*” on behalf of Richard Williams, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “D”.

Mr. Williams sustained the injury while on duty when he contracted a disease. The nature of Mr. Williams’ disability is limited mobility due to the disease. His date of injury is January 1, 2002.

Brian Albert made a motion to deny. Celia O’Leary seconded the motion.

**The motion to deny carried 3-0-4.**

**Case of Keith Rockingham, Application for Service-Connected Disability Benefits – Plan “J”**

This is an application by Keith Rockingham, former Custodial Worker, Airport/Commerce, for Service-Connected Disability Benefits in Plan “J”.

Mr. Rockingham sustained the injury while on duty moving a 425 pound transformer. In another incident, he injured his knee while working on a trash truck. On another occasion while he was working light duty, he was hit from behind by another vehicle injuring his arm and lower back. In another incident, he injured both arms while moving metal benches while on duty. The nature of Mr. Rockingham’s disability is limited mobility due to injuries to his arm, back, hand and rotator cuffs. His date of injury is January 6, 2011.

Brian Albert made a motion to deny. Celia O’Leary seconded the motion.

**The motion to deny carried 3-0-4.**

**Case of Anthony Harris, Application for Service-Connected Disability Benefits – Plan “Y”**

This is an application by Anthony Harris, former Building Maintenance Mechanic, Water Department, for Service-Connected Disability Benefits in Plan “Y”.

Mr. Harris sustained the injury while on duty when he was returning to his vehicle and slipped through an opened manhole. He sustained injuries to his knee and hand. His date of injury is February 24, 2010.

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

**The motion to approve carried unanimously 7-0.**

**Case of Phyllis Hines-Jones, Application for Service-Connected Disability Benefits – Plan “Y”**

This is an application by Phyllis Hines-Jones, former Correction Officer, Prisons Department, for Service-Connected Disability Benefits in Plan “Y”.

Ms. Jones sustained an injury to her knee while working when she slipped on a wet floor. Her date of injury is February 1, 2009.

Brian Albert made a motion to deny. Celia O’Leary seconded the motion.

**The motion to deny carried 3-0-4.**

**Case of Sohn Gibbons, Application for Service-Connected Disability Benefits – Plan “Y”**

This is an application by Sohn Gibbons, former Custodial Worker, Airport/Commerce Department, for Service-Connected Disability Benefits in Plan “Y”.

Mr. Gibbons sustained the injury while ascending the escalators when he fell over some equipment and twisted his back. The nature of Mr. Gibbons’ disability is limited mobility due to lower back damage, nerve and disc damage. His date of injury is September 6, 2010.

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

**The motion to approve carried unanimously 7-0.**

**Case of Joseph Pyfer, Application for Service-Connected Disability Benefits – Plan “Y”**

This is an application by Joseph Pyfer, former Equipment Operator, Department of Streets, for Service-Connected Disability Benefits in Plan “Y”.

Mr. Pyfer sustained injuries to his shoulder when he slipped off of his truck's ladder. In another instance, he also fell out of an office chair. And a third injury occurred while he was on duty and he was stepping out of his truck and slipped on some ice. His dates of injury are March 14, 2005, September 28, 2007, and February 7, 2011.

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

**The motion to approve carried unanimously 7-0.**

## **APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS BEYOND THE ONE-YEAR DEADLINE**

### **Case of Gregory Brake, Application for Service-Connected Disability Benefits Beyond the One-Year Deadline - Plan "Y"**

This is an application by Gregory Brake, Streets Department, to apply for Service-Connected Disability Benefits beyond the one-year deadline in Plan "Y".

Mr. Brake separated from the City of Philadelphia effective June 30, 2009. He was sent a vested letter on February 24, 2010 indicating his options at that time. He did not submit an application for any pension and/or disability benefits at that time. He received a lump sum benefit and has settled his case regarding his Workers' Compensation benefits. He sent a letter into the Board of Pensions dated February 15, 2012 requesting to apply for a pension based on an injury on the job. The Board of Pensions responded with a certified letter dated February 17, 2012 denying his request per the Retirement Code, Chapter 22, Section 309. On March 5, 2012, Mr. Brake appealed the decision by the Board of Pensions.

Brian Albert made a motion to deny. Celia O'Leary seconded the motion.

**The motion to deny carried 4-0-3.**

### **Case of Ora Witherspoon, Application for Service-Connected Disability Benefits Beyond the One-Year Deadline - Plan "Y"**

Ms. Witherspoon was originally approved for a Service-Connected Disability (SCD) benefit effective August 19, 2001. She continuously received benefits until August 2010, at which time it was discovered that she had returned to Active Employment with the City as a nurse with the Health Department. Her benefits were terminated per Section 22-403(5) as of August 2010. Ms. Witherspoon continued to work as a City nurse until February 9, 2011, at which time she voluntarily resigned from City employment. On August 31, 2011, she re-applied for SCD benefits. On February 7, 2012, the Board of Pensions received verification from Risk Management that there are no records of the Employee being treated for any injury on February 9, 2001.

Since the only injury noted is September 1, 1998, Employee's application was denied since her new application was received greater than one year after her first date of separation of August 19, 2001.

She is appealing the denial but did not provide any explanation.

Brian Albert made a motion to deny. Celia O'Leary seconded the motion.

**The motion to deny carried 4-1-2.**

## **REQUEST TO BE RETURNED TO THE "J" PLAN**

### **Case of Glenn S. Bozzacco, Esq., Request to be Returned to the J Plan**

When Mr. Bozzacco was originally hired by the Courts, effective 8/23/82, his pension membership was appropriately assigned to Plan J. He was one of several Court employees who elected to convert his City service to State service effective 1/1/00.

When he was rehired, effective 7/1/11, his pension membership was erroneously resumed under Plan J. This was corrected, effective 1/16/12, when his pension membership was transferred to Plan Y. He was further advised of his option to elect five year vesting by 8/6/12.

In a letter received 2/21/12, Mr. Bozzacco requested that his pension membership be returned to Plan J. In a letter dated 2/22/12, his request was administratively denied. In a letter received 3/14/12, Mr. Bozzacco appealed the administrative denial.

Carol Stukes made a motion to deny. Brian Albert seconded the motion.

**The motion to deny carried unanimously 7-0.**

## **OLD BUSINESS**

### **Case of William Hackett, Application for Service-Connected Disability Benefits – Plan "D"**

This case was **tabled** for 30 days to ensure the validity of whether or not Mr. Hackett is receiving Workers' Compensation. Mr. Hackett **is not currently** receiving Worker's Compensation benefits.

The history of the case is as follows:

This is an application by William Hackett, former Police Officer, Police Department, for Service-Connected Disability benefits in Plan "D".

Ms. Hackett sustained the injury when he slipped on ice leaving work, in the parking lot. The nature of Mr. Hackett's disability is his lower back. His date of injury is February 16, 2010.

Ronald Stagliano made a motion to table the case for 30 days. John Reilly seconded the motion.

**The motion to table for 30 days carried unanimously.**

### **Case of Christopher Wright - Reversal of Pension Disqualification**

This is an application by Christopher Wright in which he is seeking a reversal of the decision by the Board Members whereas on February 18, 2010 the Board Members approved him for Pension Disqualification.

Mr. Wright has submitted an order by the United States Court of Appeals in which the Eastern District Court of Pennsylvania vacated and remanded to the District Court for further proceedings consistent with the opinion. (See attachment).

The history of the case is as follows:

Christopher Wright was originally hired on January 4, 1988. He separated effective September 24, 2009 with 20 years, 4 months, 28 days credited service.

On January 12, 2010, Inspector General Amy L. Kurland wrote to Executive Director Gwendolyn Bell providing documentation to support a request that the Board of Pensions and Retirement consider disqualifying Christopher Wright from receiving pension benefits.

On January 19, 2010 the Board requested an opinion from the Law Department regarding Mr. Wright's pension rights.

On January 26, 2010 the Board received advice (copy attached) from Divisional Deputy City Solicitor, Christopher R. DiFusco that Mr. Wright was found guilty of the following:

- One count conspiracy to commit honest fraud services;
- One count deprivation of right to honest services of a public official; and
- One count mail fraud

Mr. DiFusco advised that Mr. Wright was convicted of offenses that trigger the forfeiture and disqualification provisions of the State Forfeiture Act and Philadelphia Retirement Code.

Carol Stukes made a motion to approve the reversal of the pension disqualification and reinstatement of pension eligibility. Veronica Pankey seconded the motion.

**The motion to reverse the pension disqualification and reinstate Mr. Wright's pension eligibility was approved unanimously 7-0.**

**Case of Ricki Howard, Application for Service-Connected Disability Benefits beyond the one year deadline - Plan “J”.**

This case was **denied** at the January 5, 2012 Board Meeting. A Hearing Panel was held on March 28, 2012.

The Hearing Panel votes are as follows:

Ms. Hilary Cornell:	Recommend approval.
Ms. Celia O’Leary:	Recommend approval to allow applying beyond one-year deadline
Ms. Veronica Pankey:	Recommend approval to allow applying beyond one-year deadline

The history of the case is as follows:

This is an application by Ricki Howard, Streets Department, for Service-Connected Disability Benefits beyond the one-year deadline in Plan “J”.

Mr. Howard separated from the City of Philadelphia effective May 26, 2009. He applied for and commenced receipt of Ordinary Disability benefits as of his effective date of May 26, 2009. At the time he made application for benefits, he did not disclose that he had applied for, and was also receiving Workers’ Compensation benefits for the same injury. He did not apply for Service-Connected Disability benefits at that time.

On July 26, 2011, the Board of Pensions notified Mr. Howard and his attorney that his Ordinary Disability benefit would be terminated effective August 31, 2011, as required by Section 22-402 of the Retirement Code, which prohibits the payment of Ordinary Disability Benefits to a member who is eligible to receive Workers’ Compensation benefits. On October 27, 2011, Mr. Howard, through his legal counsel, sought to make an application for Service-Connected Disability Benefits.

On November 23, 2011, acting upon advice of the Law Department, the Board issued an administrative denial of Mr. Howard’s request to apply for Service-Connected Disability as his application was made beyond the one year deadline of May 26, 2010. On November 29, 2011, Mr. Howard appealed the administrative denial.

The sole issue before the Board at this time is the question of whether Mr. Howard will be permitted to make an application for Service-Connected Disability benefits beyond the one-year deadline stated in the Retirement Code.

Section 22-401 of the Retirement Code was submitted to the Board for review.

Veronica Pankey made a motion to approve. Celia O’Leary seconded the motion.

**The motion to approve carried unanimously 7-0.**



## NEW BUSINESS

**Executive Director's Report** - Mr. Bielli stated that the NASP Conference in Baltimore is coming up and one trustee expressed interest in going.

John Reilly made a motion to approve Carol Stukes' request to attend the NASP Educational Conference in Baltimore, Maryland from June 17-20, 2012. Ronald Stagliano seconded the motion.

**The motion to approve Carol Stukes' request to attend the NASP Educational Conference in Baltimore, Maryland from June 17-20, 2012 carried unanimously 7-0.**

Mr. Bielli informed the Board of the following news.

- The MAPS Trustee Educational Seminar will be held in Baltimore, MD, June 7-8, 2012. Information on the seminar was available on the table.
- Financial disclosure forms are due May 1, 2012. Dave Fegan can be contacted if assistance is needed.
- The Deferred Compensation Plan third party administrator RFP was posted on April 23, 2012 and the deadline is May 14, 2012. The contract ends August 31, 2012.
- Two responses were received for the Trustee RFP. They are True Ballot and AAA.

Ms. Weiss stated that the sub-committee considered both responses to the RFP. The sub-committee found that True Ballot was more complete and provided a detailed description of the services and also a calendar for how they would provide those services. True Ballot was detailed in their budget and explained what the expenses would cover. AAA was not as responsive to the requests in the RFP. They didn't give a description that the committee felt comfortable with and their costs were in excess of \$20,000 more for the election than True Ballot. AAA gave a quote of \$70,000 and didn't explain if it included expenses. The sub-committee is recommending that the Board hire True Ballot based on the completeness and detail of their RFP as well as the expense.

Brian Albert made a motion to hire True Ballot to provide services for the Trustee Election. John Reilly seconded the motion.

**The motion to hire True Ballot for the Trustee Election carried 4-0-3.**

Mr. Reilly stated there will be an exodus from DROP in City Government in 2013. The Fire Department will lose 188 firefighters between July 1 and December 31, 2013 with 104 firefighters retiring June 29<sup>th</sup>. He discussed with Ms. O'Leary how the Fire Department and Personnel could work together to speed up the retirement process. This requires that the Board of Pensions receive the employee's Report of Separation (ROS) prior to or by the retirement

interview. Ms. O'Leary explained that the ROS cannot be processed and sent to Pensions until the employee's terminal leave audit is complete. She will meet and discuss the issue with Fire Personnel in the near future.

**Litigation Summary** – No Cases to report

Brian Albert made a motion to adjourn. Ronald Stagliano seconded the motion. The meeting adjourned at 9:25 a.m.