

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of August 30, 2012**

MINUTES

On August 30, 2012, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:04 a.m. in the Board's Conference Room.

Present: Paula Weiss
Harvey Rice
Brian Albert
Celia O'Leary
Carol Stukes
Anne Kelly King
Ronald Stagliano
John Reilly
Veronica Pankey
Hilary Cornell

Also Attending: Francis Bielli – Board of Pensions
Mark Murphy – Board of Pensions
James Leonard – Law Department
Christopher DiFusco - Law Department
Katherine Mastrobuoni – Law Department
Sumit Handa – Investment Unit
Brad Woolworth – Investment Unit
Andrew Thomas – Fire Department

Paula Weiss stated that the first order of business was the consideration of the Minutes of July 26, 2012.

John Reilly made a motion to approve the Minutes of July 26, 2012. Ronald Stagliano seconded the motion.

The motion to approve the Minutes of July 26, 2012 carried unanimously 7-0.

CONSIDERATION OF (118) PENSION APPLICATIONS AND (103) WITHDRAWAL APPLICATIONS

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

The motion to approve carried unanimously 7-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Janeen Gibson, Application for Service-Connected Disability Benefits – Plan “B”

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

Ms. Gibson sustained the injury on July 23, 2008 while attempting to handcuff a defendant. The defendant became physically combative and difficult to restrain causing back, neck, shoulder, and chest injuries to Ms. Gibson.

Hilary Cornell made a motion to deny. Brian Albert seconded the motion.

The motion to deny carried unanimously 7-0.

Case of William Roberts, Application for Service-Connected Disability Benefits – Plan “J”

This is an “*administrative application*” on behalf of William Roberts, former Laborer, Streets Department, for Service-Connected Disability Benefits in Plan “J”.

Mr. Roberts sustained the injury while on duty when he lifted a heavy can and his fingers became stiff. The nature of Mr. Roberts’ disability is limited mobility due to right shoulder strain/sprain injury. His date of injury is October 5, 1998.

Hilary Cornell made a motion to deny. Carol Stukes seconded the motion.

The motion to deny carried unanimously 7-0.

REQUEST TO WAIVE PAST INTEREST OF PRIOR GOVERNMENTAL SERVICE CREDIT PURCHASE

Case of Andrew J. Dankanich, Request to Waive Past Interest of Prior Governmental Service Credit Purchase

Mr. Dankanich was originally hired as a Police Officer Recruit effective 3/1/93. A rehire letter outlining his purchasing rights was forwarded to his address of record on 3/18/93. There is no record on file to indicate this letter was ever returned by the postal service. He received a refund of his pension contributions following his dismissal effective 6/28/97.

He was rehired by Philadelphia Parking Authority, effective 8/21/00. A rehire letter outlining his purchasing rights was forwarded to the same address of record on 10/11/00. There is no record on file to indicate this letter was ever returned by the postal service.

In applications dated 9/18/00 and 10/25/00, he applied to purchase pension credit for his prior City service. A bill outlining the costs, dated 11/16/00, was forwarded to him at the same address of record. He elected to complete this purchase via a check received and processed on 2/8/01.

Mr. Dankanich submitted a change of address form dated 12/5/03.

In an application received 3/20/12, Mr. Dankanich applied to purchase pension credit for prior governmental service. A bill dated 6/28/12 outlining the total cost of \$18,041.98, \$10,823.46 of which represented past interest, was forwarded to his address of record. In a request received 7/18/12, Mr. Dankanich requested that the past interest be waived. In a letter dated 7/18/12, his request was administratively denied. On 7/24/12, we received Mr. Dankanich's appeal of the administrative denial.

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

The motion to deny carried unanimously 7-0.

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

Case of Barry Gillins, Application for Service-Connected Disability Benefits Beyond the one-year Deadline - Plan "Y".

This is an application by Barry Gillins, Water Department, for Service-Connected Disability Benefits beyond the one-year deadline in Plan "Y".

Mr. Gillins separated from the City of Philadelphia effective June 20, 2011. He applied for Service-Connected Disability benefits on June 27, 2012. The Board of Pensions administratively denied his request in a certified letter dated June 28, 2012. He personally hand delivered an appeal to that request on July 23, 2012.

Mr. Gillins states in the hand delivered letter that "he was not aware of possible connections to his health and to his employment and would greatly appreciate the ability to move forward with the open claim to apply for Service-Connected Disability Benefits".

Carol Stukes made a motion to approve. John Reilly seconded the motion.

The motion to approve carried 4-3.

APPLICATION FOR COMMON-LAW SURVIVORSHIP BENEFITS

Case of Donald Harris Sr., Deceased, Application for Common Law Survivorship Benefits – Plan J

This is an application by Deborah Ann Harris as the common law widow of Donald Harris Sr. for survivorship benefits in Plan J.

Donald Harris Sr., a former Water Distribution Repair Worker, entered DROP on July 16, 2001. At the time of his DROP entry he chose survivorship Option 4 and named Deborah Harris, wife, as survivor. Mr. Harris retired on April 2, 2003 confirming his choice of Option 4. He died on July 2, 2012.

Ms. Harris submitted a marriage certificate dated July 9, 1994. Mr. Harris's divorce decree from his prior spouse, Mary Coleman Harris, is dated July 18, 1995. His marriage to Deborah Ann Harris was not legal since it took place before his divorce from Mary Harris. Consequently, Ms. Harris's application for survivor's benefits under Option 4 was rejected.

Ms. Harris then asked to apply as a common law spouse and a common law application was sent to her.

The earliest mention of Deborah Harris in the file is a Change of Pension Beneficiary form dated January 6, 1995. Mr. Harris named Deborah A. Harris, wife and Donald Harris, Jr., son, as joint beneficiaries. After that date, he always listed Deborah Harris as a pension beneficiary naming her as wife, either by herself or jointly with his son Donald Jr.

If Ms. Harris's common-law spouse application is approved, she would receive a \$828.23 monthly survivorship benefit.

Hilary Cornell made a motion to approve. Brian Albert seconded the motion.

The motion to approve carried unanimously 7-0.

OLD BUSINESS

Case of Guy Lacy, Deceased, Application for Survivorship Benefits As Common-Law Wife

This is an application by Darlene Lacy for survivorship benefits as the common-law widow of Guy Lacy. Ms. Lacy's case was originally deferred to a hearing panel at the Board Meeting on February 24, 2011. The hearing was held on March 30, 2011. Her case was presented for a decision by the Board Members at the April 28, 2011 Board Meeting. The Board Members denied her request for survivorship benefits and she appealed that decision to the Court of

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Common Pleas on June 16, 2011. Her case was remanded to the Board of Pensions for a full hearing. An administrative hearing regarding her case was held on July 11, 2012.

The Hearing Panel votes are as follows:

- Mr. James Leonard: Recommend denial. Failed to produce sufficient evidence of common-law marriage.
- Ms. Veronica Pankey: Recommend denial. Failure to prove common-law marriage.
- Mr. Harvey Rice: Recommend denial. Did not offer sufficient evidence to prove a common-law marriage 2 years prior to retirement.

The history of the case is as follows:

Guy Lacy, a former Laborer with the Streets Department retired on a Separation Retirement pension benefit on May 6, 2002. At the time he applied for retirement benefits, he selected Option 4 and named his adult daughter, Fallyne Lacy, as beneficiary of his pension and life insurance. Post retirement, in August of 2005, he changed the beneficiary of his life insurance to his common-law wife, Darlene Minton. Also post retirement, Guy Lacy and Darlene Minton were legally married on July 7, 2008. Mr. Lacy died November 14, 2010.

The following documents were reviewed:

1. Death Certificate regarding Guy Lacy.
2. Marriage Certificate regarding Darlene Lacy and Guy Lacy.
3. A letter stating that she and Mr. Lacy started living together in August 1987.
4. A letter stating she and Mr. Lacy were common-law for 18 years prior to their marriage.
5. Twenty Statements from friends and relatives.
6. Birth Certificate regarding Fallyn Lacy.

If approved, Ms. Lacy is eligible to receive a lifetime monthly survivorship benefit in the amount of \$811.15.

Harvey Rice made a motion to deny. Hilary Cornell seconded the motion.

The motion to deny carried 6-1.

Veronica Pankey joined the meeting at this time.

Case of Maria Rivera, Application for Ordinary Disability Benefits Plan “B”

This is an application by Maria Rivera, former Police Officer, Police Department, for Ordinary Disability Benefits in Plan “B”

Ms. Rivera sustained the injury while lifting a wheelchair bound resident and injured her neck and back. The nature of Ms. Rivera’s disability is limited mobility due to lower back pain and numbness in right leg. Her date of injury is July 11, 2007.

Ms. Rivera made application for a Service-Connected Disability benefit and was denied at the July 26, 2012 Board meeting.

Ms. Rivera submitted a request to apply for an Ordinary Disability benefit. Her request was administratively denied and Ms. Rivera has appealed the denial.

Ronald Stagliano made a motion to table for 30 days. Carol Stukes seconded the motion.

The motion to table for 30 days carried unanimously 8-0.

Case of William Hackett, Application for Service-Connected Disability Benefits – Plan “D”

This case was **tabled** at the April 26, 2012 Board Meeting. This case was **tabled** at the March 22, 2012 Board Meetings at the request of Ronald Stagliano 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 an injury to his lower back when he slipped on ice leaving work, in the parking lot. His date of injury is February 16, 2010.

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

The motion to deny carried unanimously 8-0.

Executive Director's Report – Mr. Bielli stated that Ken Kent and his team will give a presentation on the GASB rule. The seminar is scheduled for September 19, 2012 at 9:00 a.m., prior to the Asset Allocation Education Seminar.

- a. **Business and Education Travel Authorization** - Mr. Rice informed the Board that the Papers (Pennsylvania Association of Public Employees Retirement Systems) Conference will be held at the Holiday Inn at 4th and Arch Streets, September 19 and 20, 2012. He encouraged the Board members to attend so the Pension Fund will be well represented as Philadelphia is the host city and the cost is minimal.

Harvey Rice made a motion to approve Hilary Cornell and all Board Members who wish to attend the PAPERS conference on September 19 and 20, 2012. Hilary Cornell seconded the motion.

The motion to approve Hilary Cornell and all Board Members who wish to attend the PAPERS conference September 19 and 20, 2012 carried unanimously 8-0.

Ms. Stukes stated that the Trustees are requesting to attend the Public Safety Conference in New Orleans, LA from October 6–10, 2012.

Ronald Stagliano made a motion to approve Ms. Stukes, Ms. Pankey and Ms. Reilly to attend the NCPERS Public Safety Conference in New Orleans, LA from October 6-10, 2012. Brian Albert seconded the motion.

The motion to approve Carol Stukes, Veronica Pankey and John Reilly to attend the NCPERS Public Safety conference in New Orleans, LA from October 6–10, 2012 carried 7-0-1.

Litigation Summary – Mr. DiFusco stated there are two cases in Commonwealth Court. The Dilacqua brief was filed August 23, 2012, and the Board's response to the Appellant's brief in the Hummel case is due September 21, 2012.

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

The motion passed unanimously 8-0 and the meeting adjourned at 9:18 a.m.