

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
September 23, 2010**

MINUTES

Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:08 a.m. in the Board's Conference Room.

Present: Paula Weiss
Harvey Rice
Celia O'Leary
Brian Albert
Carol Stukes
Anne Kelly King
Ronald Stagliano
John Reilly
William Rubin
James Leonard

Also Attending: Francis Bielli – Pensions
Mark Murphy – Pensions
Joshua Stein – Law Dept.
Andrew Thomas – Fire Dept.
Peter Kreher – Attorney

Ms. Weiss stated that the first order of business was the consideration of the Minutes of August 26, 2010.

William Rubin made a motion to approve the minutes of August 26, 2010. Brian Albert seconded the motion.

The motion to approve the Minutes of August 26, 2010 carried unanimously 8-0.

CONSIDERATION OF (117) PENSION APPLICATIONS AND (80) WITHDRAWAL APPLICATIONS

William Rubin made a motion to approve. Carol Stukes seconded the motion.

The motion to approve carried unanimously 8-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Elsie Geraghty, Application for Service-Connected Disability Benefits – Plan “B”

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

Ms. Geraghty sustained a back injury while attempting to place hand cuffs on a combative offender.

Her date of injury is January 15, 2007.

The following reports were reviewed:

1. Determination from Dr. Wilhelmina Korevaar dated April 22, 2009.
2. Final Medical Report from Dr. Michael R. McCoy dated August 9, 2010.
3. Medical Report from Orthopedic Specialist, Dr. Barbara Frieman dated June 28, 2010.
4. Medical Report from Neurology Specialist, Dr. Michael Martin Cohen dated June 24, 2010.
5. Employee Injury Report dated January 15, 2007.
6. Letter from Police Commissioner, Charles H. Ramsey, dated April 28, 2009.

Ms. Geraghty is 61 years of age. She has 20 years, 7 months and 21 days of credited service. She is collecting Workers’ Compensation. She is currently receiving a Service Pension benefit in the amount of \$2,243.70 per month. Ms. Geraghty separated effective November 18, 2009 and applied for Service-Connected Disability Benefits on April 23, 2010. If approved, Ms. Geraghty would receive an estimated benefit of \$3,545.00.

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

The motion to approve carried unanimously 8-0.

Case of William Rodriguez, Application for Service-Connected Disability Benefits – Plan “B”

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

Mr. Rodriguez sustained injuries to his arm, shoulder, neck, legs, back and face when another vehicle ran through the light and crashed into his vehicle causing it to flip over on its side.

His date of injury is October 1, 2005.

The following reports were reviewed:

1. Determination from Dr. Wilhelmina Korevaar dated April 13, 2010.
2. Final Medical Report from Dr. Michael R. McCoy dated August 16, 2010.
3. Medical Report from Orthopedic Specialist, Dr. Steven M. Allon dated July 19, 2010.
4. Employee Injury Report dated October 1, 2005.
5. Letter from Police Commissioner, Charles H. Ramsey, dated May 4, 2010.

Mr. Rodriguez is 46 years of age. He has 11 years, 6 months and 14 days of credited service. He is currently receiving Workers' Compensation. He is not receiving a pension benefit. Mr. Rodriguez separated effective January 7, 2010 and applied for Service-Connected Disability benefits on April 12, 2010. If approved, he would receive an estimated benefit of \$3,525.03.

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

The motion to approve carried unanimously 8-0.

Case of Robert Evans, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application by Robert Evans, former Laborer, Department of Streets, for Service-Connected Disability Benefits in Plan “Y”.

Mr. Evans sustained an injury to his leg while carrying out his duties on the trash truck, when a car hit him and pinned his legs to the back of the truck.

His date of injury is August 14, 2008.

The following reports were reviewed:

1. Determination from Dr. Wilhelmina Korevaar dated January 8, 2010.
2. Employee Injury Report dated August 14, 2008.
3. Letter from Streets Commissioner, Clarena I.W. Tolson, dated January 6, 2010.

Mr. Evans is 52 years of age. He has 9 years, 1 month and 2 days of credited service. He is not currently receiving Workers' Compensation. He is not receiving a pension benefit. Mr. Evans separated effective July 21, 2010 and applied for Service-Connected Disability benefits on August 12, 2010. If approved, Mr. Evans would receive an estimated benefit of \$1,692.00.

William Rubin made a motion to approve. Carol Stukes seconded the motion.

The motion to approve carried unanimously 8-0.

APPLICATION FOR SURVIVORSHIP BENEFITS ON BEHALF OF A MINOR

Case of Sheila Howard, Deceased, Application for Ordinary Death Benefits on Behalf of Minor – Plan “J”

This is an application by Shanta M. Howard, natural mother and guardian to receive ordinary death benefits on behalf of her son, Shavahe Malik Morgan, grandson of Sheila Howard.

Sheila Howard, Caretaker for the Department of Recreation, died as an active employee on March 12, 2010. Submitted is a copy of her death certificate.

Shelia Howard named Shanta M. Howard age 40, daughter and Shavahe Malik Morgan age 9, grandson as beneficiaries. Attached is a copy of the pension beneficiary form.

Ms. Howard has submitted a statement requesting that benefits be paid directly to her on behalf of Shavahe Malik Morgan.

Also submitted is a birth certificate with parentage naming Shanta Howard as Mother.

If approved, Shanta M. Howard, will receive a monthly benefit of \$705.59 on behalf of Shavahe Malik Morgan until he reaches the age of 18 when he will receive the benefit directly.

Mr. Rubin asked if there ever was a point where a child has gotten to legal age and came back to the Board and said the money was spent inappropriately.

Joshua Stein said he has not seen that happen in the eight years he has been here.

John Reilly stated that they used to put the money away for the child until he/she was 18 years old, but the Board decided that it wasn't the Board of Pensions responsibility so they discontinued it. The guardians would also come back to the Board requesting the money for school and other necessities and the Board would then approve it, so they got out of that.

Francis Bielli stated that the Board's responsibility is to provide or not provide the benefit pursuant to the Code. If someone feels that a guardian is not fulfilling their fiduciary duty as a guardian they can file an appeal in Orphans Court.

William Rubin made a motion to approve. Carol Stukes seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Sekou Moody, Deceased, Application for Ordinary Death Benefits on Behalf of Minor Children – Plan “Y”

This is an application by Lakeisha Ray, on behalf of her children, Sekou Moody Jr., age 2, Kaya Moody, age 5, K'mirah Moody age 4, and Sakeerah Moody, age 9, for ordinary death benefits in plan Y.

Sekou Moody, former equipment operator for the Streets Department died April 14, 2010. He had 8 years of City service. He designated his four children and Lakeisha Ray, his girlfriend, as beneficiaries.

Ms. Ray submitted birth certificates for herself and her children.

Social security benefit information has been forwarded for Sekou Moody Jr., Kaya Moody, and Sakeerah Moody. No social security information has been received for K'mirah Moody as of this time.

Ms. Ray has also submitted a notarized letter which states Sekou Moody Sr., did not have any other minor children to her knowledge.

If approved, a return of pension contributions in the amount of \$1,218.00 each and a one-time additional death benefit of \$2,779.00 each are due to Lakeisha Ray and her four minor children, payable in a lump sum.

William Rubin made a motion to approve. Brian Albert seconded the motion.

The motion to approve carried unanimously 8-0.

REQUEST TO CHANGE SURVIVORSHIP OPTION

Case of Melvin Etsell, Request to Change Survivorship Option – Plan B

Melvin Etsell entered the DROP program effective May 22, 2006 and retired on May 22, 2010.

At the time of his DROP entry he elected survivorship option #1 naming his daughter as his beneficiary. In a letter dated May 4, 2010 Mr. Etsell states that he would like to change his survivorship option to number 4. He states that option #4 was not available to members of plan B at the time he entered DROP. After his DROP entry it became an option for plan B. Mr. Etsell and his wife were married on April 27, 2001; she would be the automatic beneficiary under option #4.

Therefore, Mr. Etsell requests permission from the Board to change his survivorship option.

The following documents were reviewed:

1. Letter from Melvin Etsell to appeal the denial dated August 21, 2010.
2. Letter from the Board of Pensions administratively denying his request dated July 29, 2010.
3. Letter from Melvin Etsell dated May 4, 2010

Brian Albert stated that the benefit changed after Mr. Etsell went into DROP.

Ronald Stagliano explained that when someone goes into DROP and the contract changes they receive every other benefit that is available under that contract. Mr. Estell took option #1 so this would not change his benefit in any way, except to provide survivorship benefits to his wife. He understands the Board's concerns but since it won't have to be recalculated he didn't see a reason to object. This isn't the type of thing that comes up everyday and doesn't believe it will have a great effect of cost on the Fund.

Ms. Weiss said they are concerned about it setting a precedent.

Carol Stukes added that all of the unions have been trying to get this option. They can't foresee what will happen in the future when they put things in the Ordinance. One of the things they allowed for was the right to guarantee any benefits that come under the union contract. Mr. Etsell tried to change it before he retired. In the 1970s when Pension Plan K changed to Plan J it was opened up to everyone to move into a better pension plan. She agreed also that the Board handles things case by case.

Joshua Stein stated that it's clear that once you enter DROP, you're frozen at that point and changes are not allowed. DROP employees are treated as if they retired and cannot make any changes.

Ms. Stukes talked about the health and welfare issue when the Mayor was going to change the number of years for retiree health coverage and it would have impacted the people in DROP. The question at the table then was if a DROP participant was entitled to the 5 years health coverage when they walk out the door or when they entered DROP. The Managing Director later rescinded the health and welfare changes; however the question was never answered.

Mr. Reilly stated that Firefighters received the option #4 benefit before the Police and if a clause would have been included in the arbitration contract this individual would be eligible for option #4.

James Leonard stated that under the Code it's clear that you can't permit this change. In respect to what Mr. Stagliano said, even if they consider a fiscal impact, from a legal perspective he doesn't see anything that would allow the Board to consider the financial impact on the fund.

Harvey Rice asked Mr. Stein if the Pension Code distinguishes from existing and new provisions that might be adopted when you go into DROP. His point is the Code addresses what exists

when someone goes in DROP but since they are still employees and provisions change he questioned if they still receive vacation and sick time the same as other employees.

Mr. Stein said the Code is silent as to that as opposed to other provisions in the Philadelphia Code, and civil service regulations which specifically speak to granting those rights to those who otherwise would not have had them. Under the Code, you have to make your final election at retirement and the calculation of your pension is frozen, regardless of what changes may occur subsequently, so whatever decisions you make at retirement is what you are stuck with.

Mr. Stagliano replied that a DROP employee is entitled to any pay raise, increase in sick, vacation or holiday time they would get.

Celia O'Leary pointed out that those things come under the civil service regulations.

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

The motion to approve carried 5-3.

REQUEST TO APPEAL ADMINISTRATIVE DENIAL BEYOND 30 DAY APPEAL PERIOD

Case of Edward P. McLaughlin, Request to Appeal Administrative Denial Beyond 30 Day Appeal Period

Mr. McLaughlin was hired as a Police Officer Recruit effective 10/15/01. His pension membership was assigned to Plan B.

His original application to purchase pension credit for his prior employment with PGW from 12/2/85 through 10/13/01 was received on 12/6/01. On 1/18/02, PGW verified that Mr. McLaughlin was entitled to a vested pension. In a letter dated 1/25/02, Mr. McLaughlin's application was administratively denied and he was advised of his appeal rights.

On 8/12/10, we received from Mr. McLaughlin, another application to purchase pension credit for his prior employment with PGW. On 8/16/10, we received from Mr. McLaughlin, the following letter:

"I am a Philadelphia Police Officer as of October 2001 and a former PGW employee with over sixteen years of service (12/85 thru 10/01). I have been trying to resolve an issue regarding my pension and prior service credit. On August 12, 2010 I met with Denise Capone with the Pension Board to discuss purchasing prior service pension credit. While discussing my options I was told I could purchase ten years of service credit for \$67,685. I was very surprised that the amount was so high and I was disappointed that I was never given the option

to purchase this credit in 2001 when I began my career with the police department. I understand that if I was given this option at that time (2001) when I initially applied I could have purchased my service credit for \$33,618.

I was told by the pension board that because I was vested with PGW that I did not have this option (please refer to the attached letter). I now understand that I should have been given this option to now purchase my service credit without any penalties or interest for the amount I should have been offered when I began working for the police department in 2001.

Could you please review my situation and respond to me at your earliest convenience. I can be reached at 267-243-0267 (c) or 215-742-7503 (h) if you need to call me. I certainly appreciate your consideration.”

Note: Mr. McLaughlin is referring to his option to waive his entitlement to a vested pension with PGW in order to be eligible to purchase pension credit under the City of Philadelphia’s Retirement System.

In a letter dated 8/31/10, Mr. McLaughlin’s request to appeal a prior administrative denial beyond the 30 day appeal period was administratively denied and he was advised of his appeal rights.

On 9/8/10, the following appeal was received from Mr. McLaughlin:

“This is in response to the August 31, 2010 letter I received regarding my option to purchase prior pension credit. I disagree with the noted decision and I would like to file an appeal with the Board of Pensions and Retirement.

It is stated in the letter I received that “your appeal was not received within 30 days of the letter” dated January 25, 2002. The reason it was not sent in a timely matter was because of the following. Upon receiving the denial letter in January 2002, I called the Board of Pensions to discuss the matter and was told over the phone that I should not file an appeal because I was “already vested with PGW” and I would not have an option to purchase prior pension credit. Therefore, based on my conversation with the Board of Pensions at the time a written appeal was not sent in a timely matter.

I have since realized that I do and should have the option to purchase prior pension credit if I choose to forfeit my pension with the Philadelphia Gas Works. Please consider this letter as my written appeal based on the above mentioned letter of 8/31/10 (see attached).

Thank you for your time and consideration to this matter.”

If approved, Mr. McLaughlin would only be eligible to purchase up to 10 of his nearly 16 years of employment with PGW.

Mr. Rubin asked if the approval would allow Mr. McLaughlin to purchase the credited service time for \$33,618 instead of \$67,685. His understanding is that the administrative denial decision in 2001 was incorrect. Mr. McLaughlin provided a document that says he is not entitled to a

pension at PGW and under the Code it is then permissible for him to buy the time. He asked if they are reconsidering the 2001 administrative denial. Mr. Rubin stated that Mr. McLaughlin met with Linda Donovan and he explained what he wanted to do and how he wanted to do it. He explained he would be sending a letter over refusing his pension.

Mr. Bielli stated that the approval would allow him to appeal the administrative denial that he failed to appeal in 2001. He agrees with Mr. Rubin's conclusion but not the facts. Mr. McLaughlin was not out of the PGW pension plan at the time, which is not allowed. At that time, he had not relinquished his PGW pension and he still has 16 years in the PGW pension. He believes what he is saying is he wasn't instructed by staff that he had the ability to relinquish his interest in the pension, thereby allowing him the opportunity to subsequently purchase the time. That is a question of fact and he can address that at a hearing and his credibility can be judged versus the witnesses. This approval will give him the ability to appeal the administrative denial that he didn't appeal in 2001 within the 30 days, but right now the facts are in dispute.

William Rubin made a motion to approve. Carol Stukes seconded the motion.

The motion to approve the appeal of the administrative denial beyond the 30 day deadline carried 5-3.

OLD BUSINESS

Case of George E. Zielaskowski, Application for Service-Connected Disability Benefits – Plan "J"

This case was **denied** at the December 17, 2009 Board Meeting. A Hearing Panel was held on August 18, 2010.

The Hearing Panel votes are as follows:

- | | |
|---------------------|--|
| Mr. Brian Albert: | Recommend denial.
No medical evidence of disability or evidence of connection to a work related injury provided. |
| Ms. Hilary Cornell: | Recommend denial.
Petitioner failed to submit evidence in support of his appeal. Panel had no medical evidence upon which to make a decision. |
| Ms. Carol Stukes: | Recommend denial.
Employee refused to provide medical evidence for consideration. |

The history of the case is as follows:

* This is an application by George E. Zielaskowski, former Engineering Aide, Water Department, for Service-Connected Disability Benefits in Plan "J".

Mr. Zielaskowski sustained a back injury while entering a water pit. The aluminum ladder he was standing on collapsed.

His date of injury is June 8, 2004.

The following reports were reviewed:

1. Employee Injury Report dated June 8, 2004.
2. Letter from Water Department Commissioner, Bernard Brunwasser, dated November 24, 2009.

Mr. Zielaskowski is 65 years of age. He has 19 years, 8 months and 8 days of credited service. He is collecting Workers' Compensation benefits. He is currently receiving a Service/DROP Pension benefit in the amount of \$1,604.06 per month. He applied for Service-Connected Disability Benefits on October 27, 2008. If approved, Mr. Zielaskowski would receive an estimated monthly benefit of \$1,800.00.

* **Please note that at the hearing, the applicant elected not to stipulate to the medical evidence in his case file therefore, there will be no medical opinion submitted to the Board Members, in regards to his application for service-connected disability benefits.**

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

The motion to deny carried unanimously 8-0.

Case of James Dolan, Application for Service-Connected Disability Benefits – Plan "Y"

This case was **denied** at the December 17, 2009 Board Meeting. A Hearing Panel was held on August 18, 2010.

The Hearing Panel votes are as follows:

- | | |
|---------------------|--|
| Mr. Brian Albert: | Recommend denial.
Presence of significant pre-injury conditions unrelated to work injury. |
| Ms. Hilary Cornell: | Recommend denial.
Mr. Dolan's disability is not due solely. No medical to establish that condition is not degenerative. |
| Ms. Carol Stukes: | Recommend approval.
Injury is due solely to the job. Employee had two surgeries recommended by NOVAC doctors that was not successful. |

This is an application by James Dolan, former Machinery & Equipment Mechanic, Philadelphia International Airport, for Service-Connected Disability Benefits in Plan “Y”.

Mr. Dolan sustained back and leg injuries while walking down a flight of metal steps; he slipped and fell hitting his tailbone on two steps.

His date of injury is October 2, 2007.

The following reports were reviewed:

1. Determination from Dr. Wilhelmina Korevaar dated November 17, 2008.
2. Final Medical Report from Dr. Brent Weinerman dated November 18, 2009.
3. Medical Report from Orthopedic Specialist, Dr. Arnold T. Berman dated November 9, 2009.
4. Employee Injury Report dated October 2, 2007.
5. Letter from Philadelphia Int’l Airport Safety Officer, John McCourt, dated October 23, 2009.

Mr. Dolan is 57 years of age. He has 17 years, 6 months and 17 days of credited service. He is collecting Workers’ Compensation. He is currently receiving an Optional Early service pension in the amount of \$1,137.29, effective August 31, 2009. He applied for Service-Connected Disability benefits on September 16, 2009. If approved, Mr. Dolan would receive an estimated benefit of \$2,230.00.

Carol Stukes made a motion to approve. William Rubin seconded the motion.

The motion to approve carried 5-3.

Case of Mary J. Shepherd, Application for Service-Connected Disability Benefits – Plan “Y”

This case was **denied** at the October 15, 2009 Board Meeting. A Hearing Panel was held on August 18, 2010.

The Hearing Panel votes are as follows:

- | | |
|---------------------|--|
| Mr. Brian Albert: | Recommend denial.
Chronic degenerative disc disease unrelated to a specific injury. |
| Ms. Hilary Cornell: | Recommend denial.
No evidence to establish that disability is solely due to the 5/15/04 injury.
Dr. Allen, claimant’s treating, notes claimant has pre-existing conditions.
She also settled her right to receive disability. |

Ms. Carol Stukes: Recommend approval.
Injury is due solely. Testimony showed that the employee had two work related injuries.

The history of the case is as follows:

This is an application by Mary J. Shepherd, former Custodial Worker, International Airport, for Service-Connected Disability Benefits in Plan "Y".

Ms. Shepherd sustained back and leg injuries when she was taking the trash bag out of the trashcan, and she felt a pulling in her back and pain traveled down both of her legs.

Her date of injury is May 15, 2004.

The following reports were reviewed:

1. Determination from Dr. Wilhelmina Korevaar dated July 13, 2009.
2. Final Medical Report from Dr. Brent Weinerman dated September 17, 2009.
3. Medical Report from Orthopedic Specialist, Dr. Barbara G. Frieman dated September 14, 2009.
4. Employee Injury Report dated May 15, 2004.
5. Letter from Philadelphia International Airport Safety Officer, John McCourt dated October 1, 2009.

Ms. Shepherd is 64 years of age. She has 4 years, 0 months and 15 days of credited service. She is collecting Worker's Compensation. She is not receiving a pension benefit. She applied for Service-Connected Disability benefits on May 20, 2009. If approved for a Service-Connected Disability benefit, Ms. Shepherd would receive an estimated benefit of \$1,348.50.

Carol Stukes made a motion to approve. William Rubin seconded the motion.

The motion to approve carried 5-3.

NEW BUSINESS

- **Executive Director's Report**

- a. Ratification of Travel Requests – Mr. Bielli stated that John Reilly and Carol Stukes submitted requests simultaneously with the adoption of the new travel policy. Due to the timeliness of the requests they were submitted to the Finance Director who approved them to attend the Public Safety Conference in Palm Springs, California from October 9 to October 13, 2010. This request now needs to be ratified by the Board.

William Rubin made a motion to approve. Ronald Stagliano seconded the motion.

The motion to approve carried unanimously 8-0.

- b. Approval of Travel Request - Mr. Bielli stated the second travel related issue is a request that was submitted by Ms. Stukes a few weeks after the adoption of the new policy. Due to having to obtain some additional information from FIS it was unable to be decided upon prior to September 20, 2010. The trip is for the FIS Group Client Conference September 29 to October 1, 2010 in Miami, Florida. Mr. Bielli explained that he had to check with FIS to make sure they were not underwriting any of the costs since they are a client with the City of Philadelphia. He advised that the Board is paying the same price as any other public attendee.

Ms. Stukes asked if that was the only concern with the trip as it was never questioned before. She said she would like to be informed and not hear things from an outside person. She feels as if she's being treated differently than anyone else.

Mr. Bielli replied that from his perspective, the reason for the adoption of the new policy is to insure the Board is complying with all relevant procedures. In fairness to all the board members it is part of everyone's responsibility going forward to report any information so the Board can make a informed decision consistent with the new policy.

Mr. Rice asked Mr. Bielli how long it took for FIS to get back to him and if the cost for the flight would increase due to the delay.

Mr. Bielli said it was after the last Board meeting that he first heard about this conference. Otherwise, it would have been on the table for the Board to consider. It was approximately from September 2, 2010 up to September 20, 2010, before he could get the information back from FIS. As the costs for airfare fluctuate so much it could be either an increase or decrease.

Ms. Stukes stated she was told that Rob Dubow wanted to bring it to the Board. She did not know of an inside investigation with FIS. She also mentioned there may be problem with the costs of the flights increasing, due in part to the travel agent the City uses.

William Rubin made a motion to approve. Ronald Stagliano seconded the motion.

The motion to approve carried unanimously 8-0.

- c. City Council request to discuss DROP related question with Board Actuary - Mr. Bielli stated that the actuary that City Council is using requested to speak to the Board's actuary to clarify a few questions. Out of respect for the Board the actuary wanted to run it by them to see if there was any objection. This information has been

relayed to City Council and their actuary. The Actuarial Report and the Experience Study were previously sent. There were some questions regarding the assumptions used.

Mr. Rubin questioned if Boston College spoke to the Board's actuary when they did their study.

Mr. Bielli replied that he didn't know as he came here right before the Boston College report was published. He believed that question would be better directed to the Finance Department.

- d. Training – Mr. Bielli stated that Leontyne Freeman will conduct an internal training in September on Health and Welfare. In October, the Department of Technology (DOT) will be working with all staff to train them in the use of Oracle. This is important because the Oracle system provides access to various payroll documents and service records documents that will make the process more efficient and easier for staff. DOT is now on location on a daily basis and has been very helpful in running bi-weekly and monthly reports. This provides various checks and balances to insure that payments that shouldn't go out don't and past payments that have gone out can be recovered. To this point, money is still being recovered with assistance from the Law Department.

Ms. Stukes asked if the problem with retiree checks not being direct deposited to the credit union on time has been straightened out now, since DOT is on location. She also brought up the issue of direct deposit for retiree checks and how much it would cost. She said the Board talked about this previously when they were looking at ways of saving money. They discussed the number of people still receiving paper checks and possibly issuing a type of debit card. She stated the federal government is doing it and anyone receiving social security is getting direct deposit. She understands the City is looking into it but it may take a little longer. Also, Mr. Rubin may have some concerns with his members.

Mr. Bielli stated that the problem with the direct deposit has been corrected.

- e. Other Business - Mr. Bielli stated he met with ICMA last week who is the City's deferred compensation carrier. Their annual conference of the National Association of Government Administrators took place in Philadelphia this year and Brad Nyce and Sabrina Wilkes spent a day volunteering for the Boys and Girls Club of Philadelphia.

Mr. Stagliano asked for the status of an outstanding case, Pierre McCall who calls him on a regular basis. Ms. Weiss explained that his medical information was incomplete, through no fault of his own, and it is currently being worked on.

FYI

Litigation Summary – Mr. Joshua Stein stated that the Gleason case was dismissed in Common Pleas Court on September 21, 2010. The Board's decision was affirmed in an order dated August 27, 2010 on the DeVito case. The Law Department is finalizing a settlement with the employee's widow in the Empson case and she will receive his pension going forward. Per the terms of the settlement dated August 31, 2010, Ms. Jacqueline Cooney will return \$212,000 to the Board of Pensions. This amount includes the total principal payment owed plus interest. \$150,000 has been paid already, and the rest will be recouped through a combination of pension offsets and possible additional lump sums.

ADJOURNMENT

William Rubin made a motion to adjourn. Brian Albert seconded the motion.

The meeting adjourned at 9:45.