

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of October 26, 2017**

MINUTES

On October 26, 2017, Francis Bielli called the Regular Meeting of the Board of Pensions and Retirement to order at 9:35 a.m. in the Board's Conference Room.

Present: William Rubin
Ronald Stagliano
Pedro Rodriguez
Carol Stukes-Baylor
Brian Coughlin
Veronica Pankey

Also Attending: Francis Bielli - Board of Pensions
Shamika Taliaferro – Board of Pensions
Jacqueline Dunn – Finance
Marsha Greene-Jones – Human Resources
Ellen Berkowitz, Adam Coleman– Law Department
Christopher DiFusco, Bernard Buckley – Investment Unit
Tyrone Jordon, Jim Cousounis – Investment Unit
Dominique Cherry, Eryn-Ashlei Bailey – Investment Unit
Emanuel Mahand – Nationwide
Brian Kummar – Nationwide
Arnold West – GIA Partners
Kweku Obed – Marquette Associates
Jesus Jimenez – Marquette Associates
Will Green – Loop Capital Markets
Pam McCue – Financial Investment News

Mr. Bielli called the meeting to order and stated that he would be the moderator for the day in place of Paula Weiss. Going forward, Mr. Dubow has designated Jackie Dunn to be the Alternate Chair for the Board meetings. Today Ms. Dunn is here to observe.

Ronald Stagliano made a motion to approve the Minutes of September 28, 2017. Brian Coughlin seconded the motion.

The motion to approve carried unanimously 6-0.

CONSIDERATION OF (115) PENSION APPLICATIONS AND (83) WITHDRAWAL APPLICATIONS

Veronica Pankey made a motion to approve. William Rubin seconded the motion.

The motion to approve carried unanimously 6-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Samuel Gonzalez, Application for Service-Connected Disability Benefits – Plan “A”

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

According to Mr. Gonzalez, on June 19, 2015 he was transferring a patient from a wheelchair when he felt intense pain and burning in his lower back along with numbness in his left leg.

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

The motion to approve carried 6-0.

Case of Jason Robinson, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Mr. Robinson, on October 17, 2014 while lifting a dead body he sustained injuries to hand, arm and neck.

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

The motion to approve carried 6-0.

Case of Wayne Stinson, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Mr. Stinson, on November 29, 2014 he suffered hand and wrist injuries while disarming an offender with a loaded gun. On May 24, 2016 while opening the rear door of a police vehicle his hand got stuck reinjuring his tear.

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

The motion to approve carried unanimously 6-0.

Case of Yudelitz Varona, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Ms. Varona, on December 17, 2014 while lifting (transporting) a deceased individual she suffered a tear to the left wrist. Ms. Varona states that two (2) surgeries were performed on the left wrist.

Ronald Stagliano made a motion to approve. Pedro Rodriguez seconded the motion.

The motion to approve carried 6-0.

Case of Allen Coulter, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application submitted by Allen Coulter, former Semi-skilled laborer with the Streets Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Coulter he sustained injuries to his shoulder on two separate dates; the initial injury occurred September 17, 2010 when he was operating a jackhammer and the second occurred September 16, 2014, when he struck his head, fell to the ground, and re-injured his left shoulder.

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

The motion to approve carried 5-1.

Case of David Jackson, Application for Service-Connected Disability Benefits – Plan “Y”

This is an administrative application submitted on behalf of David Jackson, former Laborer with the Streets Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Jackson, on October 7, 2011 he was struck by a vehicle and the impact forced him to the ground causing his injuries.

Pedro Rodrigues made a motion to deny. Carol Stukes-Baylor seconded the motion.

The motion to deny carried unanimously 6-0.

Case of John F. Kennedy Sr., Application for Service-Connected Disability Benefits – Plan “Y”

This is an application submitted by John Kennedy, former HVAC Mechanic II with the Water Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Kennedy, on October 27, 2015 he was removing the plastic covering from a thirty-six inch (36”) steam pipe with an electric grinder. Mr. Kennedy states that he slipped in

the mud, lost his footing, and the electric grinder dropped from his hand and was advancing toward his face. The grinder cut through his gloved right hand that had been raised to protect his face.

Pedro Rodriguez made a motion to approve. Carol Stukes-Baylor seconded the motion.

The motion to approve carried unanimously 6-0.

Case of Melvin Murphy for Service-Connected Disability Benefits – Plan “Y”

This is an application submitted by Melvin Murphy, former Heavy Equipment Operator with the Streets Department for Service-Connected Disability benefits under Pension Plan “Y”. According to Mr. Murphy, on October 7, 2015 he was operating a defective vehicle when the jostling of the vehicle was so intense that he was thrown forward causing his injuries.

Pedro Rodriguez made a motion to deny. William Rubin seconded the motion.

The motion to deny carried 5-1.

Case of Robert L. Ross, Application for Service-Connected Disability Benefits - Plan “Y”

This is an application submitted by Robert Ross, former HVAC Mechanic with the Water Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Ross, on May 21, 2015 while he was climbing out of a gator (golf cart) type vehicle he felt severe lower back pain on his right side.

Pedro Rodriguez made a motion to deny. William Rubin seconded the motion.

The motion to deny carried 2-0-4.

Case of Norwood Alderman, Application for Service-Connected Disability Benefits - Plan “Y”

This is an application submitted by Norwood Alderman, former Concrete Mobile Operator with the Streets Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Alderman, on May 21, 2015 he and a co-worker were pouring and raking concrete in Southwest Philadelphia when he felt a “real bad pain” in his lower back and upper right side.

Pedro Rodriguez made a motion to deny. No one seconded the motion.

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

The motion to approve carried 5-1.

Case of Steven Hellmuth, Application for Service-Connected Disability Benefits – Plan “D”

This is an administrative application submitted for Steven Hellmuth, former Police Officer for Service-Connected Disability benefits under Pension Plan “D”.

According to the narrative on March 6, 2013, Mr. Hellmuth slipped off a truck step and injured his left knee.

Ronald Stagliano made a motion to deny. Pedro Rodriguez seconded the motion.

The motion to deny carried unanimously 6-0.

APPEAL OF ADMINISTRATIVE DENIAL FOR MINIMUM WIDOW’S BENEFIT AS COMMON LAW/LEGAL SPOUSE

Case of Richard L. Dabney, Deceased, Appeal of Administrative Denial for Minimum Widow’s Benefit as Common Law/Legal Spouse – Plan D

This is an application by Alvinia L. Dabney as the common law/legal spouse of Richard L. Dabney, deceased, for a Minimum Widow’s survivorship benefit in Plan D.

Richard L. Dabney, a Policeman, retired with a Service Connected Disability benefit on August 7, 1971. He withdrew his contributions instead of choosing a survivorship option. He died on March 14, 2016.

On April 4, 2016, the Board received an application for a minimum widow’s survivorship benefit from his widow, Alvinia L. Dabney. Mrs. Dabney submitted a divorce decree showing that Mr. Dabney and his prior spouse, Vivian, divorced on January 23, 1975. Mrs. Dabney also submitted a marriage certificate for Mr. Dabney and herself dated June 28, 1975.

Mrs. Dabney was informed that she was not eligible for the survivorship since Mr. Dabney and she were not married two years prior to his retirement.

Mrs. Dabney wrote a letter stating she felt she had been wrongfully denied. She was subsequently administratively denied and has appealed the administrative denial.

Pedro Rodriguez made a motion to deny. Brian Coughlin seconded the motion.

The motion to deny carried 5-0-1.

OLD BUSINESS

Case of Jacquelyn L. Anderson, Application for Service-Connected Disability Benefits – Plan “Y”

This case was deferred to a hearing panel at the Board meeting held on April 27, 2017. A hearing panel was held on Wednesday, September 13, 2017.

The hearing panel recommendations are as follows:

Brian Coughlin:	Deny
Ronald Stagliano:	Deny the application
Paula Weiss, Esq.:	Deny - Ms. Anderson testified that she did not retire because she was unable to continue on the job because of an injury or disability but because of family responsibilities

This is an application submitted by Jacquelyn Anderson, former Social Work Services Manager with the Department of Corrections for Service-Connected Disability benefits under Plan Y.

According to Ms. Anderson, the first sign of her condition manifested in 2012. Ms. Anderson states that the required repetitive typing of information into a computer system over a period of years caused the injury.

Ronald Stagliano made a motion to deny. Pedro Rodriguez seconded the motion.

The motion to deny carried unanimously 6-0.

Case of Donna Howlett, Application for Service-Connected Disability Benefits - Plan “Y”

This case was denied at the Board meeting held on April 27, 2017. A hearing panel was held on Wednesday, September 13, 2017.

The hearing panel recommendations are as follows:

Brian Coughlin:	Approve – two (2) doctors state due solely
Ronald Stagliano:	Approve the application
Paula Weiss, Esq.:	Deny – injury aggravated pre-existing condition

Case Summary:

This is an application submitted by Donna Howlett, former Cashier with the First Judicial District Court for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Howlett, on February 3, 2014 as she was proceeding into work she slipped and fell on the ice, injuring her left shoulder and lower back.

Ronald Stagliano made a motion to approve. Veronica Pankey seconded the motion.

The motion to approve carried 6-0.

Case of Diane Young, Application for Service-Connected Disability Benefits - Plan “Y”

This case was denied at the Board meeting held on February 22, 2017. A hearing panel was held on Wednesday, September 13, 2017.

The hearing panel recommendations are as follows:

Brian Coughlin:	Approve
Ronald Stagliano:	Approve the application
Paula Weiss, Esq.:	Approve – medical documentation supports that injury directly caused acute radiculopathy

Case Summary:

This is an application submitted by Diane Young, former laborer with the Streets Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Young, on October 27, 2014 while she was picking up a recycling bin she tripped over an uneven pavement and stumbled causing multiple injuries to her left side, lower back and leg.

Veronica Pankey made a motion to approve. Pedro Rodriguez seconded the motion.

The motion to approve carried unanimously 6-0.

Case of Daniel Morales, Deceased, Application for Service-Connected Death Benefits – Plan “Y”

This case was denied at the Board meeting held on March 23, 2017. A hearing panel was held on Wednesday, September 27, 2017.

The hearing panel recommendations are as follows:

Francois Dutchie, Esq.:	Approve
Pedro Rodriguez:	Approved
Carol Stukes-Baylor:	Approve

Case Summary:

This is an application submitted by Joelle Morales, spouse of the late Daniel Morales for Service-Connected Death benefits under Pension Plan “Y”.

According to information contained within the COPA II and descriptive account, Daniel Morales sustained an injury on July 26, 2016. It was reported that Mr. Morales was struck on his head by a two-hundred (200) pound pipe causing scalp laceration, concussion, scalp contusion, dislocated shoulder, and torn rotator cuff. Mrs. Morales states that her husband's sanity deteriorated.

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

The motion to approve carried unanimously 6-0.

Case of Lawrence W. Tilghman, Application for Service-Connected Disability Benefits – Plan “B”

This case was tabled for 30 days at the September 28, 2017 Board meeting at the request of Carol Stukes-Baylor for further clarification.

This is an administrative application submitted by Lawrence Tilghman, former Police Officer for Service-Connected Disability benefits under Pension Plan “B”. According to Mr. Tilghman, on January 20, 2007 he was part of a narcotics strike force in the Northeast. Mr. Tilghman states that during the “takedown” two suspects fled on foot and he gave chase, his feet became entangled in the radio cord and he tripped causing his injuries.

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

The motion to approve carried unanimously 6-0.

Case of Benigno Diaz, Application for Service-Connected Disability Benefits - Plan “Y”

This case was tabled for 30 days at the September 30, 2017 Board meeting at the request of Trustee Stukes-Baylor.

This is an application submitted by Benigno Diaz, former custodial worker with the Police Department for Service-Connected Disability benefits under Pension Plan “Y”.

Mr. Diaz submitted an application for Service-Connected Disability benefits on June 15, 2016 and reported his dates of injury as 7/30/04 and 10/11/05. Risk Management provided the August 24, 2016 memorandum. Mr. Diaz corrected his reported dates of injury to 10/21/05 and 7/13/08. Risk Management provided the August 1, 2017 memorandum.

According to Mr. Diaz, on or about October 21, 2005 he was working at the Philadelphia International Airport when a floor machine hit his left knee. Mr. Diaz states that on or about July 13, 2008 he was working at Police Headquarters, when he was thrown to the floor from a pick-up truck hitting his left knee.

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

The motion to approve carried 5-1.

PENSION DISQUALIFICATION

Case of Stanley Davis – Pension Disqualification, Plan B

Stanley Davis was hired as a Police Officer Recruit on February 26, 1996 and separated from the City Police Department on May 3, 2017 after being charged in federal court for distribution of controlled substances. He ultimately pled guilty to one count of distribution pursuant to 21 U.S.C. § 841. At the time of his separation, he had 21 years, 2 months, and 7 days of credited service and took Optional Early Retirement. He has been collecting his monthly benefit of \$2888.87 since July and has \$43,031.40 in contributions remaining.

On October 19, 2017, Ellen Berkowitz, Senior Attorney, opined that Mr. Davis' crime triggered the disqualification provisions of the Philadelphia Retirement Code and that through his criminal conduct he had severed his entitlement to his pension.

Ms. Berkowitz advises the Board must vote on the following:

- Whether Mr. Davis should be permanently disqualified from pension eligibility

William Rubin made a motion to approve to permanently disqualify from pension eligibility. Ronald Stagliano seconded the motion.

The motion to approve to permanently disqualify Stanley Davis from pension eligibility carried unanimously 6-0.

The Board discussed the withholding of pension contributions and court ordered restitution. Mr. Bielli explained that because sentencing has not taken place yet a discussion about withholding contributions is premature. Ms. Berkowitz suggested discussing the issue in an executive session.

NEW BUSINESS

- **Executive Director's Report**

Mr. Bielli stated they are working with Nationwide on the Crossing Guards issue and there has been a meeting rescheduled by District Council 33 for November 2, 2017.

Business and Education Travel Report - The Travel Report for the 3rd quarter of 2017 was distributed to Board members.

- **Business and Education Travel Request** - Wharton School Investment Program, April 23-26, 2018, Philadelphia, PA

Mr. Bielli stated that the Wharton Investment Program is held in conjunction with the International Foundation and is having a four-day seminar on portfolio concepts and management. Mr. DiFusco would like to attend.

Veronica Pankey made a motion to approve Christopher DiFusco to attend the Wharton School Investment Programs. William Rubin seconded the motion.

The motion to approve Christopher DiFusco to attend the Wharton School Investment Programs at the Wharton School in Philadelphia April 23-26, 2018 carried unanimously.

Ms. Stukes asked if they could send another person from the Investment staff.

Mr. Bielli said there are multiple classes and he passes them along when they are received. People are welcome to request to go to seminars.

FYI

- **Litigation Summary** - Ms. Berkowitz stated there have been no changes since last month. Deborah Dailey (pension disqualification) has a motion pending in Federal Court to lift the stay. The judge hasn't responded yet.

Mr. Rodriguez stated that the kick-off for the City of Philadelphia Combined Campaign is today.

William Rubin made a motion to approve. Veronica Pankey seconded the motion.

The meeting adjourned at 9:50 AM.