

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of January 23, 2020**

MINUTES

On January 23, 2020, 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
 Ronald Stagliano
 Carol Stukes-Baylor (VIA TELEPHONE)
 Kellan White
 Christopher Rupe
 Marsha Greene-Jones
 Brian Coughlin
 Francois Dutchie
 Marcel Pratt

Also Attending: Francis Bielli, Shamika Taliaferro, Bill Rubin – Board of Pensions
 Ellen Berkowitz, Adam Coleman – Law Department
 Christopher DiFusco, James Cousounis – Investment Unit
 Bernard Buckley, Kristyn Bair – Investment Unit
 Dominique Cherry, Abdel-Aziz Ibrahim – Investment Unit
 Pam Cox - Financial Investment News
 Jeff Francis, Brad Nyce, Bina Kumar – Nationwide
 Kweku Obed, David Smith – Marquette
 David Robb, Kass Everett – Janney Montgomery Scott LLC

Jacqueline Dunn called the meeting to order and stated that the first order of business was the Consideration of the Minutes of December 5, 2019.

Ronald Stagliano made a motion to approve the Minutes of December 5, 2019. Kellan White seconded the motion.

The motion to approve carried unanimously 7-0.

CONSIDERATION OF 107 PENSION APPLICATIONS AND 95 WITHDRAWAL APPLICATIONS

Ronald Stagliano made a motion to approve. Christopher Rupe seconded the motion.

The motion to approve carried unanimously 7-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Christine Farmbry, Application for Service-Connected Disability Benefits – Plan B

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

According to Ms. Farmbry on March 28, 2017 while escorting a prisoner back to his cell he became resistant and physically combative. Ms. Farmbry states that during the physical altercation the prisoner yanked her arm and pushed her into the bars of the cell where she sustained her injuries. Ms. Farmbry was transported to the hospital for medical attention.

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

The motion to approve carried unanimously 7-0.

Case of Stephen C. Williams, Application for Service-Connected Disability Benefits -Plan B

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

According to Mr. Williams, on May 23, 2013 while escorting an intoxicated female to her apartment, she fell over grabbing him as she went down. Mr. Williams states that his foot was caught in a tree root when he was pulled down backwards causing injury.

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

The motion to approve carried unanimously 7-0.

Case of Fayard M. Stokes, Application for Service-Connected Disability Benefits - Plan J

This is an administrative application submitted by Fayard M. Stokes, former Emergency Water Distribution Repair Worker with the Water Department for Service-Connected Disability benefits under Pension Plan “J”.

According to Mr. Stokes on June 6, 2010, while attempting to remove a large valve box cover of a water main he sustained various injuries. Mr. Stokes states that the equipment on the truck was not operational so they began to take measures to manually remove the cover. While moving the cover to a safe location his glove caught on the (defective) lip causing multiple injuries.

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

The motion to approve carried unanimously 7-0.

Case of Michael Goode, Application for Service-Connected Disability Benefits - Plan Y

This is an application submitted by Michael Goode, former Crew Chief with the Managing Director's Office/CLIP for Service-Connected Disability benefits under Pension Plan "Y".

According to Mr. Goode, on November 20, 2013 he approached the rear of a trash truck, pushed in the handles to open the "hopper", emptied the trash can and began to remove the can when the "hopper" came down on him causing injury.

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

The motion to approve carried 6-0-1.

Case of Jaimie Harris, Application for Service-Connected Disability Benefits - Plan Y

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

According to Ms. Harris on March 2, 2016 she was assaulted by an inmate with a weapon. Ms. Harris states that she sustained multiple injuries and required corrective surgery.

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

The motion to approve carried unanimously 7-0.

Case of Ab-Del C. Tate, Application for Service-Connected Disability Benefits - Plan Y

This is an application submitted by Ab-Del C. Tate, former Laborer with the Streets Department for Service-Connected Disability benefits under Pension Plan Y.

According to Mr. Tate on June 15, 2017 he was emptying a heavy trash can into the "hopper" when the driver moved the truck forward causing him to awkwardly twist and "wrench" his back causing injuries.

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

The motion to approve carried unanimously 7-0.

Case of Shakina Thomas, Application for Service-Connected Disability Benefits – Plan Y

This is an application submitted by Shakina Thomas, former Correctional Sergeant with the Department of Corrections for Service-Connected Disability benefits under Pension Plan Y.

According to Ms. Thomas on January 9, 2018 while walking down the stairs she tripped and grabbed the railing with her left hand to brace for the impact. She further states that her finger was awkwardly caught in the handrail, breaking it in several places.

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

The motion to approve carried unanimously 7-0.

Case of Uzoma Kalu, Application for Service-Connected Disability Benefits – Plan Y

This is an application submitted by Uzoma Kalu, former Social Worker Supervisor with the Department of Human Services for Service-Connected Disability benefits under Pension Plan Y.

According to Ms. Kalu, on December 18, 2017 she slipped and fell at work causing multiple injuries.

Ronald Stagliano made a motion to table for 30 days. Brian Coughlin seconded the motion.

The motion to table for 30 days carried unanimously 7-0.

Case of Judith Nelson, Application for Service-Connected Disability Benefits -Plan Y

This is an application submitted by Judith Nelson, former Recreation Leader II with the Department of Parks & Recreation for Service-Connected Disability benefits in Pension Plan Y.

According to Ms. Nelson on December 27, 2011 she witnessed gang violence by five to ten teens against another and was thereafter required to appear in court to testify against the perpetrators. Ms. Nelson further states that she was requested to support dozens of angry teens following a murder by gunshot in an unsafe neighborhood. Over her career she was exposed to several traumatic circumstances which have contributed to her condition.

Francois Dutchie made a motion to deny. Christopher Rupe seconded the motion.

The motion to deny carried 6-0-1.

Case of Nikolay Pulukchu, Application for Service-Connected Disability Benefits – Plan Y

This is an application submitted by Nikolay Pulukchu, former Correctional Officer with the Department of Corrections for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Pulukchu on January 15, 2016, while working in the housing area and feeding an inmate another inmate kicked open the cell door striking him with the steel handle causing injuries due to the impact. He further states that on December 23, 2018 he was assaulted by an armed inmate, striking him with the weapon on the forehead and left shoulder.

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

The motion to approve carried unanimously 7-0.

APPLICATION FOR SURVIVORSHIP BENEFITS

Case of Daniel E. Bens, Jr., Deceased, Application for Survivorship Benefits – Plan J

This is an application by Gloria Bens for survivorship benefits in Plan J.

Daniel E. Bens, Jr., a Maintenance Mechanic with the Water Department, retired effective August 12, 1994. Mr. Bens died on April 14, 2019. Mr. Bens completed his retirement paperwork on October 24, 1994. He chose survivorship option 4 indicating that the “residual balance” should be paid to his Estate. He did name his fiancée Gloria Knight as his life insurance beneficiary.

Gloria Bens is applying to have the Board of Pensions recognize her 17-year marriage with Mr. Bens.

The Board reviewed documentation from the file and the evidence received from Gloria Bens.

Francois Dutchie made a motion to deny. Marsha Greene-Jones seconded the motion.

The motion to deny carried 5-0-2.

APPLICATION TO PURCHASE PENSION CREDIT FOR PERIOD FOLLOWING SEPARATION TO REINSTATEMENT

Request to purchase pension credit for period following separation to reinstatement

On April 14, 2011, Lafayette Fanning was dismissed from the Water department for disciplinary reasons. Per the terms of an arbitration award, Mr. Fanning was reinstated to employment, effective July 5, 2012, without backpay or other benefits lost.

On November 20, 2019, Mr. Fanning’s request to purchase pension credit for the period following his separation up to his reinstatement was received. Because the Retirement Code does not permit members to purchase credit for periods of separation from employment, his request was administratively denied on November 22, 2019. Mr. Fanning’s timely appeal was received on December 9, 2019.

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

The motion to deny carried unanimously 7-0.

OLD BUSINESS

Case of Gregory T. Washington, Application for Service-Connected Disability Benefits - Plan Y

This case was **tabled** at the Board meeting held on December 5, 2019 for further information from Risk Management which is included below. This is an application submitted by Gregory Washington, former Industrial Electrician II with the Commerce Department for Service-Connected Disability benefits under Pension Plan Y.

According to Mr. Washington on May 19, 2015 he hit his right elbow while unloading a pallet from the truck in the electrical shop. Mr. Washington further states that the impact caused a contusion and damage to his right elbow. Additionally, Mr. Washington states that on February 13, 2017, while exiting the “bucket truck” on airport property the wind snatched the passenger door open while his hand was on the door handle several injuries.

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

The motion to approve carried unanimously 7-0.

Case of Denise Dixon, Application for Service-Connected Disability Benefits – Plan B

This case was **denied** at the February 21, 2019 Board meeting. A hearing panel was held on November 20, 2019.

The hearing panel recommendations are as follows:

Sharolyn Murphy: Deny
Veronica Pankey: Deny
Kellan White: Deny

Case Summary:

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

According to Ms. Dixon, on June 6, 2011 while serving at a “flash mob” detail, she fell over a hump in the sidewalk. Ms. Dixon further states that she impacted the sidewalk with her knees and braced hands, and she also sustained an injury to her back.

Francois Dutchie made a motion to deny. Marsha Greene-Jones seconded the motion.

The motion to deny carried 4-0-3.

Case of John T. Mulholland, Application for Service-Connected Disability Benefits – Plan B

This case was **denied** at the September 17, 2015 Board meeting. A hearing panel was held on November 20, 2019.

The hearing panel recommendations are as follows:

Sharolyn Murphy:	Deny
Veronica Pankey	Approve
Kellan White:	Approve

Case Summary:

This is an application submitted by John Mulholland, former police officer for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. Mulholland, on May 11, 2010, he was a passenger in a patrol car that was involved in a vehicular accident. Mr. Mulholland states that the direct impact was to the rear of the vehicle causing injury to his knees, chest pain, and spinal injury.

Ronald Stagliano made a motion to table for 30 days. Brian Coughlin seconded the motion.

The motion to table for 30 days carried unanimously 7-0.

Case of Michael Carter, Application for Service-Connected Disability benefits Beyond the One-Year Deadline - Plan Y

This case was **denied** at the board meeting held on September 26, 2019. A hearing panel was held on Wednesday, December 4, 2019.

The hearing panel recommendations are as follows:

Jacqueline Dunn:	Deny
Sharolyn L. Murphy, Esq.:	Deny
Ronald Stagliano:	Deny

Case Summary:

This is an application by Michael Carter, former HVAC Mechanic Group Leader with Parks and Recreation to apply for Service-Connected Disability benefits beyond the one-year deadline.

Michael Carter separated from City service effective August 19, 2016.

July 16, 2019, the Board of Pensions and Retirement received a written request from Michael Carter to apply for Service-Connected Disability benefits beyond the One-Year deadline. Mr. Carter states that no one told him about the filing deadline.

July 17, 2019, the Board of Pensions and Retirement issued an administrative denial to his request via certified and first class mail.

August 14, 2019 & August 16, 2019, Michael Carter submitted letters of appeal via fax and first class mail.

Francois Dutchie made a motion to deny. Christopher Rupe seconded the motion.

The motion to deny carried unanimously 7-0.

Case of Basiliso Vazquez, Deceased, Application for Survivorship Benefits – Plan J

This case was **denied** at the September 26, 2019 Board meeting. A hearing panel was held on November 20, 2019.

The hearing panel recommendations are as follows:

Sharolyn Murphy:	Deny
Veronica Pankey:	Deny
Kellan White:	Approve

Case Summary:

This is an application by Luz M. Gonzalez for survivorship benefits in Plan J.

Basiliso Vazquez, a Laborer with the Streets Department retired effective October 3, 1994. Mr. Vazquez died on December 6, 2018.

At the time of his retirement, Mr. Vazquez chose survivorship option 4.

Luz M. Gonzalez is applying to have the Board of Pensions recognize her 42-year relationship with Mr. Vazquez as a common law marriage. Per Ms. Gonzalez, Mr. Vazquez' first wife died in the late 1970's and she divorced her first husband in 1976.

Francois Dutchie made a motion to deny. Christopher Rupe seconded the motion.

The motion to deny carried 3-2-2.

Case of Randall Giancaterino, Request to Purchase Pension Credit for Prior Government Service with The Mayor's Fund for Philadelphia, Inc.

This case was **denied** at the July 30, 2019 Board meeting. A hearing panel was held on November 20, 2019.

The hearing panel recommendations are as follows:

Sharolyn Murphy: Deny
Veronica Pankey: Deny
Kellan White: Deny

Case Summary

On May 3, 2019 Randall Giancaterino's application for purchase of pension credit for prior government service with The Mayor's Fund for Philadelphia Inc. was received. Because The Mayor's Fund for Philadelphia Inc. is an independent 501 (C)(3) non-profit organization, his application was administratively denied on May 28, 2019.

Mr. Giancaterino's timely appeal was received on June 12, 2019. At that time, he also offered to furnish more detailed support information. On July 10, 2019, a letter from Bonnie Grant, former Deputy City of Philadelphia Representative, was received. The letter states that the City was unable to hire Mr. Giancaterino as a City employee and instead paid him through the Mayor's Fund for Philadelphia Inc.

Francois Dutchie made a motion to deny. Christopher Rupe seconded the motion.

The motion to deny carried 6-0-1.

Case of Jaime Garcia, Deceased, Application for Survivorship Benefits under Option 4

This case was **tabled** at the September 26, 2019 Board meeting for an opinion from the Law Department. This case was sent to a hearing panel at the December 5, 2019 Board meeting pending receipt of additional documentation. Additional documents were received and were included for presentation to the Board.

Case Summary:

This is an application for survivor benefits by Ronald Garcia as the spouse of Jaime Garcia, deceased, under option 4 in Plan J.

Jaime Garcia, a Health Services Social Work Supervisor, retired on June 1, 2009. He died on February 19, 2018. At the time of his retirement, Mr. Garcia chose survivorship option 4. Jaime and Ronald Garcia were married on October 24, 2013. Mr. Ronald Garcia is applying as the legal spouse/life partner of Mr. Garcia. He said that they were in a committed partnership from July 1998 until death. He states they were unable to enter a life partnership agreement in

Philadelphia because Ronald Garcia resided in New Jersey while Jaime Garcia resided in Philadelphia.

Ronald Stagliano made a motion to send directly to a hearing panel. Kellan White seconded the motion.

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

NEW BUSINESS

Executive Director's Report – Mr. Bielli stated that the Business and Education Conference Reports for the 4th Quarter 2019 are in the folders.

The NCPERS 2020 delegate nomination conference deadline is April. You must attend the conference if you intend to be a delegate. Please notify staff if you plan on being a delegate.

The State Audit is nearing the end. The Actuarial presentation will take place at the February meeting. The official report will be prepared toward the end of March, prior to the State filing deadline.

The updated Pension Plan Booklet is completed and available online. The hard copy has been sent to Central Duplicating so hard copies of the booklet will be available soon.

The DROP seminars have been reinstated due to the large number of DROP applicants. Individual appointments are still available if needed.

Mr. Bielli has met with Barry Scott of the Risk Department and has spoken with doctors and providers from the Medical Panel regarding the need for specialists for some Service-Connected Disability Benefits applicants. Procedures have been put in place in house in an effort to expedite applicant appointments with specialists, particularly neurologists and cardiologists so the process doesn't exceed a reasonable period of time.

Carol Stukes-Baylor made a motion to approve any Board members who wish to attend the NCPERS Conference May 9-13, 2020 in Las Vegas, Nevada. Ronald Stagliano seconded the motion.

The motion to approve Board members who wish to attend the NCPERS conference May 9-13, 2020 in Las Vegas, Nevada carried unanimously 7-0.

Litigation Summary – Ms. Berkowitz stated that there are few cases currently in Court of Common Pleas. She stated that the Avery case concluded in favor of the Board of Pensions.

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

The meeting adjourned at 9:45 AM.