

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

MINUTES

On April 23, 2020, Jacqueline Dunn called the Regular Meeting of the Board of Pensions and Retirement to order at 9:34 AM. The meeting was conducted by phone conference due to the State's recommendation to close the City due to the Covid-19 epidemic.

Ms. Dunn asked the Board to approve the virtual procedures for motions, discussion and voting that were prepared by James Cousounis. For substantive motions the Chair will state the motion in the affirmative, the Board will consider the motion moved and seconded and then the Chair will ask for any comments or discussion before going into a roll call vote. For a procedural motion, the Chair will ask the Board for discussion, unless there are any objections, the motion will be declared and adopted unanimously. The Board adopted the procedures unanimously.

Present: Jacqueline Dunn
 Ronald Stagliano
 Carol Stukes-Baylor
 Kellan White
 Christopher Rupe
 Marsha Greene-Jones
 Brian Coughlin
 Veronica Pankey
 Sharolyn Murphy
 Marcel Pratt
 Francois Dutchie
 Leontyne Freeman

Also Attending: Francis Bielli, Bill Rubin – Board of Pensions
 Ellen Berkowitz, Adam Coleman – Law Department
 Christopher DiFusco, James Cousounis – Investment Unit
 Bernard Buckley, Kristyn Bair, Tyrone Jordan – Investment Unit
 Dominique Cherry, Abdel-Aziz Ibrahim – Investment Unit
 Brad Nyce, Bina Kumar, Jeff Francis – Nationwide
 Will Greene, Loop Capital
 Pam Cox, Financial Investment News

Jacqueline Dunn called the meeting to order and stated that the first order of business was the Consideration of the Minutes of February 27, 2020.

The Board voted as follows:

Brian Coughlin – Approve
Marsha Greene-Jones – Approve
Sharolyn Murphy – Approve
Veronica Pankey – Approve

Christopher Rupe – Approve
Carol Stukes-Baylor - Approve
Kellan White – Approve
Ronald Stagliano - Approve

The motion to approve carried unanimously 8-0.

CONSIDERATION OF PENSION APPLICATIONS AND WITHDRAWAL APPLICATIONS FOR JANUARY, FEBRUARY AND MARCH

The Board voted as follows:

Brian Coughlin – Approve
Marsha Greene-Jones – Approve
Sharolyn Murphy – Approve
Veronica Pankey – Approve

Christopher Rupe – Approve
Carol Stukes-Baylor - Approve
Kellan White - Approve
Ronald Stagliano - Approve

The motion to approve carried unanimously 8-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Melvin Dwyer, Application for Service-Connected Disability Benefits - Plan “J”

This is an application submitted by Michael Dwyer, former Laborer/Clerk II with the Streets Department and Department of Behavioral Health for Service-Connected Disability benefits under Pension Plan “J”.

According to Mr. Dwyer on July 1, 1996 he was emptying a heavy trash can when he sustained an injury.

The Board voted as follows:

Brian Coughlin – Approve
Marsha Greene-Jones – Deny
Sharolyn Murphy – Deny
Veronica Pankey – Approve

Christopher Rupe – Deny
Carol Stukes-Baylor - Approve
Kellan White - Approve
Ronald Stagliano - Approve

The motion to approve carried 5-3.

Case of Pedro Fernandez, Application for Service-Connected Disability Benefits - Plan Y

This is an application submitted by Pedro Fernandez, former Grounds Facilities Maintenance Worker with the Department of Parks and Recreation for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Fernandez on or about July 12, 2012 while off-loading a 100-pound container of (pool)chlorine, he tripped, the container slipped, and struck him on his hip. Mr. Fernandez further states that he sustained another injury on or about November 18, 2011 which required multiple surgeries.

The Board voted as follows:

Brian Coughlin – Approve
Marsha Greene-Jones – Deny
Sharolyn Murphy – Deny
Veronica Pankey – Approve

Christopher Rupe – Deny
Carol Stukes-Baylor - Approve
Kellan White - Approve
Ronald Stagliano - Approve

The motion to approve carried 5-3.

Case of Wanda T. Irick, Application for Service-Connected Disability Benefits - Plan Y

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

According to Ms. Irick, on February 27, 2007 she observed an inmate stabbing another inmate and attempted to open the gate to stop the fight and get medical attention for the injured inmate. Ms. Irick states while opening the gate she felt a pain, pinch, and burning tingling sensation that radiated from her back down her left leg. The altercation settled, she reported the injury to her supervisor and proceeded to the emergency room for medical treatment.

The Board voted as follows:

Brian Coughlin – Approve
Marsha Greene-Jones – Deny
Sharolyn Murphy – Deny
Veronica Pankey – Approve

Christopher Rupe – Deny
Carol Stukes-Baylor - Approve
Kellan White - Approve
Ronald Stagliano - Approve

The motion to approve carried 5-3.

Case of James Maiorna Jr., Application for Service-Connected Disability Benefits - Plan Y

This is an application submitted by James Maiorna Jr., former Masonry Group Leader with Parks and Recreation for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Maiorna, on or about February 12, 2018 while entering a building in FDR Park he stepped into a dark room with his right leg, his knee buckled and he stumbled and fell forward landing hard on his knee. Mr. Maiorna states that he righted himself and proceeded to a work assignment involving the use of a jackhammer. While operating the jackhammer his knee again buckled causing his body to go one way and the jackhammer another. He reported the incident to his supervisor and was compelled to unload his work vehicle before driving himself to the comp clinic.

The Board voted as follows:

Brian Coughlin – Approve
Marsha Greene-Jones – Approve
Sharolyn Murphy – Deny
Veronica Pankey – Approve

Christopher Rupe – Approve
Carol Stukes-Baylor - Approve
Kellan White - Approve
Ronald Stagliano - Approve

The motion to approve carried 7-1.

Case of Lusila Santiago, Application for Service-Connected Disability Benefits - Plan Y

This is an application submitted by Lusila Santiago, former Lot Officer I with the Philadelphia Parking Authority for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Santiago her duties as a Lot Officer required the repetitive use of her hand and wrist for writing, handling, and processing various documents (ticket/violations). Ms. Santiago indicates that these repetitive actions caused injuries to her hand.

The Board voted as follows:

Brian Coughlin – Approve
Marsha Greene-Jones – Approve
Sharolyn Murphy – Deny
Veronica Pankey – Approve

Christopher Rupe – Deny
Carol Stukes-Baylor - Approve
Kellan White - Approve
Ronald Stagliano - Approve

The motion to approve carried 6-2.

Case of Michael O’Brien, Application for Service-Connected Disability Benefits – Plan B

This is an application submitted by Michael O’Brien, former Police Officer for Service-Connected Disability benefits under Pension Plan “B”.

According to Mr. O’Brien, on November 12, 2016, while working bike patrol in Center City for a protest, he noticed multiple people beating on one person. As he dismounted the bike, he lost his footing while tackling the suspect, hit a wall and jumped to his feet to make the arrest causing his injuries.

The Board voted as follows:

Brian Coughlin – Approve
Marsha Greene-Jones – Approve
Sharolyn Murphy – Approve
Veronica Pankey – Approve

Christopher Rupe – Approve
Carol Stukes-Baylor - Approve
Kellan White - Approve
Ronald Stagliano - Approve

The motion to approve carried unanimously 8-0.

Case of Mary Luce-Caterino, Application for Service-Connected Disability Benefits - Plan “B”

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

According to Ms. Luce-Caterino, on March 23, 2016 while trying to push a disabled vehicle out of the flow of traffic, the vehicle rolled back injuring her wrist and fingers.

The Board voted as follows:

Brian Coughlin – Approve
Marsha Greene-Jones – Approve
Sharolyn Murphy – Approve
Veronica Pankey – Approve

Christopher Rupe – Approve
Carol Stukes-Baylor - Approve
Kellan White - Approve
Ronald Stagliano - Approve

The motion to approve carried unanimously 8-0.

Case of Leonard Harris, Deceased, Application for Survivorship Benefits under Option 4 as a Common Law Spouse/Legal Spouse – Plan J

This is an application for survivor benefits by Carolyn Harris as the common law/legal spouse of Leonard Harris, deceased, under option 4 in plan J.

Leonard Harris, a Tractor Trailer Operator, retired on May 1, 1995. He died on September 25, 2019. At the time of his retirement, Mr. Harris chose survivorship option 4. Leonard and Carolyn Harris were married on August 28, 1999. Mrs. Harris is applying for common law status prior to that date in order to meet the survivorship option 4 two year marriage requirement.

The Board reviewed the documents submitted by Carolyn Harris.

The Board voted as follows:

Brian Coughlin – Deny
Marsha Greene-Jones – Deny
Sharolyn Murphy – Deny
Veronica Pankey – Deny

Christopher Rupe – Deny
Carol Stukes-Baylor - Abstain
Kellan White - Deny
Ronald Stagliano - Deny

The motion failed and was denied 7-0-1.

OLD BUSINESS

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 and to request further information from the applicant.

This case was sent to a **hearing panel** at the Board meeting held on December 5, 2019.

The recommendations are as follows:

Leontyne Freeman:	Deny
Sharolyn Murphy, Esq.:	Deny
Veronica Pankey:	Deny

Case History:

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. 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.

The opinion from the Law Department was received November 26, 2019 and is attached.

The following additional evidence was received from Ronald Garcia on January 9, 2020.

- Sworn statement of Ronald Garcia
- Emails between Ronald and Jaime Garcia dated July 8, 2003, August 2 and 3, 1998
- Signed affidavits from Alice Frascella, Michelle Frascella, Michael Frascella, Casey Frascella, Nicole Frascella, Sandra L. Weasner, William W. Donnelly, Sandy Antonellis and Daniel Antonellis

The Board reviewed the additional evidence as well as the previous documents that were submitted.

The Board voted as follows:

Brian Coughlin – Deny	Christopher Rupe – Deny
Marsha Greene-Jones – Deny	Carol Stukes-Baylor - Deny
Sharolyn Murphy – Deny	Kellan White - Deny
Veronica Pankey – Deny	Ronald Stagliano – Deny

The motion failed. The motion was denied unanimously 8-0.

NEW BUSINESS

Executive Director's Report –Mr. Bielli stated that during this time the Pension staff is doing a great job keeping retirees and applicants current. The pension payroll has been a combined effort by Pension staff, the Treasurer's office, the City Controller's office, OIT and City Payroll. Everyone is working together to get the payroll done and he thanked all of them for their efforts.

The Trustee election is scheduled to take place in October. There were three responses to the RFP, and they will be presented at the May board meeting. The respondents are the incumbent True Ballot, who handled the 2012 and 2016 elections, MK Election Services, LLC and YES Elections.

Regarding the Trustee election, Ms. Pankey asked if the current situation stays the same, is there anything in place for postponing an election and obtaining signatures.

Mr. Bielli stated there is nothing currently in place, but we are examining the situation and will work with the Law Department during our review.

Mr. Bielli stated that one of our fellow trustees Charlie Johnson recently passed away. He was a representative who sat in Ms. Pankey's seat. He was a good man and visited the Board regularly. Charlie always had a good story, a nice word to say and could brighten your day.

Mr. Bielli also expressed condolences to Mr. Pratt and his family during this difficult time due to the passing of his Mother.

Litigation Summary – Ms. Berkowitz stated that they have a number of new cases but everything in the Court of Common Pleas is on hold. Daley filed her reply brief and there is a tentative argument scheduled for June.

A motion to adjourn has been made and seconded.

The motion to adjourn carried 8-0. The meeting adjourned at 9:50