

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of March 26, 2015**

MINUTES

On March 26, 2015, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:10a.m. in the Board's Conference Room.

Present: Paula Weiss
William Rubin
Brian Albert
Carol Stukes-Baylor
Patricia Fitzgerald
Ronald Stagliano
Andrew Thomas
Veronica Pankey
James Leonard

Also Attending: Francis Bielli - Board of Pensions
Shamika Taliaferro, Mark Murphy - Board of Pensions
Jo Rosenberger Altman – Law Department
Ellen Berkowitz, Katherine Janoski – Law Department
Brad Woolworth, Chris DiFusco, Dan Falkowski - Investment Unit
Dominique Cherry, Kristyn Bair, Aubrey Hassan – Investment Unit
Mark Johnson – Cliffwater
Steve Nesbitt - Cliffwater
Will Greene – Loop Capital Markets

Ms. Weiss stated that the first order of business was the consideration of the Minutes of February 26, 2015.

Brian Albert made a motion to approve the Minutes of February 26, 2015. Ronald Stagliano seconded the motion.

The motion to approve carried unanimously 7-0.

CONSIDERATION OF (174) PENSION APPLICATIONS AND (54) WITHDRAWAL APPLICATIONS

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

The motion to approve carried unanimously 7-0.

Veronica Pankey arrived at the meeting.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Frank J. Costanzo, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Mr. Costanzo on December 11, 2010, while responding to a radio call he was involved in a motor vehicle accident. He reports that his patrol car was travelling through an intersection when his vehicle was broadsided pinning his leg.

Ronald Stagliano made a motion to approve. Andrew Thomas seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Paul Doyle, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Mr. Doyle on April 19, 2009 he chased a suspected rapist for five or six blocks finally catching him. Mr. Doyle states that during the struggle to subdue and arrest the suspect, he injured his lower back and hip.

Ronald Stagliano made a motion to approve. Andrew Thomas seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Geneva Gallagher, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Ms. Gallagher, on January 25, 2012, while attempting to arrest a female suspect she felt a “pop” in her right arm. Ms. Gallagher further states that when the swelling subsided she experienced a shooting pain that radiated upwards from her arm toward her neck.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried 4-0-4.

Case of Anita Miller, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Ms. Miller on August 11, 2009, a violent struggle ensued involving an intoxicated male reported to be carrying a weapon. Ms. Miller states that during the struggle to subdue and arrest the suspect, she was tazered and struck several times on her hand and wrist by officers and a police supervisor involved in the skirmish.

Ronald Stagliano made a motion to approve. Andrew Thomas seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Donna Mumford, Application for Service-Connected Disability Benefits Plan “B”

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

According to Ms. Mumford, on May 21, 2007 after typing for two and one-half hours she experienced pain in her thumb and sought medical attention. Ms. Mumford further states that the injury was obtained from years of duty-related repetitive typing.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried 4-0-4.

Case of Derrick Riley, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Mr. Riley on March 6, 2008 he struck the back of his head on the top cross beam of the driver’s side door jamb of his patrol car. He complained of pain in his neck, shoulder, and upper back to his family physician on March 12, 2008.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried 4-0-4.

Case of Jeffrey L. Ryan, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Mr. Ryan, on October 28, 2012 while attempting to make an arrest he broke his right hand.

Ronald Stagliano made a motion to approve. Andrew Thomas seconded the motion.

The motion to approve carried unanimously 8-0.

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

This is an application submitted by Lakeya Fryer, former Correctional Officer, for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Fryer on July 19, 2005, while walking up stairs, she fell and injured her knee.

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

The motion to approve carried unanimously 8-0.

Case of Rabiul Hasan, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application submitted by Rabiul Hasan, former science technician, with the Water Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Hasan, as part of his job he was required to drive as early as 1:00 a.m. in the morning which created anxiety and dizziness. No specific date of injury was indicated.

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

The motion to deny carried 5-0-3.

Case of Elsie K. McCloskey, Application for Service-Connected Disability Benefits Plan “Y”

This is an application submitted by Elsie McCloskey, former school crossing guard, for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. McCloskey, on April 23, 2008 while crossing the street she twisted her knee to avoid being struck by an approaching vehicle and she heard something snap in her right knee. On February 11, 2009 as she was avoiding an approaching vehicle her left knee was injured.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried 3-1-4.

Case of Warren G. Watson, Application for Service-Connected Disability Benefits Plan “Y”

This is an application submitted by Warren Watson, former laborer, for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Watson, on March 8, 2012 while collecting trash he stepped off of a high curb onto a flattened two-liter bottle; he further states that his feet slipped and he fell landing on his left elbow, shoulder, hip, and thigh. He also states that the left side of his head was struck.

Brian Albert made a motion to deny. Patricia Fitzgerald seconded the motion.

The motion to deny carried 4-0-4.

Case of John C. Young, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application submitted by John Young, former Correctional Officer, for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Young on December 28, 2011 he slipped while stepping over a large puddle. Mr. Young states that he grabbed a pipe with his arm to break his fall and his shoulder bore the impact of his total body weight.

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

The motion to approve carried unanimously 8-0.

Case of Milton M. Mininger III, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Mr. Mininger, on September 13, 2011 he stepped into a crack in the asphalt and twisted his left ankle causing immediate bruising and pain.

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

The motion to approve carried unanimously 8-0.

Case of Roi C. Greene, Application to Purchase Pension Credit for Prior Employment with Amtrak

Mr. Greene’s application to purchase pension credit for his prior employment with Amtrak was received on 6/17/14. On 10/8/14, an Amtrak representative identified Amtrak as a private employer.

On 2/3/15, the Law Department confirmed that employment with Amtrak is not eligible for purchase.

Mr. Greene’s application was administratively denied on 2/10/15. On 2/24/15, we received Mr. Greene’s timely appeal.

Brian Albert made a motion to deny. Ronald Stagliano seconded the motion. The motion to deny carried 6-0-2.

A discussion ensued about Amtrak’s status as a private corporation and a government agency. There is currently a case before the Supreme Court which may affect the legal analysis of the case so the Board decided the case should be tabled pending the outcome of the current litigation.

Brian Albert withdrew his motion. Carol Stukes-Baylor seconded the motion.

William Rubin made a motion to table until the case is heard in the Supreme Court and it is clearly defined if Amtrak is a private or public employer. Veronica Pankey seconded the motion.

The motion to table the case pending the outcome of current litigation before the Supreme Court carried 7-0-1.

OLD BUSINESS

Case of Barbara Bryant-El, Application for Survivorship benefits as the Common-law spouse of the late Robert Bryant– Plan “J”

This case was **tabled** at the Board meetings held on February 27, 2014 and March 27, 2014; the case was **denied** at the Board meeting held on December 4, 2014. A hearing panel was held on February 4, 2015.

The hearing panel votes are as follows:

Mr. Andrew Thomas:	Recommend denial §22-304 - Ms. Bryant affirmed that Robert Bryant was married to Ms. Ruth Gaines until they divorced in October 1984
Ms. Veronica M. Pankey:	Recommend denial Robert Bryant divorced in 1984 but retired in 1984 thereby eliminating the seven (7) years of common-law establishment prior to retirement date
Ms. Patricia Fitzgerald:	Recommend denial

Case Summary:

This is an application submitted by Barbara Bryant requesting that the Board recognize their relationship as a common-law marriage and award her survivorship benefits under option four (4).

The Board reviewed documents submitted by Barbara Bryant and information from the pension file.

If approved for survivorship benefits, Barbara Bryant-El would receive an estimated monthly benefit in the amount of \$375.53.

Brian Albert made a motion to deny. Andrew Thomas seconded the motion.

The motion to deny carried unanimously 8-0.

Case of Elizabeth Turner, Application for Survivorship benefits as the dependent parent of the late Ramona Turner– Plan “J”

This case was **tabled** at the board meetings held on February 27, 2014 and March 27, 2014; the case was **denied** at the board meeting held on December 4, 2014. A hearing panel was held on February 4, 2015.

The hearing panel votes are as follows:

Mr. Andrew Thomas: Recommend approval
Ambiguity in the code from option 4- §22-306 and §22-702. Ms. Turner testified under oath that she was dependent upon daughter

Ms. Veronica M. Pankey: Recommend approval
Based on testimony presented and DROP form

Ms. Patricia Fitzgerald: Recommend approval

Case Summary:

This is an application submitted by Elizabeth Turner, dependent parent of the late Ramona Turner for survivorship benefits under Pension Plan “J”.

Ramona Turner, former health care aid, retired on March 1, 2004 and elected survivorship option four (4). Ms. Turner died on September 5, 2009.

Elizabeth Turner is ninety-one (91) years of age.

If approved for survivorship benefits, Elizabeth Turner would receive an estimated monthly benefit in the amount of \$495.36.

Veronica Pankey made a motion to approve. Brian Albert seconded the motion.

The motion to approve carried unanimously 8-0.

NEW BUSINESS

- **Executive Director’s Report** – Mr. Bielli stated that in the Board’s folders there is a letter from Ken Kent dated March 20, 2015 regarding the Pension Adjustment Fund. The Board approved a one-time distribution from the PAF to retirees, survivors and beneficiaries who were in active payee status as of June 30, 2014 and receiving a benefit on or before June 30, 2004. The bonus will be payable on the April 30th payroll.

- A hard copy of the Actuarial Report was previously distributed to the Board and there is now an updated electronic copy which will be sent to the Board. There was a one-word correction to the report.
- On April 13, 2015 from 9:00-12:00 p.m. Cliffwater will be assisting staff in presenting a hedge fund education seminar.

Business and Education Travel Request

Ms. Stukes-Baylor and Ms. Pankey previously requested to attend the NCPERS Conference in New Orleans, LA from May 1-7, 2015.

Mr. Stagliano made a motion to approve any Board members who wished to attend the NCPERS Conference. William Rubin seconded the motion.

The motion to approve Carol Stukes-Baylor and Veronica Pankey to attend the NCPERS Conference in New Orleans from May 1-7, 2015 carried unanimously 8-0.

Mr. Rubin had concerns regarding how Dr. Howarth conducts her medical evaluations and makes a determination. A discussion ensued about Dr. Howarth and the medical panel.

Mr. Beilli stated that Dr. Howarth's responsibilities are to review the records and make an initial determination. He would talk to Mr. Scott and Dr. Howarth and see if it's necessary to bring them in for a review.

FYI

Litigation Summary – Ms. Rosenberger-Altman stated that there was one item to add to the Litigation report. Rex Rosiji filed a declaratory judgment action in Common Pleas Court on March 16, 2015 to enforce a settlement agreement. There was an administrative denial from the Board that wasn't appealed to the full board. The Law Department will be filing a motion to dismiss in Court.

Update on Fairmount Park Trust and Purchase of Credit - Ms. Berkowitz met with pension staff briefly to discuss potential questions that might be asked by the former employees of the Fairmount Park Trust that may be coming to purchase their credited service. Training will be given within the next two weeks. Ms. Pankey and Ms. Stukes-Baylor will be attending and have also given feedback on the frequently asked questions.

Ms. Berkowitz also met with Mr. Nyce on how to set up the 457 accounts so that money can be rolled over from a 401A account if they choose to use their distribution to purchase service. The notices are ready to go out and they are waiting for the Park to identify a bank to hold any funds for people who do not respond to the letter about what to do with their money. Once the plan is terminated it has to be liquidated so the money would be put into an account if a response isn't received.

The Law Department will be scheduling information sessions for employees before the notice goes out and it will include a letter from ICMA with instructions on how to set up an account. It has been confirmed that between one-third and one-half of the employees already have 457 accounts set up.

Ms. Pankey stated she spoke to the union representative and she had two proposed dates. The union and Personnel department expressed they would like to have the information sessions held at the Horticultural Center in the Park because the majority of the employees work there.

Mr. Leonard stated that they will do the staff training first, then the letters will go out and the information sessions would follow after. They will be in contact with Ms. Pankey and Ms. Stukes-Baylor to work out the details.

Brian Albert made a motion to adjourn. Carol Stukes-Baylor seconded the motion.

The meeting adjourned at 9:40 am.