

**CITY OF PHILADELPHIA  
BOARD OF PENSIONS AND RETIREMENT  
Meeting of June 27, 2019**

**MINUTES**

On June 27, 2019, Jacqueline Dunn called the Regular Meeting of the Board of Pensions and Retirement to order at 9:30 AM in the Board's Conference Room.

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

Also Attending:       Francis Bielli - Board of Pensions  
                              Shamika Taliaferro – Board of Pensions  
                              Bill Rubin – Board of Pensions  
                              Christopher DiFusco, Bernard Buckley – Investment Unit  
                              Jim Cousounis, Tyrone Jordan – Investment Unit  
                              Dominique Cherry, Abdel-Aziz Irbrahim - Investments  
                              Will Greene – Loop Capital  
                              Pam McCue – Financial Investment News  
                              Brad Nyce, Bina Kumar, Candice McCloud, Jeff Francis – Nationwide  
                              Louis Coutune, Michael Francisco, Law Department Interns  
                              Ellen Berkowitz, Adam Coleman, Law Department  
                              Dave Smith – Marquette

Jacqueline Dunn called the meeting to order and stated that the first order of business was the Consideration of the Minutes of May 30, 2019.

Ronald Stagliano made a motion to approve the Minutes of May 30, 2019. Christopher Rupe seconded the motion.

**The motion to approve carried unanimously 8-0.**

**CONSIDERATION OF (117) PENSION APPLICATIONS AND (383) WITHDRAWAL APPLICATIONS**

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

**The motion to approve carried unanimously 8-0.**

## **APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS**

### **Case of Jennifer L. Leissner, Application for Service-Connected Disability Benefits - Plan B**

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

According to Ms. Leissner, on January 28, 2013 she was placing the assigned police radios into the charging docks. The docks were located on the top shelf of the operations room. Ms. Leissner states that when she brought her right arm down it slammed onto the metal shelf below the shelves causing injury.

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

**The motion to approve carried 5-3.**

### **Case of Steven Mitchell, Application for Service-Connected Disability Benefits - Plan B**

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

According to Mr. Mitchell, on July 12, 2015 he was a passenger in a patrol car that was involved in a vehicular accident. Mr. Mitchell states that the impact caused the airbags to deploy, and he sustained multiple injuries.

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

**The motion to approve carried 5-3.**

### **Case of Anthony Muoio, Application for Service-Connected Disability Benefits - Plan Y**

This is an application submitted by Anthony Muoio, former Heavy Duty Vehicle Maintenance Technician with the Office of Fleet Management for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Muoio, on October 27, 2016 after lifting the hood of a truck he twisted his body to hold it in place and engage the lock when he heard a “popping” noise and immediately felt pain in his shoulder.

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

**The motion to approve carried unanimously 8-0.**

**Case of Walter Desmond II, Application for Service-Connected Disability Benefits - Plan Y**

This is an application submitted by Walter V. Desmond, II, former Heavy Equipment Operator with the Streets Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Desmond on September 18, 2015, while dumping his truck at the Ellsworth Street location, another truck backed up, sideswiped his truck and struck him in the process.

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

**The motion to approve carried 7-1.**

**Case of Keith Griggs, Application for Service-Connected Disability Benefits - Plan Y**

This is an application submitted by Keith Griggs, former Heavy Equipment Operator with the Streets Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Griggs on January 6, 2015, while retrieving a work vehicle he slipped into a snow-covered hole. He suffered multiple injuries and was found unconscious by his supervisor and then immediately transported to the emergency room for medical treatment.

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

**The motion to approve carried unanimously 8-0.**

**Case of KeAndra Ross, Application for Service-Connected Disability Benefits - Plan Y**

This is an application submitted by KeAndra Ross, former Crossing Guard with the Police Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Ross, on January 21, 2014 schools were dismissed early due to inclement weather. As she approached her corner she fell and sustained a broken right leg and injury to her back.

Sharolyn Murphy made a motion to deny. Christopher Rupe seconded the motion.  
The motion to deny failed 3-5.

A discussion ensued, and the Board decided to send the case to a hearing panel and make additional requests to the City departments and the applicant for documentation which indicates the date of injury.

Ronald Stagliano made a motion to defer to a hearing panel. Sharolyn Murphy seconded the motion.

**The motion to defer to a hearing panel carried unanimously 8-0.**

**APPLICATION FOR SURVIVORSHIP BENEFITS ON BEHALF ON A MEDICALLY DEPENDENT ADULT CHILD**

**Case of Marion Rogers, Deceased, Application for Survivorship Benefits on Behalf of a Medically Dependent Adult Child Plan D**

This is an application by Kevin H. Rogers, son of Marion Rogers, to receive Survivorship benefits as the Medically Dependent Adult Child (MDAC) under Plan D.

Retired Police Officer Marion Rogers died on October 17, 1988. He retired from the Police Department effective October 30, 1987.

Mr. Rogers chose Survivorship Option 4 when he retired. His wife, Evelyn F. Rogers, collected the survivorship benefit from October 18, 1988 until her death on September 10, 2018. Kevin H. Rogers's brother, Craig A. Rogers is his Power of Attorney.

Sharolyn Murphy made a motion to deny. Christopher Rupe seconded the motion.

**The motion to deny carried 7-0-1.**

**APPLICATION FOR SURVIVORSHIP BENEFITS UNDER OPTION 4 AS A COMMON LAW/LEGAL SPOUSE**

**Case of Swails McClary, Deceased, Application for Survivorship Benefits under Option 4 as a Common Law Spouse/Legal Spouse – Plan D**

This is an application for survivor benefits by Theresa Clark as the common law/legal spouse of Swails McClary, deceased, under option 4 in plan D.

Swails McClary, a Police Officer, retired on March 22, 2001. He died on January 20, 2019. At the time of his retirement, Mr. McClary chose survivorship option 4. Swails and Theresa Clark were married on April 9, 1983. Ms. Clark is applying for common law status because while they divorced in 2005, they reunited in 2009 and remained together until his death in 2019.

Sharolyn Murphy made a motion to deny. Christopher Rupe seconded the motion.

**The motion to deny carried 7-0-1.**

## **REQUEST TO BECOME A MEMBER OF PLAN Y**

### **Case of Troy Bolden, Request to become a member of Pension Plan Y**

Troy Bolden was hired on October 17, 2016 as a Water Operations Repair Helper. This is a District Council 33 represented position.

Bill No. 161013 was signed by the Mayor on December 9, 2016. This bill amended the Public Employees Retirement System to create a new pension plan entitled "Plan 16". The Bill states that all employees represented by AFSCME District Council 33 hired or re-hired on or after August 20, 2016 shall be members of Plan 16.

On May 13, 2019, Mr. Bolden sent an email, appealing his placement in Plan 16. On May 13, 2019, his appeal was administratively denied. His timely appeal was received on June 12, 2019.

Sharolyn Murphy made a motion to deny. Christopher Rupe seconded the motion.

**The motion to deny carried 7-0-1.**

## **OLD BUSINESS**

### **Case of Elizabeth Strange, Application for Service-Connected Disability Benefits –Plan B**

This case was **denied** at the Board meeting held on July 20, 2017. A hearing panel was held on Wednesday, March 27, 2019.

The hearing panel recommendations are as follows:

Carol Stukes- Baylor:	Approve
Veronica M. Pankey:	Approve
Marsha Greene-Jones:	Deny

#### **Case Summary:**

This is an application submitted by Elizabeth Strange, former police officer for Service-Connected Disability benefits under Pension Plan "B".

According to Ms. Strange, on June 18, 2013 she was attempting to handcuff and remove an unruly male from a homeless shelter when a scuffle ensued. Ms. Strange indicates that the male was under the influence of an unknown narcotic. During the altercation Ms. Strange states that she fell to the cement floor twice injuring her neck.

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

**The motion to approve carried 5-3.**

**Case of Louis A. DiRenzo III, Appeal of Administrative Denial of application for DROP Enrollment – Plan J**

This case was **deferred to a hearing panel** at the Board meeting held on January 24, 2019. A hearing panel was held on Wednesday, April 17, 2019.

The hearing panel recommendations are as follows:

Carol Stukes-Baylor:	Deny
Jacqueline Dunn:	Deny
Kellan White:	Deny

Case History:

This is an appeal by Louis A. DiRenzo III, Deputy of Probate Services for the Register of Wills, of the Administrative Denial of his application for the DROP program.

Mr. DiRenzo, a member of Pension Plan J, will turn age 55 on March 17, 2019. He contacted the staff at the Board of Pensions and Retirement and inquired about his ability to enter DROP at age 55 based on the language of the 2017-2020 Sheriffs and Register of Wills contract.

The contract eliminates the requisite that members wait two years beyond the minimum retirement age to enter DROP.

Staff forwarded a letter to Mr. DiRenzo on December 4, 2018 informing him that, based on his position as Deputy of Probate Services, any application for DROP entry whose start date is prior to two (2) years following the attainment of the minimum retirement age of his pension plan would be administratively denied.

Mr. DiRenzo submitted an application for DROP enrollment on December 12, 2018. Staff forwarded a letter dated January 8, 2019 administratively denying his DROP application and informing him of his appeal rights. In a letter dated January 14, 2019, Mr. DiRenzo appealed the board's decision.

If the Board approves Mr. DiRenzo's appeal, he would be entitled to enter the DROP program effective March 25, 2019.

Sharolyn Murphy made a motion to deny. Carol Stukes-Baylor seconded the motion.

**The motion to deny carried unanimously 8-0.**

## **NEW BUSINESS**

**Executive Director's Report** – Mr. Bielli updated the Board on the following:

- The annual CLA audit is underway and will run from now to the Fall.
- The new pension contribution rates have been loaded to the City payroll system.
- The new contributions for Exempt and Non-rep employees started July 1, 2019.
- The edits for the Board of Pension booklets were being done in June.

DROP instructions that were put into the legacy system did not carry over to the One Philly System so a few people in DROP experienced their contributions restarting. That has been corrected and the refunds have been processed.

### **Business and Education Travel Authorization**

- NASP 30<sup>th</sup> Anniversary Pension & Financial Services Conference June 24-26, 2019  
Baltimore, MD

Ronald Stagliano made a motion to retroactively approve Ms. Stukes-Baylor's attendance at the yearly NASP conference. Veronica Pankey seconded the motion.

**The motion to approve Carol Stukes-Baylor's attendance at the NASP conference June 24-26, 2019 in Baltimore, MD carried unanimously 8-0.**

Ms. Stukes-Baylor thanked the Board for approving her attendance and stated that it was very interesting and educational. She would give a full report at the Investment Committee meeting.

**Litigation Summary** – Ms. Berkowitz stated that they filed a motion to dismiss in the Daley case (disqualification) and there are two cases in Commonwealth Court.

Ms. Berkowitz stated that she investigated the issue of whether elected Board members could have designees sit at Board meetings and the answer is No. She explained that the Board is created by the City Charter and the process for appointing designees specifically speaks to members of the Board from administration, it does not include the elected board members. The reasoning for that is Board members are elected and the members are not electing an alternate. She added that proxies are generally not permissible in meetings of directors.

Mr. Bielli stated that the Sunshine Act defines a quorum by including people who participate by conference call so that is permissible. There are also Board Rules which could specifically address that issue. The Law Department could look at that in more detail.

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

**The meeting adjourned at 9:50 AM.**