

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of April 27, 2017**

MINUTES

On April 27, 2017, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:30 a.m. in the Board's Conference Room.

Present: Paula Weiss
William Rubin
Brian Abernathy
Pedro Rodriguez
Carol Stukes-Baylor
Ronald Stagliano
Brian Coughlin
Veronica Pankey
David Magaldi

Also Attending: Francis Bielli - Board of Pensions
Shamika Taliaferro – Board of Pensions
Jo Rosenberger Altman, Brendan O'Rourke – Law Department
Ellen Berkowitz, Adam Coleman– Law Department
Patricia Fitzgerald, Human Resources
Christopher DiFusco, Bernard Buckley – Investment Unit
Tyrone Jordon, Kristyn Bair, Eyrn-Ashlie Bailey – Investment Unit
Dave Smith – Marquette
Jeff Francis – Nationwide- VP East Region
Skip Corkran – Macquarie (Delaware)
Will Greene – Loop Capital
Pam McCue – Financial Investment News
Bob O'Donnell – Controller's Office

Ms. Weiss called the meeting to order and stated that the first order of business was the consideration of the Minutes of March 23, 2017.

William Rubin made a motion to approve the Minutes of March 23, 2017. Pedro Rodriguez seconded the motion.

The motion to approve carried unanimously 8-0.

CONSIDERATION OF 144 PENSION APPLICATIONS AND 73 WITHDRAWAL APPLICATIONS

William Rubin made a motion to approve. Ronald Stagliano seconded the motion.

The motion to approve carried unanimously 8-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Deborah Hill, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Ms. Hill, on December 1, 2013 she was on duty attempting to apprehend an individual with a gun when her right index finger was entangled in in his coat and zipper. Ms. Hill states that her finger was bent backwards, bruised and swollen during the struggle.

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

The motion to approve carried unanimously 8-0.

Case of John A. Sykes Jr., Application for Service-Connected Disability Benefits – Pension Plan “B”

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

According to Mr. Sykes, on April 13, 2012 while in pursuit of a fleeing suspect he sustained an injury to his left knee. Mr. Sykes also notes other injuries to his left ankle and knee throughout his career with the Police Department.

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

The motion to approve carried unanimously 8-0.

Case of Richard Dison, Application for Service-Connected Disability Benefits – Pension Plan “J”

This is an application submitted by Richard Dison, former meter installer with the Water Department for Service-Connected Disability benefits under Pension Plan “J”.

According to Mr. Dison, on March 18, 2015 he was descending the basement stairs of a water customer when the stairs collapsed and he fell through. Mr. Dison states that his feet landed on an object which caused him to fall backward injuring both shoulders and left side of his body.

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

The motion to approve unanimously 8-0.

Case of Marvin E. Pelzer, Application for Service-Connected Disability Benefits – Plan “J”

This is an application submitted by Marvin Pelzer, former stores worker with the Water Department for Service-Connected Disability benefits under Pension Plan “J”.

According to Mr. Pelzer, on or about June 1988 while operating a jackhammer it kicked back into his left hip causing the injury.

Brian Abernathy made a motion to deny. David Magaldi seconded the motion.

The motion to deny carried 4-0-4.

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

This is an application submitted by Jacquelyn Anderson, former social work services manager with the Department of Corrections for Service-Connected Disability benefits under Pension 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.

Carol Stukes-Baylor made a motion to defer to a hearing panel. Veronica Pankey seconded the motion.

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

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

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.

Brian Abernathy made a motion to deny. David Magaldi seconded the motion.

The motion to deny carried 4-0-4.

Case of Pamela M. Lee, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application submitted by Pamela Lee, former deputy sheriff officer with the Sheriff’s Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Lee, on October 21, 2013 while attempting to subdue and handcuff an unruly and physically combative detainee, the detainee fell onto her right knee causing her injuries.

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

The motion to approve carried unanimously 8-0.

Case of Doretha E. Price, Application for Service-Connected Disability Benefits - Plan “Y”

This is an administrative application submitted by Doretha Price, former custodial worker with the Commerce/Airport Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Price, on July 18, 2008 she was proceeding into the office to punch out when she lost her footing; falling forward she landed on her left knee and shoulder striking her head on the floor. Ms. Price states that she felt a “pop” in her left shoulder when she fell. Ms. Price reported the fall to her supervisor and was prevented from leaving the workplace because she was bleeding from her head. She was transported to the emergency room.

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

The motion to approve carried unanimously 8-0.

Case of Eileen Carey, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application submitted by Eileen Carey, former parking enforcement officer with the Philadelphia Parking Authority for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Carey, on February 16, 2015 she was working in Olde City when she tripped on a low-lying marble step. Ms. Carey states the entire pavement was covered with salt and it was difficult to distinguish the step from the pavement. She further states that both knees impacted the ground during the fall and she experienced what she describes as excruciating pain in her lower back the day following the incident.

Brian Abernathy made a motion to deny. David Magaldi seconded the motion.

The motion to deny carried 5-3.

APPLICATION FOR SERVICE-CONNECTED DEATH BENEFITS

Case of Raymond Diaz, Jr., Application for Service Connected Death Benefits-Plan "B"

This is an application by Meagan Diaz, widow of Raymond Diaz, Jr., deceased, for Service Connected Death benefits in Plan "B".

Raymond Diaz, Jr. entered the Police Academy effective June 24, 1996. At the time of his death, he had 20 years, 2 months, and 15 days City service.

According to Medical Director Dr. Marilyn Howarth's report, Raymond Diaz, Jr. was working as a Philadelphia police officer when on November 14, 2014, he was a restrained passenger in a police vehicle that was struck by another car on the passenger side. He struck his head on the passenger-side window and lost consciousness for several minutes. He was taken to Temple University Hospital where he also complained of neck and lower back pain. An MRI later performed on August 15, 2016 revealed complications and surgery was recommended. Surgery was performed on September 7, 2016 at the Rothman Orthopaedic Specialty Hospital Bensalem, PA. Two days postoperatively, Mr. Diaz was found unresponsive and was pronounced dead at the hospital. The death certificate reveals that the cause of death was intoxication by the combined effects of hydromorphone, oxycodone, and fentanyl. These were due to the therapy for chronic and postsurgical pain. There is no evidence in the record that Mr. Diaz was taking opiate medications prior to his original work injury of November 14, 2014. Mr. Diaz died on September 9, 2016.

Officer Diaz's is survived by his widow, Meagan Diaz, and his minor son, Raymond Diaz III. It is Dr. Howarth's opinion that Officer Diaz's death was solely due to the work injury and the medication-dependence that stemmed from it.

Ronald Stagliano made a motion to approve. William Rubin seconded the motion

The motion to approve carried unanimously 8-0.

REQUEST TO OPT OUT OF PLAN 10 AFTER THE DEADLINE

Case of Rydesha S. Boyer-Harris, Request to Opt Out of Plan 10 After the Deadline

Rydesha S. Boyer-Harris was hired effective February 16, 2016. Plan 10 Opt Out forms and documents explaining the plan differences were sent to her home address on April 14, 2016 by certified and first class mail. The letter was not returned. Since Mrs. Boyer-Harris did not return the form opting out of Plan 10 and electing Plan Y5, she remained a member of Plan 10.

On February 28, 2017, we received Mrs. Boyer-Harris' request to have her pension plan changed to Plan Y5. On February 28, 2017, an administrative denial was sent to her home address by certified and first class mail. Mrs. Boyer-Harris' timely appeal was received on March 29, 2017.

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

The motion to deny carried 7-0-1.

Case of Scott Lynch, Request to Opt Out of Plan 10 After the Deadline

Scott Lynch was hired effective January 13, 2015. Plan 10 Opt Out forms and documents explaining the plan differences were sent to his home address on January 29, 2015 by certified and first class mail. The Board received a return receipt. Since Scott Lynch did not return the form opting out of Plan 10 and electing Plan Y, he remained a member of Plan 10.

On February 14, 2017, we received Scott Lynch's request to have his pension plan changed to Plan Y. On February 15, 2017, an administrative denial was sent to his home address by certified and first class mail. Scott Lynch's timely appeal was received on March 15, 2017.

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

The motion to deny carried unanimously 8-0.

OLD BUSINESS

Case of Jeffrey Carpenter, Request to Transfer Pension Membership from Plan Y to Plan J

This case was denied at the Board meeting held on October 27, 2016. A hearing panel was held on Wednesday, March 8, 2017.

The hearing panel recommendations are as follows:

William Rubin:	Deny
Ronald Stagliano:	Deny
Paula Weiss, Esq.:	Deny

Case Summary:

Jeffrey Carpenter was originally hired under the Comprehensive Employment and Training Program (C.E.T.A.), effective August 18, 1977 and his pension membership was assigned to Plan J. Following the Federal Government's advice that C.E.T.A. employment was not eligible for pension membership, his pension contributions were terminated and refunded.

He was laid off from C.E.T.A. employment effective 6/28/80.

He was rehired as a Correctional Officer Trainee and his pension membership was assigned to Plan Y. He purchased pension credit for his two years, five months and five days of prior C.E.T.A. employment.

His request to transfer his pension membership from Plan Y to Plan J was received on September 2, 2016. An administrative denial was forwarded to him on September 9, 2016. His timely appeal was received on September 21, 2016.

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

The motion to deny carried 7-0-1.

Case of Ronald Coleman, Application for Service-Connected Disability Benefits – Plan “J”

This case was denied at the Board meeting held on August 25, 2016. A hearing panel was held on Wednesday, March 8, 2017.

The hearing panel recommendations are as follows:

William Rubin:	Deny
Ronald Stagliano:	Deny
Paula Weiss, Esq.:	Deny

Case Summary:

This is an administrative application submitted by Ronald Coleman, former electrician with the Department of Recreation for Service-Connected Disability benefits under Pension Plan “J”.

According to Mr. Coleman, on September 26, 1991 while working on an alarm system he fell backwards off an arts & craft table.

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

The motion to deny carried 7-0-1.

Case of Jacqueline Fields, Appeal of Administrative Denial Regarding Offset of WC Benefits in Regard to SCD pension Benefits – Plan “Y”

This case was denied at the Board meeting held on September 26, 2016. A hearing panel was held on March 8, 2017.

The hearing panel recommendations are as follows:

William Rubin:	Deny
Ronald Stagliano:	Deny
Paula Weiss, Esq.:	Deny

Case Summary:

This is the case of Jacqueline Fields, former correctional officer, for appeal of the administrative denial of her request to reverse the offset of her specific loss Workers' Compensation benefits from her Service Connected Disability pension benefits.

Ms. Fields retired effective April 11, 2004. She has 1 year, 10 months, and 27 days of credited service. Her Service Connected Disability application was approved at the January 20, 2005 board meeting.

Ms. Fields has contacted the board and stated that she believes that the Board of Pensions may be offsetting her Service Connected Disability pension in error due to her receipt of specific loss benefits paid by Amerihealth Casualty.

Pension Program Administrator Stacey White issued a letter of Administrative Denial referencing section 22-401(4)(a)(.1) of the pension code which prohibits offset for a specific loss as compensation for any incapacity resulting from a completely different incident from the one that is the basis for the member's Service Connected Disability benefits. She further stated that since Ms. Field's specific loss award and Service Connected Disability result from the same incident, the Code requires the offset of the Service Connected Disability in the amount she is entitled to receive as compensation from the City Treasury.

Ms. Fields responded with a letter of appeal dated August 2, 2016. Her attorney, Robert Huber, also forwarded letter dated August 16, 2016 informing the board's staff of Ms. Field's wish to appeal the decision in her case. If approved, Ms. Fields would be entitled to receive her Service Connected Disability pension benefit without offset.

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

The motion to deny carried unanimously 8-0.

NEW BUSINESS

Executive Director's Report

- **Update on DC 33 and Plan 16** – The City Payroll and OIT will be ready to start implementing deductions towards the end of May with a test run scheduled for May 17, 2017. During the same time-period, letters will go out to the folks in Plan 10 who will have the opportunity to voluntarily become members of Plan 16.
- **One Philly** – The vendor Cyber will no longer be used by the City for the One Philly Project. However, they did a series of calculations that are now being reviewed by the pension counselors. It is progressing very well. The system is a prototype and created scenarios with 80 different calculations depending on what plan an employee is in. Once

that testing is complete a new consultant will be hired by the City to continue with the project. The purpose of One Philly is to merge Human Resources, Payroll and Pensions together so that everything will be on the system when a person retires. It will be very helpful to our counselors who won't have to chase payrolls or timesheets and pension estimates will be able to be done quickly.

- The Business & Education Travel Report for the 1st Quarter of 2017 was distributed to the Board.

a. Business & Education Travel Authorization Requests

1) NCPERS Conference May 20-24, 2017 in Hollywood, Florida

William Rubin made a motion to approve all trustees who wish to attend the NCPERS conference in Hollywood, Florida. Ronald Stagliano seconded the motion.

The motion to approve all trustees who wish to attend the NCPERS conference in Hollywood, Florida carried unanimously 8-0.

2) MAPS Conference June 7-9, 2017 in Baltimore, Maryland

William Rubin made a motion to approve all trustees who wish to attend the MAPS conference in Baltimore, Maryland. Ronald Stagliano seconded the motion.

The motion to approve all trustees who wish to attend the MAPS conference in Baltimore, Maryland carried unanimously 8-0.

FYI

- a. **Litigation Summary** – Ms. Berkowitz stated that they are still waiting for the trial court's opinion on the Dailey trial and the Commonwealth's decision on the Tepper case - both pension disqualification cases. Eunice Gillis withdrew her Common Pleas appeal to change her survivorship option.

Ms. Stukes-Baylor inquired about the Controller's request on Plan J. Mr. Bielli stated that the Dilworth law-firm is moving ahead with an informal process at this point and asking about the IRS determination.

Ms. Rosenberger-Altman stated there was an initial reach out to the IRS and they were told that they would need a pre-hearing conference because it is a complicated issue. They are waiting to have the conference scheduled with the IRS and Dilworth agreed to keep this next phase of the process under the same cap as the informal process they had given us. There is no timeframe on this.

AN EXECUTIVE SESSION WAS HELD TO DISCUSS LEGAL MATTERS.

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

The meeting adjourned at 10:15 a.m.