

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of September 26, 2019**

MINUTES

On September 26, 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
 Marcell Pratt

Also Attending: Francis Bielli, Shamika Taliaferro, Bill Rubin – Board of Pensions
 Christopher DiFusco, Bernard Buckley, Tyrone Jordan – Investment Unit
 James Cousounis, Kristyn Bair, Abdel-Aziz Ibrahim – Investment Unit
 Francois Dutchie – City Solicitor's Office
 Ellen Berkowitz, Adam Coleman, Sean McGrath – Law Department
 Brett Warren, Anu Patel – Cheiron
 Chris Rilling – Organizer, Philly Divestment Coalition
 Brad Nyce, Bina Kumar, Jeff Francis – Nationwide
 Jean Haskill, Helen Evelev – Granny Peace Brigade Philadelphia
 Matt Coyne, David Fann – Torrey Cove
 Pam McCue – Financial Investment News
 Will Greene – Loop Capital Markets
 Kweku Obed, David Smith, Greg Leonberger - Marquette

Jacqueline Dunn called the meeting to order and stated that the first order of business was the Consideration of the Minutes of August 22, 2019.

Ronald Stagliano made a motion to approve the Minutes of August 22, 2019. Kellan White seconded the motion.

The motion to approve carried unanimously 8-0.

CONSIDERATION OF 113 PENSION APPLICATIONS AND 116 WITHDRAWAL APPLICATIONS

Ronald Stagliano made a motion to approve. Veronica Pankey seconded the motion.

The motion to approve carried unanimously 8-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Deborah L. Jackson, Application for Service-Connected Disability Benefits - Plan B

This is an application submitted by Deborah Jackson, former Police Officer for Service-Connected Disability benefits under Pension Plan "B".

According to Ms. Jackson, on January 9, 2018 while responding to a radio call involving a fire she slipped on a sheet of ice. Ms. Jackson states that she was assisting other officers when she slipped on the sheet of ice; falling forward onto both knees and sustaining injuries.

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

The motion to approve carried 7-1.

Case of Fontaine D. Smith, Application for Service-Connected Disability Benefits – Plan B

This is an application submitted by Fontaine Smith, former Police Officer for Service-Connected Disability benefits under Pension Plan "B".

According to Ms. Smith, on August 28, 2015 while working in the booking center a prisoner refused to reenter the cell and a struggle ensued. Ms. Smith states that five other officers attempted to push the combative prisoner into the cell. Ms. Smith recalls being thrown around, striking the plexiglass door, cell wall, concrete bench, and ultimately the floor. Following the restraint of the prisoner she began to experience severe pain in her entire left side.

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

The motion to approve carried 7-1.

Case of Gregory Wilkinson, Application for Service-Connected Disability Benefits – Plan B

This is an application submitted by Gregory Wilkinson, former Police Officer for Service-Connected Disability benefits under Pension Plan "B".

According to Mr. Wilkinson, on April 28, 2015 while walking on patrol at a brisk pace his gun belt shifted, continuing his pace he adjusted the gun belt and "rolled" his ankle. Mr. Wilkinson states that he immediately experienced a sharp pain in his foot and fell to his knee. Mr. Wilkinson states he remained in that position until the pain subsided enough for him to rise. He was then transported to Hahnemann ER for medical treatment.

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

The motion to approve carried 5-3.

Case of Lawrence Butler, Application for Service-Connected Disability Benefits – Plan Y

This is an application submitted by Lawrence Butler, former Equipment Operator I/Semi-Skilled Laborer with the Water Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Butler, on September 10, 2014, while carrying a water pump, he fell tripping on an uneven street hurting his knee and back. On May 25, 2017, he was jackhammering when the jackhammer got stuck; Mr. Butler states he pulled his back while trying to free the jackhammer.

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

The motion to deny carried 5-0-3.

Case of Kenneth Jenkins, Application for Service-Connected Disability Benefits – Plan Y

This is an application submitted by Kenneth Jenkins, former Laborer with the Streets Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Jenkins, on June 29, 2016 while riding in a sanitation truck it was involved in a motor vehicle accident. The impact caused the truck to strike a mailbox, light post, chain-link fence, and ultimately end up on its side. Mr. Jenkins states that he was rendered unconscious for a short period of time and sustained an injury to his left hand.

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

The motion to approve carried unanimously 8-0.

Case of Steven J. DiBartolomeo, Request to Apply for Service-Connected Disability Benefits Beyond the One-Year Deadline – Plan J

This is a request by Steven J. DiBartolomeo, former Parking Enforcement Officer to make application for Service-Connected Disability benefits beyond the one-year deadline.

Steven J. DiBartolomeo separated from employment effective May 28, 2003.

On July 10, 2019, a note was submitted by Pension Counselor Shelita Thomas stating that Mr. DiBartolomeo wanted to apply for Service-Connected Disability benefits. Mr. DiBartolomeo states that he was not informed he could apply until he was 55 and applied for his service pension.

On August 9, 2019, an administrative denial was mailed to Mr. DiBartolomeo.

On August 15, 2019, a note was received from Steven J. DiBartolomeo requesting reconsideration.

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

The motion to deny carried unanimously 8-0.

Case of Charles L. Minus Jr. , Request to Apply for Service-Connected Disability benefits Beyond the One-Year Deadline - Plan "Y"

This is an application by Charles L. Minus Jr., former Laborer with the Streets Department to apply for Service-Connected Disability benefits beyond the one-year deadline.

Charles Minus separated from City service effective December 9, 2015.

June 25, 2019, the Board of Pensions and Retirement received a written request from Charles Minus to apply for Service-Connected Disability benefits beyond the one-year deadline. Mr. Minus states that he was hurt on the job and unable to continue to work for the City.

July 11, 2019, the Board of Pensions and Retirement issued an administrative denial to his request via certified and first class mail. August 16, 2019, Charles Minus submitted a letter of appeal.

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

The motion to deny carried unanimously 8-0.

Case of Michael Carter, Request to Apply for Service-Connected Disability benefits Beyond the One-Year Deadline - Plan "Y"

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 Mr. 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 issued an administrative denial to his request via certified and first class mail. Letters of appeal were received via fax and mail on August 14 and 16, 2019.

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

The motion to deny carried unanimously 8-0.

APPLICATION FOR SURVIVORSHIP BENEFITS

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

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.

Sharolyn Murphy made a motion to deny. Marsha Greene-Jones seconded the motion.

Ms. Pankey had a question regarding the City of Philadelphia same-sex partnership certificate and a discussion ensued.

Carol Stukes-Baylor made a motion to reconsider the motion on the table. Brian Coughlin seconded the motion. The motion to reconsider carried 6-2.

Ronald Stagliano made a motion to table for 30 days. Carol Stukes-Baylor seconded the motion.

The motion to table for 30 days for a legal opinion carried 6-2.

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

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.

Ronald Stagliano made a motion to deny. Sharolyn Murphy seconded the motion.

The motion to deny carried unanimously 8-0.

REQUEST TO OPT OUT OF PLAN 10 AFTER THE DEADLINE

Case of Leslie Lagredelle, Request to Opt out of Plan 10 after the Deadline

Leslie Lagredelle was hired effective December 29, 2014.

A Plan 10 opt out form and documents explaining the plan differences were sent to his home address on January 20, 2015 by certified and first- class mail. Neither letter, which stated that the form required to opt out of Plan 10 was due to this office within thirty (30) days, was returned as undeliverable by the postal service.

On June 11, 2018 we received Leslie Lagredelle's request to have his pension membership changed to Plan Y. On June 13, 2018 an administrative denial was sent to his home address by certified and first- class mail.

Mr. Lagredelle's appeal was received on July 8, 2019.

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

The motion to deny carried unanimously 8-0.

Case of Emmanuel Anumudu, Request to Opt out of Plan 10 after the Deadline

Emmanuel Anumudu was hired effective July 11, 2016.

A Plan 10 opt out form and documents explaining the plan differences were sent to his home address on September 20, 2016 by certified and first- class mail. Neither letter, which stated that the form required to opt out of Plan 10 was due to this office within thirty (30) days, was returned as undeliverable by the postal service.

On June 11, 2018 we received Emmanuel Anumudu's request to have his pension membership changed to Plan Y. On June 13, 2018 an administrative denial was sent to his home address by certified and first- class mail.

Mr. Anumudu's appeal was received on July 8, 2019.

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

The motion to deny carried unanimously 8-0.

Ira Bright, Request to Opt out of Plan 10 after the Deadline

Ira Bright was hired effective March 25, 2015.

A Plan 10 opt out form and documents explaining the plan differences were sent to his home address on May 6, 2015 by certified and first-class mail. Neither letter, which stated that the form required to opt out of Plan 10 was due to this office within thirty (30) days, was returned as undeliverable by the postal service.

On July 8, 2019 we received Ira Bright's request to have his pension membership changed to Plan Y. On July 25, 2019 an administrative denial was sent to his home address by certified and first-class mail.

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

The motion to deny carried 7-0-1.

Case of Pavel Levin, Request to Withdraw from DROP – Plan Y

This is a request by Pavel Levin to withdraw from DROP.

Pavel Levin is a Construction Engineer 1 for the Water Department. He was hired January 13, 2003 and applied for DROP April 9, 2015. He requested a DROP entry date of September 21, 2015.

On April 14, 2015 a letter was sent from the Board of Pensions confirming his acceptance into DROP with an entry date of September 21, 2015.

On September 13, 2019 the Board of Pensions received a letter from Mr. Levin via email asking to withdraw from DROP.

On September 17, 2019 an email was sent to Mr. Levin explaining that DROP is irrevocable, however his appeal to rescind his DROP application would be listed on the September 26, 2019 Board meeting.

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

The motion to deny carried unanimously 8-0.

OLD BUSINESS

Case of Frank Lovett, Request to Purchase Prior City Service without Interest – Plan Y

This case was **denied** at the Board meeting held on September 27, 2018. A hearing panel was held on Wednesday, March 20, 2019.

The hearing panel recommendations are as follows:

Brian Coughlin:	Deny
Jacqueline Dunn:	Deny
Kellan White:	Deny

Case Summary:

Effective 9/9/2002 Frank Lovett was dismissed from the Commerce/Aviation department.

On 2/28/2003, Mr. Lovett applied to withdraw his pension contributions. His contributions were refunded on the 3/17/2003 Pension Withdrawal Payroll.

As the result of a settlement agreement, Mr. Lovett was reinstated to his former position effective 9/4/2006. The period from his dismissal until reinstatement was to be treated as a leave of absence. The City made a pension contribution on Mr. Lovett's behalf, so that he received pension credit for the period.

On 10/5/2006, a letter informing Mr. Lovett that he may apply to purchase pension credit for any prior City service was sent to him. The letter stated that to avoid additional interest, his application must have been received by 9/4/2007.

On 11/27/2017, Mr. Lovett applied to purchase pension credit for his period of employment prior to his dismissal.

On 2/23/2018, Mr. Lovett was quoted the cost to purchase pension credit for his prior City service. This quote included the additional past interest, which was referenced in the 10/5/2006 letter.

On 3/16/2018, the Board of Pensions received Mr. Lovett's appeal of the cost of pension credit for his prior City service.

Ronald Stagliano made a motion to deny. Veronica Pankey seconded the motion.

The motion to deny carried unanimously 8-0.

NEW BUSINESS

Executive Director's Report – Mr. Bielli stated that the State audit is under-way and we are exchanging information with the auditor.

The Plan Summary document has undergone peer review and the final edits will be done soon. The summary is approximately 40-45 pages and includes all Plans. Mr. Cousounis did a tremendous job along with Ms. Taliaferro, Mr. Rubin, Ms. White and Mr. Martin. In addition to an electronic copy, the Board stated they would also like to have the books published.

A brief discussion concerning One-Philly payroll system ensued.

Litigation Summary – Ms. Berkowitz stated there are seven cases in Common Pleas court and two cases in Commonwealth court. Argument in the Daley case (disqualification) was heard and they are awaiting decision

Ronald Stagliano made a motion to adjourn. Kellan White seconded the motion.

The meeting adjourned at 10:00 AM.