

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of July 20, 2017**

MINUTES

On July 20, 2017, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:35 a.m. in the Board's Conference Room.

Present: Paula Weiss
William Rubin
Brian Abernathy
Pedro Rodriguez
Marsha Greene-Jones
Carol Stukes-Baylor
Ronald Stagliano
Brian Coughlin
Veronica Pankey
Francois Dutchie

Also Attending: Francis Bielli - Board of Pensions
Shamika Taliaferro – Board of Pensions
Ellen Berkowitz, Adam Coleman– Law Department
Christopher DiFusco, Bernard Buckley – Investment Unit
Tyrone Jordon, Jim Cousounis – Investment Unit
Dominique Cherry, Kristyn Bair, Eryn-Ashlie Bailey – Investment Unit
Emanuel Mahand - Nationwide
Jeff Francis - Nationwide
Kwedu Obed, Dave Smith - Marquette
Mike Dunn – Mayor's Office
Will Greene – Loop Capital
Pam McCue – Financial Investment News

Ms. Weiss called the meeting to order and stated that the first order of business was the consideration of the Minutes of June 22, 2017.

Ronald Stagliano made a motion to approve the Minutes of June 22, 2017. William Rubin seconded the motion.

The motion to approve carried 7-0-1.

CONSIDERATION OF 112 PENSION APPLICATIONS AND 100 WITHDRAWAL APPLICATIONS

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

The motion to approve carried unanimously 8-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Kara T. Furey-Leavy, Application for Service-Connected Disability Benefits – Plan “A”

This is an application submitted by Kara Furey-Leavy, former paramedic for Service-Connected Disability benefits under Pension Plan “A”.

According to Ms. Furey-Leavy, on April 23, 2013 she stepped out of an ambulance into a pothole injuring her left ankle.

Ronald Stagliano made a motion to approve. Pedro Rodriguez seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Michael Coston, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Mr. Coston, on January 6, 1998 he was involved in a motor vehicle accident when he sustained an injury to his right knee and on June 22, 2013 he injured his left knee while exiting his police cruiser.

Brian Abernathy made a motion to deny. Francois Dutchie seconded the motion.

The motion to deny carried 4-0-4.

Case of Daniel P. Kaiser, Application for Service-Connected Disability Benefits – Plan “B”

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

According to Mr. Kaiser, on April 11, 2010 he was involved in a motor vehicle accident when he sustained injuries to his head. Mr. Kaiser states that he was freed from the vehicle by the jaws-of-life and transported to the hospital. His chief complaints are head, neck, and lower back pain.

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

The motion to approve carried unanimously 8-0.

Case of Viola Leigertwood, Application for Service-Connected Disability Benefits – Plan B

This is an application submitted by Viola Leigertwood, former police corporal for Service-Connected Disability benefits under Pension Plan “B”.

According to Ms. Leigertwood, on May 30, 2007 she sat down in a chair that toppled over and she fell to the floor injuring her hands, back, and buttocks.

Brian Abernathy made a motion to deny. Francois Dutchie seconded the motion.

The motion to deny carried 4-0-4.

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

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. During the altercation Ms. Strange states that she fell to the cement floor twice injuring her neck.

Brian Abernathy made a motion to deny. Francois Dutchie seconded the motion.

The motion to deny carried 4-0-4.

REQUEST TO OPT OUT OF PLAN 10 AFTER THE DEADLINE

Case of Nykia Sizemore, Request to Opt Out of Plan 10 After the Deadline

Nykia Sizemore was hired effective January 12, 2015.

Plan 10 Opt Out forms and documents explaining the plan differences were sent to her address of record on January 29, 2015 by certified and first class mail. The certified letter was returned as unclaimed, however, the first-class mailing was not. Since we did not receive her Opt Out form by the deadline, her pension membership was transferred to Plan 10.

On May 23, 2017, we received Ms. Sizemore’s request to Opt Out of Plan 10. On May 23, 2017, an administrative denial was sent to her address of record by certified and first class mail.

Ms. Sizemore’s timely appeal was received on June 20, 2017.

Carol Stukes-Baylor made a motion to deny. Brian Abernathy seconded the motion.

The motion to deny carried unanimously 8-0.

PENSION DISQUALIFICATION

Case of R. Seth Williams – Pension Disqualification, Plan L

R. Seth Williams was hired on September 8, 1992 as a Law Clerk in the District Attorney's office. Mr. Williams became District Attorney on January 4, 2007, and resigned from his position on June 29, 2017 after pleading guilty to Count One of the Superseding Indictment charging him with Travel and Use of Interstate Facilities to Promote and Facilitate Bribery Contrary to Pennsylvania Law, in violation of 18 U.S.C. § 1952. He attained 20 years and 26 days of credited service and contributed a total of \$118,439.76 to the pension fund.

On July 13, 2017, Ellen Berkowitz, Senior Attorney, opined that Mr. Williams' crimes triggered the disqualification provisions of both the Public Employee Pension Forfeiture Act and the Philadelphia Retirement Code and that through his criminal conduct he had severed his entitlement to his pension. She further recommended that the Board withhold his pension contributions pursuant to 43 P.S. § 1313 (d) and (e) and Retirement Code Section 22-1303(1).

Ms. Berkowitz advises the Board must vote on the following:

- Whether Mr. Williams should be permanently disqualified from pension eligibility
- Whether Mr. Williams pension contributions should be withheld

William Rubin made a motion to permanently disqualify Mr. Williams from pension eligibility. Pedro Rodriguez seconded the motion.

The motion to approve to permanently disqualify R. Seth Williams from pension eligibility carried 7-0-1.

William Rubin made a motion to approve to withhold pension contributions. Francois Dutchie seconded the motion.

The motion to approve to withhold pension contributions of R. Seth Williams carried 7-0-1.

Mr. Rubin thanked Ms. Berkowitz for the quick turnaround and asked if she could give the Board an understanding of the hierarchy of how pension contributions may be disbursed if there is another court order to receive payments.

OLD BUSINESS

Case of Stephen Gwiazdowski, Application for Service-Connected Disability Benefits – Plan “D”

This case was **denied** at the Board meeting held on June 2, 2016. A hearing panel was held on June 21, 2017.

The hearing panel recommendations are as follows:

David Magaldi: Approve
William Rubin: Approve disability
Brian Coughlin: Approve

Case Summary:

This is an administrative application submitted for Stephen Gwiazdowski, former police sergeant for Service-Connected Disability benefits under Pension Plan "D".

On June 13, 1994, Mr. Gwiazdowski, was in the Longshore Pub when a fight broke out. During his attempt to break up the fight, Mr. Gwiazdowski was struck in the face with a bottle.

Mr. Gwiazdowski separated on September 20, 1995 and applied for both Ordinary and SCD benefits September 29, 1995. The application for Ordinary Disability benefits was approved citing the June 13, 1994 right eye injury. The determination cites the June 13, 1994 right eye injury as medical disability but did not address if the incurred injury was solely related to performance of applicant's duties.

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

The motion to approve carried unanimously 8-0.

Case of George Orth, Application for Service-Connected Disability benefits - Plan "D"

This case was denied at the Board meeting held on July 25, 2013. A hearing panel was held on Wednesday, June 21, 2017.

The hearing panel recommendations are as follows:

David Magaldi: Denied
William Rubin: Denied
Brian Coughlin: Deny

Case Summary:

This is an application submitted by George Orth, former police officer for Service-Connected Disability benefits under Pension Plan "D".

According to Mr. Orth, on February 3, 2010 he was a passenger in a patrol car that was pursuing a fleeing suspect. Mr. Orth states that the suspect struck him with the opened door of the vehicle causing injuries to his back, left shoulder, left leg, and left ankle.

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

The motion to deny carried 7-0-1.

NEW BUSINESS

Executive Director's Report – Mr. Bielli stated that the annual independent audit is underway. The City accountants are collecting our fiscal year 2017 data and are finishing reports to provide to the auditors.

1. Business & Education Travel Authorization Request:

NCPERS Public Safety Conference September 30 – October 4, 2017

Ronald Stagliano made a motion to approve trustees to attend the NCPERS Public Safety Conference. Brian Abernathy seconded the motion.

The motion to approve any trustees who would like to attend the NCPERS Public Safety Conference in San Antonio, Texas from September 30, 2017 to October 4, 2017 carried unanimously 8-0.

Board Discussion regarding DC 33 Opt Out of Plan 10 to Plan 16

Ms. Pankey asked if there is any information about the Opt Out Form for District Council 33 members to opt out of Plan 10 into Plan 16. She does not want the members to feel penalized because they agreed to opt into a plan of their choice and adequate steps were not taken by the City to adjust their contributions.

Mr. Bielli said that we have the information and will send out a letter with a form when the City's payroll department is ready to add the retroactive contributions to opt out of Plan 10 and into Plan 16. It will be done contemporaneous with the retroactive contributions. As far as being penalized he would not categorize it that way. The members will still be given 90 days to opt into Plan 16 versus Plan 10 and the difference in the contributions will be done.

Mr. Rubin stated that his understanding is that people in Plan 10 can opt into Plan 16 and because it's a better plan they must pay the difference in contributions between the two plans. DC 33 has the option now and they'll pay retroactive contributions to the original start date of City employment, but that's not a penalty.

Mr. Bielli stated that anyone who is in Plan 10 in DC 33 will be given the option to opt into Plan 16 within the 90-day period and will be given the flexibility to spread out the difference in contributions over a period of time.

Ms. Pankey stated that being able to pay the difference in increments is not being relayed to members, particularly to Correctional Officers. They are also aware that the difference in contributions is growing. She is receiving a lot of calls asking when the forms are coming out.

Mr. Bielli said she can relay the information to Correctional Officers and the other DC 33 members that they will be able to pay the difference in contributions in increments but information will not be sent out until we know the timeline for certain.

FYI

- a. **Litigation Summary** – Ms. Berkowitz stated that Mr. Tepper (pension disqualification) missed his deadline to file for allocatur so the case is over. There are currently four cases with Common Pleas Court.

Ronald Stagliano made a motion to adjourn. Francois Dutchie seconded the motion.

The meeting adjourned at 9:50 AM.