

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of May 18, 2017**

MINUTES

On May 18, 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
Francois Dutchie

Also Attending: Francis Bielli - Board of Pensions
Shamika Taliaferro – Board of Pensions
Jo Rosenberger Altman – Law Department
Ellen Berkowitz, Adam Coleman– Law Department
Patricia Fitzgerald, Human Resources
Christopher DiFusco, Bernard Buckley – Investment Unit
Tyrone Jordan, Jim Cousounis – Investment Unit
Kristyn Bair, Eyrn-Ashlie Bailey – Investment Unit
Bina Kumar – Managing Director, Nationwide
Jesus Jimenez, Kweku Obed – Marquette
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 April 27, 2017. She stated that a correction was needed on the last motion on page 9 where it states that William Rubin made a motion to approve trustees to attend the MAPS conference in Hollywood, Florida. The MAPS conference was held in **Baltimore, Maryland**; this was corrected. Also, the Executive Session was held **to discuss legislative matters**. This was added to the Minutes.

Ronald Stagliano made a motion to approve the Minutes of April 27, 2017. Pedro Rodriguez seconded the motion.

The motion to approve carried unanimously 7-0.

CONSIDERATION OF 120 PENSION APPLICATIONS AND 64 WITHDRAWAL APPLICATIONS

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

The motion to approve carried unanimously 7-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Daniel J. Martino, Application for Service-Connected Disability Benefits – Plan B

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

According to Mr. Martino, on July 27, 2012 while responding to a radio call to “assist officer” he swerved to avoid a collision with an oncoming car and injured his knee.

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

The motion to approve carried unanimously 7-0.

Case of George E. Glover, Application for Service-Connected Disability Benefits – Plan J

This is an administrative application submitted by George Glover, former waste collection district supervisor with the Streets Department for Service-Connected Disability benefits under Pension Plan “J”.

According to Mr. Glover, on November 24, 2012 he was involved in a motor vehicle accident which caused his injuries. Mr. Glover’s chief complaints are lower back pain, left hand numbness of the thumb and index finger, occasional sensations in the right arm and constant sensations up and down the left arm.

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

The motion to deny carried 3-0-4.

Case of Geraldine R. Johnson, Application for Service-Connected Disability Benefits – Plan J

This is an application submitted by Geraldine Johnson, former heavy equipment operator with the Water Department for Service-Connected Disability benefits under Pension Plan “J”.

According to Ms. Johnson, on May 1, 2015 she was involved in a motor vehicle accident which caused her injuries. Ms. Johnson’s chief complaints are neck pain that runs down both arms to

her fingers, lower back pain which runs down both legs to her toes and into the groin area and front of the thigh on her right side.

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

The motion to deny carried 3-0-4.

Francois Dutchie joined the Board members at this time.

Case of Brandi N. Battle, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application submitted by Brandi Battle, former correctional officer with the Department of Corrections for Service-Connected Disability benefits under Pension Plan “Y”.

According to Ms. Battle, on April 23, 2013 while participating in a basketball game during Correctional Officer week she sustained injuries to her left knee. Ms. Battle states that she was given ice for the swelling, examined by the medical staff, and instructed to visit her personal physician. Her physician informed her of the damage and prescribed a course of action which included sending her to an orthopedic doctor.

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

The motion to approve carried unanimously 7-0.

Case of Keith A. Jones, Application for Service-Connected Disability Benefits – Plan Y

This is an application submitted by Keith Jones, former street crew chief with the Streets Department for Service-Connected Disability benefits under Pension Plan “Y”.

According to Mr. Jones, on January 26, 2015 during a snow removal and salting operation, while stepping down from the top step of a vehicle he injured his right knee. Mr. Jones states that he experienced pain in his right leg.

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

The motion to deny carried 4-0-4.

Case of Eleanor Marshall, Application for Service-Connected Disability Benefits - Plan “Y”

This is an application submitted by Eleanor Marshall, former Water Treatment Plant Operator at the Water Department for Service-Connected Disability benefits under Pension Plan “Y”. Ms. Marshall was scheduled for IME appointments by MMRO on December 12, 2016, January 23, 2017 and March 17, 2017. She failed to appear for these appointments and did not respond to MMRO and they deemed her non-compliant.

According to Ms. Marshall she has an occupational condition due to working at the Fresh Water Treatment Plant inhaling the chemicals for years as she took samples and cleaned the water through a filter system.

Mr. Rubin asked if there was something legally stated if they do not show up for appointments and if the appointments were agreed upon.

Ms. Weiss stated that it is in the Board's Regulations that it is the applicant's responsibility to provide the information that the Board needs in order to make a decision. It is their burden of proof.

Mr. Bielli stated that the Board pays for the missed appointments and she did not show up three times and was sent a certified letter.

Ms. Pankey questioned if we have heard from Ms. Marshall.

Ms. Devine stated that Ms. Marshall called the office in response to a letter that was sent to her and she advised that she did not want to proceed with the SCD application and wanted to apply for Optional Early pension benefits.

Ms. Stukes-Baylor requested Ms. Devine send her a letter verifying the conversation she had with her.

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

The motion to deny carried unanimously 8-0.

APPLICATION FOR SURVIVORSHIP BENEFITS

Case of Jean Ottis, Deceased, Application for Survivorship Benefits – Plan J

This is an application by Lisa Ottis, as the medically dependent disabled adult child of Jean Ottis. Jean Ottis retired September 6, 2003. She died December 17, 2016. Ms. Ottis selected survivorship option 4 at the time of retirement. Her husband, Frank Ottis, predeceased her on October 24, 1989.

When Jean Ottis' death was reported to this office, we were advised by Lisa Ottis' sister, that "Lisa was not diagnosed until later in life and she is now 50 years old".

A letter was received from Kenneth Winokur, D.O. from Pennsport Internal Medicine Group, which states Lisa Ottis is his patient. He says "although she is disabled from this disorder since 1996, she is fully capable to handle her own affairs and her prognosis is stable".

Ronald Stagliano made a motion to defer to a Hearing Panel. Veronica Pankey seconded the motion.

Ms. Weiss stated the purpose will be to document medical information and disability.

The motion to defer to a Hearing Panel carried unanimously 8-0.

REQUEST TO OPT OUT OF PLAN 10 AFTER THE DEADLINE

Case of Joleen F. Master, Request to Opt Out of Plan 10 After the Deadline

Joleen F. Master was re-hired effective June 13, 2016. Plan 10 Opt Out forms and documents explaining the plan differences were sent to her home address on August 8, 2016 by certified and first class mail. The letter was not returned and we did not receive her Opt Out form by the deadline so she remained a member of Plan 10.

On April 6, 2017, we received Joleen F. Master's request to have her pension plan changed to Plan Y5 and a copy of an Opt Out form dated June 17, 2016. She claims to have sent the form over on June 17, 2016. On April 6 2017, an administrative denial was sent to her home address by certified and first class mail.

Joleen F. Master's timely appeal was received on May 5, 2017.

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

The motion to deny carried 7-0-1.

OLD BUSINESS

Case of Charles D. Pickford, Application for Service-Connected Disability Benefits beyond the One-Year deadline – Plan A

This case was deferred to a hearing panel at the Board meeting held on September 26, 2016. A hearing panel was held on Wednesday, April 5, 2017.

The hearing panel recommendations are as follows:

Carol Stukes-Baylor: Approved

William Rubin: Approve to apply beyond the one-year deadline

David Magaldi: Deny. Testimony regarding reason for delay in applying is not credible

Case Summary:

This is a request by Kenneth D. Berman on behalf of his client, Charles D. Pickford, former Firefighter, to make application for Service Connected Disability benefits beyond the one-year deadline.

Mr. Pickford was separated effective March 16, 2015 as a result of a settlement agreement. He made application for Optional Early Retirement benefits on May 24, 2015 with Pension Counselor Vicki Mikus. Mr. Pickford's imaged pension file contains Service Connected Disability pension estimate information. At that time, however, he elected not to apply for Service Connected Disability pension benefits. Staff would not have been compelled to complete an administrative Service Connected Disability application at that time as the code does not require firefighters to apply for Service Connected Disability in lieu of some other Service Retirement benefit if they are also receiving Workers' Compensation benefits.

Pension Program Administrator Stacey White was contacted by Kenneth D. Berman, attorney for Charles D. Pickford, on August 8, 2016 regarding his client's wish to apply for Service Connected Disability retirement benefits. Ms. White issued a letter of administrative denial citing code section 22-309(a) requiring applications for disability retirement to be submitted to the board within 1 year of separation from City employment. Ms. White stated that Mr. Pickford would have had to submit an application by March 15, 2016 to apply for Service Connected Disability pension benefits.

Mr. Berman forwarded a letter dated August 24, 2016 appealing the denial of his request on behalf of his client.

William Rubin made a motion to approve. Veronica Pankey seconded the motion.

The motion to approve carried 5-3.

Case of Glen Guadalupe – Appeal of Pension Disqualification, Plan “J”

This case was approved for Permanent Disqualification of Pension Eligibility at the Board meeting held on April 28, 2016. A hearing panel was held on Wednesday, November 30, 2016. The hearing panel recommendations are as follows:

Brian Coughlin:	Deny applicant's appeal due to admitted violation of pension code in regard to disqualification
William Rubin:	Deny
Paula Weiss:	Deny

Case Summary:

Glen Guadalupe was hired on April 19, 1982 as a Correctional Officer in the Prisons Department and was promoted to Deputy Warden July 26, 1999. He was terminated on May 2, 2002, one day after he was convicted in federal court of one count of witness intimidation in connection

with his attempted cover-up of a beating of an inmate while he was Deputy Warden. After serving 15 months in prison, he was hired by the Department of Licenses and Inspections on June 19, 2006 and resigned on July 24, 2015 with 29 years and 29 days of credited service. Inspector General Amy Kurland requested that the Board consider disqualifying Mr. Guadalupe from pension eligibility and provided documentation concerning Mr. Guadalupe's conviction for witness intimidation pursuant to 18 U.S.C. § 1512(b)(3). While Mr. Guadalupe was Deputy Warden at CFCF, Ms. Burnette, a correctional lieutenant, witnessed a brutal beating of an inmate, after which Mr. Guadalupe directed her to omit certain facts from her memo recounting the event. Mr. Guadalupe was found guilty of one count of obstruction of justice under 18 U.S.C. § 1512(b)(3). He was sentenced to 15 months of imprisonment, two years of supervised release, and fines.

On April 20, 2016, Ellen Berkowitz, Deputy City Solicitor, opined that Mr. Guadalupe's crimes triggered the disqualification provisions of the Public Employee Pension Forfeiture Act, 43 P.S. §1311et seq., and the Philadelphia Retirement Code, § 22-1302(1)(a)(.5).

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

- Whether Mr. Guadalupe should be permanently disqualified from pension eligibility.

Pedro Rodriguez made a motion to deny the appeal of the Pension Disqualification. Ronald Stagliano seconded the motion.

The motion to deny the Appeal of the Pension Disqualification carried 7-0-1.

Case of Lewis Boyer, Application for Service-Connected Disability Benefits -Plan "B"

This case was denied at the Board meeting held on June 25, 2015. A hearing panel was held on Wednesday, April 26, 2017.

The hearing panel recommendations are as follows:

Pedro Rodriguez:	I support the appeal
William Rubin:	Approve disability
Brian Coughlin:	Approve

Case Summary:

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

According to Mr. Boyer on November 30, 2011 he was instructing PAL members in basketball when he tripped and injured his left knee.

Pedro Rodriguez made a motion to approve. Carol Stukes-Baylor seconded the motion.

The motion to approve carried unanimously 8-0.

NEW BUSINESS

Executive Director's Report – Mr. Bielli stated that the State audit is beginning and the kick off meeting should be at the end of June or early July.

The annual audit from CLA, the outside auditor, is also underway.

The Deferred Compensation transition is underway and the black-out period is taking place now and early next week. There are some specifics regarding loans and transfers of money that Mr. DiFusco will cover in the Deferred Compensation part of the Investments meeting.

FYI

a. **Litigation Summary** – Ms. Berkowitz stated there is nothing new to report.

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

The meeting adjourned at 10:45 a.m.