

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of November 17, 2016**

MINUTES

On November 17, 2016, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:13 a.m. in the Board's Conference Room.

Present: Paula Weiss
William Rubin
Brian Abernathy
Brian Albert
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
Ellen Berkowitz – Law Department
Jo Rosenberger Altman – Law Department
Brendan O'Rourke, Adam Coleman – Law Department
Christopher DiFusco, Bernard Buckley – Investment Unit
Tyrone Jordon, Kristyn Bair – Investment Unit
Matthew Coyne – VP, TorreyCove
Michelle Davidson – Managing Director, TorreyCove
Kweku Obed, Dave Smith – Marquette
Hazel Durand – Nationwide (NRS)
Pam McCue – Financial Investment News

Ms. Weiss announced that the board election votes were tallied and certified and the four union trustees have been re-elected to the Board. She congratulated and welcomed them back and stated that Mr. Dubow, Finance Director would like to do the formal swearing in when he arrives. Since the trustees term is not yet expired the benefits meeting can proceed.

Ms. Weiss called the meeting to order and stated that the first order of business was the consideration of the Minutes of October 27, 2016.

Ronald Stagliano made a motion to approve the Minutes of October 27, 2016. Pedro Rodriguez seconded the motion.

The motion to approve carried unanimously 8-0.

CONSIDERATION OF 127 PENSION APPLICATIONS AND 76 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 Sajjad Ahmad, Application for Service-Connected Disability Benefits - Plan "B"

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

According to Mr. Ahmad, on June 5, 2011 while assisting to carry a three hundred (300) pound deceased male from a second floor apartment he missed a tread on the stairs and suffered an injury. Mr. Ahmad states that he felt a sharp pain in his low right back.

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

The motion to approve carried unanimously 8-0.

Brian Abernathy stepped out of the room at this time.

Case of William M. McAlonan, Application for Service-Connected Disability Benefits - Plan "B"

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

According to Mr. McAlonan, on August 31, 2012 while attempting to serve (302) papers on a violent male a struggle ensued. Mr. McAlonan states that during the encounter felt a "pop" and sharp pain in his left hip.

David Magaldi made a motion to deny. Pedro Rodriguez seconded the motion.

The motion to deny carried 2-0-5.

Case of Olga Cruz, Application for Service-Connected Disability Benefits - Plan "J"

This is an application submitted by Olga Cruz, former clerk and interpreter with the Department of Public Health for Service-Connected Disability benefits under Pension Plan "J".

According to Ms. Cruz, on July 10, 2002 she states that she dropped some reports behind a desk and attempted to retrieve them by moving the desk. Ms. Cruz states that the desk did not move and she injured her back.

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

The motion to approve carried unanimously 7-0.

Case of Sherry D. Royal, Application for Service-Connected Disability Benefits – Plan "Y"

This is an application submitted by Sherry D. Royal, former Booter with the Philadelphia Parking Authority for Service-Connected Disability benefits under Pension Plan "Y".

According to Ms. Royal, on August 31, 2015 she was at work and when she got out of the company vehicle she fell into a four (4) foot hole. She stated this caused multiple injuries.

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

The motion to approve carried unanimously 7-0.

Case of Beatrice Smith, Application for Service-Connected Disability Benefits - Plan "Y"

This is an application submitted by Beatrice Smith, former school crossing guard for Service-Connected Disability benefits under Pension Plan "Y".

According to Ms. Smith, on April 27, 2015 she stepped off of the curb and her feet and leg gave way. Ms. Smith states that she attempted to break her fall and twisted something causing pain across her back and down her leg.

David Magaldi made a motion to deny. Pedro Rodriguez seconded the motion.

The motion to deny carried 3-0-4.

APPLICATION FOR SURVIVORSHIP BENEFITS AS COMMON LAW SPOUSE

Case of George R. Chapin, Jr., Deceased, Application for Survivorship Benefits (Minimum Widow's benefit) as Common-Law Spouse – Plan D

This is an application by Barbara Chapin for survivorship benefits as Common-Law spouse in Plan D.

George R. Chapin, Jr., a Police Officer, retired effective April 13, 1993. He received a Service retirement benefit until February 28, 1994 when his benefit was adjusted to Service Connected Disability (SCD). Mr. Chapin died on February 14, 2016.

At the time of his Service retirement, Mr. Chapin chose survivorship option 4 and named his wife Barbara Chapin as his primary survivor with his two sons, Russell and Jeffrey Chapin as the contingent survivors of his pension benefit.

When he applied for the SCD benefit, he elected to withdraw his pension contributions in lieu of survivorship benefits.

Barbara Chapin is applying to have the Board of Pensions recognize her 10-year relationship with Mr. Chapin prior to their marriage on September 13, 1993.

(Brian Abernathy re-entered the room at this time.)

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

The motion to approve carried unanimously 8-0.

APPLICATION FOR SCD BENEFITS BEYOND THE ONE-YEAR DEADLINE

Case of Rosetta Baker, Application for Service Connected Disability Benefits Beyond the One Year Deadline – Plan J

This is a request by Rosetta Baker, former Parking Enforcement Officer in the Philadelphia Parking Authority to make application for Service Connected Disability benefits beyond the one-year deadline under Plan J.

Ms. Baker was separated by the Parking Authority on May 25, 2006. She applied for Service-Connected Disability benefits on March 2, 2016. Her application was denied because she did not meet the one-year requirement. A letter was received from Ms. Baker on September 8, 2016 requesting to apply beyond the one-year deadline.

Ms. Stacey White sent 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. Baker sent a letter dated October 11, 2016 appealing the denial of her request. She states that the Parking Authority told her an appointment letter would be sent to her but she never received one. She further states shortly after that her father became sick and she had to take care of him.

Veronica Pankey made a motion to defer to a Hearing Panel for clarity of the case. Ronald Stagliano seconded the motion.

The motion to defer the case to a Hearing Panel limited to beyond the one-year deadline issue carried unanimously 8-0.

Case of Rex Rosiji, Request to purchase pension credit for an unpaid Leave of Absence lasting more than 90 days- Plan B

The appeal for a hearing beyond the 30-day appeal period was approved at the hearing panel held on October 7, 2015. These are the recommendations from the hearing panel held on March 30, 2016.

The hearing panel recommendations are as follows:

Paula Weiss, Esq.: Deny request to purchase time from an unpaid leave of absence lasting more than ninety (90) days. The agreement signed by the applicant and the Police Department appears to contemplate such a repurchase, but limits any repurchase to the standard of practice exercised by the Pension Board and such a repurchase is specifically not permitted by the Philadelphia Code.

Carol Stukes-Baylor: Approve

Brian Albert: Deny, the code permits no purchase of time beyond a 90-day leave of absence.

Case Summary:

Police Officer Rex Rosiji was dismissed effective June 13, 2006 and reinstated without back pay effective December 2, 2008, pursuant to the terms of a settlement agreement that characterized 30 days of that period as a suspension and the rest as an unpaid leave of absence. Mr. Rosiji applied to purchase credit for the period of unpaid leave in December 2008 pursuant to this agreement, was administratively denied, and did not appeal the denial.

In late 2014, Mr. Rosiji again approached the Board asking to purchase service credit for this period, pursuant to the December 2008 settlement agreement and a January 2009 settlement amendment, which eliminated the phrase “unpaid leave of absence” and stated that “[t]he Grievant shall be given seniority credit for the intervening period between the day after the end of the suspension, 7/13/06, and 12/2/08 for the purposes of his pension plan, to the extent that he will be allowed to purchase, at his own expense, any benefit that would have accrued during the

intervening period pursuant to standard practice. This purchase should include any contributions that would have been made by the City of Philadelphia.”

By letter of 2/2/15, Mr. Rosiji’s attorney, David S. Dessen, Esq., requested that Mr. Rosiji be permitted to purchase pension credit for the period identified in the settlement. His request was forwarded to the Law Department, which opined that it should be denied. The request was administratively denied by letter of 3/3/15, which informed Mr. Rosiji’s attorney that he had thirty (30) days to appeal the denial to the Board. Mr. Dessen bypassed the appeal to the Board and filed an action for declaratory judgment in the Court of Common Pleas. The Board filed preliminary objections. On 5/19/15, the CCP sustained the Board’s preliminary objections and dismissed the complaint without prejudice to allow Mr. Rosiji to file an appeal of the 3/3/15 denial with the Board. Mr. Dessen appealed to the Board by letter of May 20, 2015.

Mr. Dessen’s appeal of Administrative denial to Purchase Pension Credit for unpaid LOA beyond the (30) day appeal period was approved at the December 3, 2015 Board meeting.

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

The motion to deny tied 4-4. The Chair voted to deny making the vote 5-4.

The motion to deny carried 5-4.

NEW BUSINESS

- **Executive Director’s Report** – Mr. Bielli stated there is a brochure on the table for the annual NCPERS Legislative Conference which will be held in Washington, DC from January 29-31, 2017. The next Board meeting is January 19, 2017 and early registration for the conference is January 6, 2017. Since there is a discounted rate for early registration a motion is requested at this time if anyone is interested in attending.

William Rubin made a motion to approve any trustees that would like to attend. Ronald Stagliano seconded the motion.

The motion to approve any trustees who wish to attend the NCPERS Legislative Conference in Washington, DC carried unanimously 8-0.

- **National Association of Professional Securities (NASP) Hall of Fame**

Mr. Bielli read a letter to the Board that was received from NASP announcing that Carol Stukes-Baylor has been nominated to be inducted into the New York NASP Hall of Fame. The Induction Ceremony will take place during the 19th Annual Wall Street Hall of Fame Gala on February 23, 2017 in New York, NY.

The induction into the Hall of Fame is the highest honor the New York NASP Foundation bestows. Every year the NASP Foundation inducts several individuals who have demonstrated a commitment to excellence and diversified initiatives on Wall Street. NASP serves more than 1,000 minority and female professionals on Wall Street.

Mr. Bielli congratulated Ms. Stukes-Baylor on her nomination and extended an invitation to any of the Board members and staff who would like to attend the Induction ceremony on February 23, 2017.

Mr. Rubin commented that he has attended the induction ceremony for a long time and has never remembered anyone outside of the New York boards receiving this award.

The Board congratulated Ms. Stukes-Baylor.

Ms. Stukes-Baylor thanked everyone for allowing her to be the voice for Philadelphia and working together as a team and that without the Board's support this award would not have been possible.

- PAPERS Conference

Mr. Rubin thanked everyone who attended the PAPERS workshop November 15th and 16th. The organization appreciates the sponsorship from the City and due to the large turnout in Philadelphia it will be held here again in two years. Currently, there is a rotation between Pittsburgh and Philadelphia for location of the workshops.

FYI

- a. **Litigation Summary** – Ms. Berkowitz stated there are no cases to report.

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

The meeting adjourned at 9:20 a.m.