

MINUTES
SPECIAL PENSION BOARD MEETING
EMPLOYEES' RETIREMENT FUND, CITY OF HOLLYWOOD, FLORIDA
THURSDAY, JANUARY 8, 2015

1. CALL TO ORDER

Trustee Shaw called the meeting to order at 1:04 p.m.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Board members present: Chair Phyllis Shaw, Vice-Chair Jeffrey Greene, Mr. Ralph Dierks, Ms. Raquel Elejabarrieta, Mr. Matthew Lalla, Mr. Daniel Matlow and Mr. Richard Templeton. Also present: Pension Coordinator, Ms. Lisa Castronovo; Board Secretary, Tammie Hechler; and Mr. Glenn Thomas on behalf of Board Attorney, James Linn.

3. CONSIDERATION OF DUTY DISABILITY APPLICATION FOR JOSE CANOA

MOTION made by Mr. Templeton, seconded by Mr. Dierks, to approve the duty disability application for Jose Canoa.

Ms. Barbara Duffy, Mr. Canoa's attorney, stated her objection to Ms. Elejabarrieta voting on Mr. Canoa's duty disability application given her position Director of Labor Relations; Ms. Duffy stated that such a vote was a conflict of interest. Ms. Duffy stated that Ms. Elejabarrieta had delayed the duty disability application due to her personal involvement in the workers' compensation aspect of this case.

Mr. Thomas stated he did not think that Ms. Elejabarrieta voting on the duty disability application was a conflict of interest, but recommended that Ms. Elejabarrieta abstain from the vote until further research could be done to determine if there was a conflict of interest or not. Discussion followed. Mr. Lalla requested Ms. Duffy, to provide a written opinion regarding Ms. Elejabarrieta sitting on the Board and/or voting on disability cases and the specific conflict(s) of interest it presented.

Discussion ensued regarding the motion. When asked by Mr. Dierks, Ms. Hechler, responding as the Director of Human Resources, advised that Mr. Canoa was previously offered an employment position with the City by the Office of Labor Relations but he had the right to reject that position. Vice-Chair Greene advised in the past, the City via the Human Resources Director either agreed or disagreed with the application and thus he wanted to know the City's opinion. Ms. Hechler advised the Board's By-laws did not state the City was to have a position concerning disability applications. Ms. Hechler stated the Board's By-laws were somewhat confusing and asked Mr. Thomas to clarify the standard for the Board to make a determination to approve disability applications. Mr. Thomas responded that the Department of Human Resources is to determine whether or not the claimant can perform his job duties and then the Board is to determine if, based on information supplied by the Human Resources Director, the claimant cannot perform their duties as a result of an injury that happened on the job should the claimant could then be

determined to be permanently and totally disabled under the Plan and whether there is competent substantial evidence to support the claim.

Ms. Duffy stated Mr. Canoa had been home and his leave time has been docked because there was no position available in the City.

In a voice vote by the members present, all members voted in favor. Motion passed 7- 0.

Vice-Chair Greene requested the Board attorney to provide an opinion regarding Ms. Elejabarrieta sitting on the Board and voting on disability applications. Vice-Chair asked that all future disability applicants be required to provide any objections in advance of the meeting.

Mr. Dierks requested Ms. Hechler to fully detail in future letters all available information regarding positions offered to the employee.

Mr. Templeton requested Mr. Thomas to review and modify all Plan documents – Summary Plan Descriptions, Ordinance, By-laws, union contracts - to make sure they are all in agreement . Ms. Shaw advised any procedural issues should be discussed at the next regular Board meeting.

Ms. Elejabarrieta reported that the Mr. Canoa's disability application was not delayed and in fact had been turned around much faster than previous disability application since the applicant had not submitted all required paperwork until mid-late October 2014.

4. ADJOURNMENT

MOTION made by Mr. Lalla, seconded by Vice-Chair Greene, to adjourn the meeting. In a voice vote by the members present, motion passed 7-0. Meeting adjourned at 1:49 p.m.



Phyllis Shaw, Chair

1/22/2015

Date