



JACKSONVILLE POLICE AND FIRE PENSION FUND
ADVISORY COMMITTEE
MEETING SUMMARY – OCTOBER 10, 2018 – 9:00AM

PRESENT

James Holderfield, Chair
Lt. Michael Shell, Vice Chair
Thomas Lumpkin
Eng. Jean Paravisini
Michael Pelletier
Asst. Chief Richard Reichard
Lt. Christopher Stover

STAFF

Timothy H. Johnson, Executive Director – Plan Administrator
Steve Lundy, Assistant Plan Administrator
Chuck Hayes, Pension Benefits Manager
Lawsikia Hodges, Office of General Counsel
Bob Sugarman, Fund Counsel – via Webex
Maria Young, Administrative Specialist

Meeting Convened

9:00AM

Meeting Adjourned

10:04AM

NOTICE: Any person requiring a special accommodation to participate in the meeting because of disability shall contact Steve Lundy, Assistant Plan Administrator at (904) 255-7373, at least five business days in advance of the meeting to make appropriate arrangements. If any person decides to appeal any decision made with respect to any matter considered at this public meeting such person will need a record of proceedings, and for such purpose such person may need to ensure that a verbatim record of the proceedings is made at their own expense and that such record includes the testimony and evidence on which the appeal is based. The public meeting may be continued to a date, time, and place to be specified on the record at the meeting. Additional items may be added / changed prior to meeting.

I. MOMENT OF SILENCE

Kenneth R. Ivey, Retired Fire Lieutenant
Everett B. Prescott, Retired Police Officer

II. PUBLIC SPEAKING PERIOD

None.

III. CONSENT AGENDA (ITEMS 1-10)

Motion to approve: SHELL; Second: LUMPKIN; APPROVED UNANIMOUSLY.

The benefits listed below have been reviewed and approved by the Pension Benefits Manager.

1. MEETING SUMMARY TO BE APPROVED

1. **Summary of the Meeting held September 12, 2018.**
Copy held in the meeting file.

2. APPLICATION FOR TIME SERVICE RETIREMENT

- | | |
|---------------------------|----------------|
| 1. BRYANT, Lynette | Police Officer |
| Monthly pension base | \$3,181.86 |
| Retirement Date | 09/07/2018 |

3. APPLICATION FOR SURVIVOR BENEFITS

- | | |
|------------------------------|--|
| 1. TAFT, Janet C. | Widow of Michael E. Taft (d. 09/01/2018) |
| Monthly gross pension | \$4,710.89 |
| 2. TRTALA, Cynthia L. | Widow of Larry S. Arney (d. 08/06/2018) |
| Monthly gross pension | \$1,178.38 |

4. APPLICATION FOR CHILD'S BENEFIT

- | | |
|----------------------------|---|
| 1. ARNEY, Mariya E. | Child of Larry S. Arney (d. 08/06/2018) |
| Born 12/25/2002 | Cynthia L. Trtala (Guardian) |

5. APPLICATION FOR VESTED RETIREMENT

- | | |
|----------------------------|--------------------------------------|
| 1. THOMAS, David R. | Firefighter Engineer |
| Monthly gross pension | \$2,064.24 |
| Vesting Date 08/20/2018 | Benefit Commencement Date 09/01/2026 |

6. APPLICATION FOR TEMPORARY DISABILITY PENSION

- | | |
|----------------------------|----------------------|
| 1. HORRALL, Mark L. | Firefighter Engineer |
| Monthly pension base | \$2,753.07 |
| Retirement Date | 08/11/2018 |

7. APPLICATION FOR TIME SERVICE CONNECTIONS

- | | |
|--|----------------|
| 1. BULLARD, Kenneth L. | Police Officer |
| Military Service (1 yr., 2 mos., 6 days) | \$14,069.36 |
| 2. BUTLER, Jasmine L. | Police Officer |
| COJ Service (4 yrs., 1 mos., 26 days) | \$17,966.91 |
| 3. CRENSHAW Jr., Bradford J. | Fire Captain |
| Florida Service (2 mos., 24 days) | \$3,924.48 |

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- | | |
|--|-------------------------------------|
| 4. DIXON, Joshua D.
Military Service (2 yrs.) | Fire Lieutenant
\$32,745.65 |
| 5. GOODYEAR, Christopher E.
Military Service (2 yrs.) | Firefighter
\$16,329.55 |
| 6. LIVINGOOD, Joshua P.
Military Service (2 yrs.) | Police Officer
\$19,919.95 |
| 7. PORTIS, Mark D.
Military Service (2 yrs.) | Firefighter
\$20,251.20 |
| 8. ROBINSON, Garrin K.
Military Service (2 yrs.) | Police Officer
\$17,654.40 |
| 9. SOLBERG, Grace
Florida Service (2 yrs.) | Firefighter
\$22,699.15 |
| 10. STOCKWELL, Ross A.
Florida Service (3 mos.) | Fire Lieutenant
\$3,975.61 |
| 11. STRUBLE, Eric J.
Florida Service (3 yrs., 2 mos., 11 days) | Firefighter Engineer
\$43,492.30 |
| 12. SULLIVAN, Jason S.
COJ Service (1 yrs., 8 mos., 29 days) | Police Officer
\$8,701.15 |
| 13. WOMACK, David A.
Florida Service (1 yrs., 1 mos.) | Firefighter
\$10,223.20 |

8. **SHARE PLAN DISTRIBUTIONS**
To be received as information

- | | |
|---|-------------------------------|
| 1. BRYANT, Lynette
Share Plan Distribution | Police Officer
\$3,167.76 |
| 2. TAYLOR, James M.
Share Plan Distribution | Police Sergeant
\$3,167.76 |

9. **DROP PARTICIPANT TERMINATION OF EMPLOYMENT**
To be received as information

- | | |
|--|--|
| 1. TAYLOR III, James H.
Monthly Pension Base
DROP Participation | Fire Lieutenant
\$3,879.03
10/12/2013 – 09/07/2018 |
|--|--|

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10. **DROP DISTRIBUTIONS**

To be received as information

1. **TAYLOR III, James H.**

Partial Lump Sum Payment	\$63,000.00
Remaining value paid over 30 years	\$232,103.63

2. **THOMPSON, Ernest M.**

Remaining Lump Sum Payment	\$142,577.47
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3. **GOODIN, Karen R.**

Partial Rollover Payment	\$75,000.00
Remaining Lump Sum Payment	\$123,616.25

VI. **EXECUTIVE DIRECTOR'S REPORT**

Timothy Johnson

Timothy Johnson informed the Advisory Committee of a new position at the PFPF, the Administrative Specialist. Previously, Jessica Fields had worked for the PFPF for a little over a year as Records Specialist, and recently left to work at the Budget Office. The new Administrative Specialist position has been revamped. The PFPF doesn't receive as many Public Records Requests as it used to. Now, the position is balanced at about half finance work, and half administrative work. The position attracted 100 applicants, and the PFPF interviewed 19. The most successful was Maria Young.

Steve Lundy introduced Maria Young, the new PFPF Administrative Specialist.

Maria Young said hello to the Advisory Committee, and provided a brief background of her work for the City of Jacksonville. She worked with the Jacksonville Housing Authority for 12 years as an Administrative Assistant, Accountant I, and Accountant II.

James Holderfield welcomed Maria aboard. We are welcome to have a new staff member with longevity at the City. Since Timothy Johnson became Executive Director, transparency issues have been reduced drastically.

Timothy Johnson said a lot of work goes into the preparation of Advisory Committee, FIAC, and Board of Trustees Meetings. A lot of work follows the meetings in post-processing. Steve Lundy does a great deal of the preparation and follow-through work. Maria Young will free up a lot of Steve Lundy's work, and her finance and accounting skills will help Finance Manager Kevin Grant as well.

1. **Beaches Time Service Connections – Update**

Timothy Johnson updated the Advisory Committee on the progress of administering the Beaches Time Service Connections corrections. As a culmination of months of hard work, the PFPF sent letters to the 9 members whose TSCs were miscalculated following a meeting at the FOP with these members. At

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the meeting, the members heard an update from PFPF staff, and the PFPF Board Chair, Chris Brown. So when they received their letters, they knew what to expect.

Timothy Johnson briefly described the sample letter included in the Advisory Committee Book. He said he anticipates members will appeal to the Advisory Committee regarding their miscalculations.

Timothy Johnson briefly discussed the bulleted items on the 'FYE2019 Advisory Committee (Proposed) Priorities' (HANDOUT). This is a roadmap of things to anticipate in the upcoming Fiscal Year. He asked the Advisory Committee to email Steve Lundy with any additions and he would update the list for November's Advisory Committee meeting.

Jean Paravisini asked if Timothy Johnson had a date in mind for the Mid-Year Meeting.

Timothy Johnson said no, it will be based on when the Actuarial Valuation and Audit documents are finished. This may be in March or April.

Jean Paravisini asked if the meeting would be held after-hours.

Timothy Johnson said that is a good question – he hasn't thought that far in advance. He is hoping 300-400 members attend.

2. Quarterly DROP Statements – Update

Timothy Johnson said he is especially proud of Chuck Hayes and Steve Lundy for the success of resuming the Quarterly DROP Statements for Phase I Members of the DROP a quarter ahead of schedule. The administration of members' DROP & COLA elections was expected to delay statements until January at the earliest. The statements resumed last week. He asked Steve Lundy for an update.

Steve Lundy said all Phase I Members of the DROP have been switched back to the fixed rates provided under 2017-259, in accordance with their elections. Their statements resumed last week. A handful of around 12 Phase II Members of the DROP remain to be adjusted back to the fixed rates, as these calculations are very intensive. He said he expects to have these calculations finished this month, and will review them with the actuary, Pete Strong, before administering the adjustments in November.

James Holderfield said he has received many calls from members thankful that their statements have resumed.

James Holderfield informed the Advisory Committee that he and Timothy Johnson have asked Pedro Herrera to look into appeal hearing procedures used for other pension funds. This will help the Advisory Committee in developing a consistent policy to hold hearings for members throughout the future.

Lawsikia Hodges said she would look into the GEPP's procedures as well.

IV. OLD BUSINESS

V. COUNSEL REPORTS

Lawsikia Hodges & Bob Sugarman

1. Bailiff Time Service Connections – Update

Lawsikia Hodges said that the Board Chair, Chris Brown, is eager to wrap up the Bailiff Time Service Connections. Unfortunately, Steve Durden's mother is on her deathbed, and he is out of pocket. Bob Sugarman sent some information proposing guidelines based on the data Steve Lundy sent over.

Lawsikia Hodges discussed two guidelines: first, look at members who worked mostly 80 hour pay periods, and aggregate the time; and second, look at everyone who has worked 80 hour pay periods for 6 months straight.

Lawsikia Hodges said the previous opinion said members had to work 6 months of not less than 80 hours per pay period.

Bob Sugarman asked Steve Lundy what the results were for Bailiffs who worked not less than 80 hours per pay period for at least 6 months straight.

Steve Lundy said that on the 'Oracle' data file, covering pay periods starting in April 2004 to the present, only three members worked not less than 80 hours per pay period for at least 6 months straight. The 'Legacy' data file, with pay information before April 2004, is unreliable. Members may have met this criteria if we knew the correct pay information for this time period.

Bob Sugarman and James Holderfield briefly discussed leave and sick leave for the Bailiffs.

James Holderfield said Bailiffs would report to the courthouse every day, and then they may be told they will work that day, or are not needed, and then they would be sent home. He said he was not sure if this practice was defined in a policy.

Bob Sugarman asked if this practice was mentioned in any of Steve Durden's memos.

Lawsikia Hodges answered no.

Bob Sugarman asked if these Bailiffs 'signed in' every morning to work.

James Holderfield said yes – they may have only been paid for one or two hours for those days. Maybe their judges were sick, or just have one case for that morning, then the bailiffs were released for the day.

Bob Sugarman said that if this was the situation, then OGC should revisit the original question. From a labor law issue, these Bailiffs have moved from a 'temporary employee', as was originally assumed, to an 'on-call' employee. This idea of reporting to work, then seeing if you work for the day is a well-established concept in law. The dockworker, construction, horseracing industries all fall into this

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category. This needs additional labor law analysis. This is a significant fact. OGC and Steve Durden need to reflect on this. For Bailiffs who only worked one or two hours, we need to know the reason.

Timothy Johnson said there are many circumstances the attorneys need to analyze.

Lawsikia Hodges said that we may not be able to extract the clear answer without digging deeper into this issue.

Michael Shell said that for current members applying for TSCs, there are three applications: one for Prior Florida Service, one for Prior Duval Service, and one for Prior Military Service. If we start selling time to bailiffs, we will need a new application. On the Prior Duval Service application, a signature is required from the Employee Services Department certifying that the member was full time. These members have recourse through their unions to file a grievance. This grievance requires JSO HR personnel to sign off. This would solve our problem.

Bob Sugarman asked if we should leave this to the unions to work out.

Michael Shell said the PFPF staff doesn't do all this work for members applying to buy Prior Florida, Duval, or Military Service. This should be a grievance filed through the unions.

Bob Sugarman asked if we have asked JSO HR to just sign the form certifying full-time employment.

James Holderfield said yes. JSO HR points to COJ HR as the as the repository of data, and COJ HR points to JSO as the repository. Neither party will certify full-time status of the bailiffs.

Bob Sugarman said that Michael Shell raises a good question – if a bailiff's time served doesn't pass a certain test for eligibility, they may sue us.

Lawsikia Hodges said that looking at precedent in other cases, 6 months of not less than 80 hours a pay period would be legally safe, but only 3 bailiffs would be eligible to purchase time.

Timothy Johnson said the PFPF's recourse would be to reject all bailiff's applications that did not meet the 6 consecutive month, not less than 80 hour pay period test. Then any members who appeal would go through the unions.

James Holderfield said these applications to purchase bailiff time have already been received. We will require member to bring letter from JSO certifying they worked full time hours, as is our current process. Then we would go through an appeal through the unions. We have a good relationship with the FOP, Steve Zona, and the City. This would help to reduce litigation against the fund.

Bob Sugarman said Michael Shell's question is completely correct. For current TSC applications, if we don't have a signature from the other agencies certifying full time employment, we could not act on the TSC. He asked if he was correct.

Michael Shell said yes, that is correct. We would not approve any TSC without a signature certifying full time employment.

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Bob Sugarman said we need to have an application where the employer certifies the employee worked the service time he is intending to connect, full time. This is a fight between the employee and the employer, not the employee and the pension fund to which he intends to connect time. The employer has a much better means of doing this than the PFPF has. They have a grievance process and arbitration process.

James Holderfield proposed reaching out to Steve Durden – if Steve Durden is firm on the 6-month straight, not less than 80 hours per pay period test, then the Advisory Committee should be comfortable going to the Board of Trustees with a recommendation to take Steve Durden's original opinion at face value.

Lawsikia Hodges said she wouldn't say if other members necessarily wouldn't be eligible to connect time, but instead placing the burden of proof on the member. These applications should come back to the PFPF and Advisory Committee with enough information to make a sound decision on law. This is not suggesting we reject anyone's eligibility outright – this is saying we can approve the ones that can prove they worked 6 months straight with not less than 80 hours per pay period, and for the ones who do not pass that test, we ask them to provide additional information.

Bob Sugarman said that would be the “bright line” – 6 months straight of not less than 80 hours per pay period. If the member does not pass that test, then the member must go back to his employer and essentially get the employer to tell us what periods of time this employee was considered a full time employee.

Bob Sugarman said whenever any member applies to purchase time from anywhere else, we do not ask outside agencies for payroll records to verify. We accept their certification signature at face value.

James Holderfield said we trust outside agencies to sign off on the applications.

James Holderfield said he wants a clear definition of recurring, full time employment.

Lawsikia Hodges said right.

James Holderfield said our ordinance is clear – 40-hour weeks.

Lawsikia Hodges said we would definitely go back and look at that. She said she wants the Advisory Committee to understand how OGC comes up with the 'regular and recurring' definition – it is based on other cases which were ruled upon by the court. Based on those cases, we'd say more than likely what a judge would say. On these facts, this is the ruling. For this type of situation, generally speaking, this would be the definition of what would be considered regular, full time employment.

Chuck Hayes said we need a clear definition not just for the three members who meet the 6-month, 80 hour test, but for every member who applied.

James Holderfield said we would still need to have a letter from COJ HR certifying time before the Advisory Committee ultimately recommends the applications to the Board of Trustees. We need certification in alignment with what we have historically approved regarding TSCs.

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Timothy Johnson said that JSO HR has given us the data files as their 'certification'. In their mind, this has gotten us to the 'same place'.

James Holderfield said to make this topic the Advisory Committee's prime objective in November – giving the best decision to the Board of Trustees as possible. If something comes up in between then, we should notice a working group as a public meeting. We will take this up in November.

VII. NEW BUSINESS

None.

Steve Lundy, Assistant Plan Administrator
Posted 10/12/2018

James Holderfield, Chair
To be approved at the Advisory Committee Meeting on November 7, 2018.

The next regular meeting will be held Wednesday, November 7 2018 at 9:00AM.