



SUMMARY TO THE REGULAR ADVISORY COMMITTEE MEETING

Wednesday, December 11, 2019
9:00 A.M.

City of Jacksonville Police and Fire Pension Fund
1 West Adams Street Suite 100, Jacksonville, FL 32202
Richard "Dick" Cohee Board Room

The next Advisory Committee meeting will be held January 8, 2020 at 9:00 A.M.

Advisory Committee Members

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

Staff

Timothy H. Johnson, Executive Director – Plan Administrator
Steve Lundy, Deputy Director
Chuck Hayes, Pension Benefits Manager
Sonya Harrell, Office of General Counsel
Bob Sugarman, Fund Counsel (via Webex)
Lynn West, Pension Benefits Specialist
Debbie Manning, Sr. Pension Benefits Specialist

Guests

Sgt. Brad F. Echelberger, JSO
Derek J. Gianakas, Former JSO (via Webex)

Notice

Meeting Agendas and Summaries are available on our website at jaxpfpf.coj.net. For additional meeting documents, please contact Maria Young, Custodian of Public Records for the City of Jacksonville Police and Fire Pension Fund at 904-255-7373 or MariaY@coj.net to file a public records request.

Pursuant to the American with Disabilities Act, accommodations for persons with disabilities are available upon request. Please allow 1-2 business days notification to process; last minute requests will be accepted, but may not be possible to fulfill. Please contact Disabled Services Division at: V(904) 630-4940, TTY-(904) 630-4933, or email your request to KLMcDan@coj.net. 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.

Summary

I. Moment of Silence

Joseph J. Davis, Retired Firefighter Engineer
Timothy E. Dennis, Retired Police Officer
Wayne S. Hicks, Retired Firefighter Engineer
John H. Smith Sr., Retired Police Officer

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- II. Public Speaking
- III. Consent Agenda – Action Items: a-e approved; Items f-i received as information.

Michael Shell made a motion to approve Consent Agenda items a-e, and to receive items f-i as information. Seconded by Michael Pelletier. The vote passed unanimously.

a. Meeting Summaries to be Approved

- 1. Summary to the Regular Advisory Committee Meeting of Wednesday, November 13, 2019

b. Application for Time Service Retirement

- 1. EISERT III, William M., Police Officer
 - Monthly pension base \$3,644.62
 - Retirement Date 11/23/2019

c. Application for Survivor Benefits

- 1. DAVIS, Joan H.
 - Widow of Joseph J. Davis (d. 11/13/2019)
 - Monthly gross pension \$3,988.71
- 2. SMITH, Shirley K.
 - Widow of John H. Smith Sr. (d. 11/14/2019)
 - Monthly gross pension \$4,658.96

d. Application for DROP

- 1. POLICE
 - BUJEDA, Melissa J. Police Officer
 - CLARK, Michael S. Police Officer
 - GIBSON, Michael P. Police Officer
 - GIDCUMB, Bradley S. Police Sergeant
 - GRAY, James E. "Etta" Police Officer
 - HEMMINGWAY, Tammy L. Police Officer
 - HENSON, Tina L. Police Officer
 - JONES, Willie A. Police Officer
 - LIPSEY, Earlean Police Officer
 - MAJESKEY, Leonard J. Police Officer
 - SCIANDRA, David A. Police Officer
 - TYRRELL, Jonathan D. Police Officer

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2. FIRE

DAVIS III, John A.	Fire Captain
JONES, Kevin L.	Chief of Fire Prevention
MORELAND, Charles E.	JFRD Manager of Community Affairs

e. Application for Time Service Connections

- | | |
|---|--|
| 1. ALEXANDER, David V., Police Officer
City of Jacksonville Service
1 year, 14 days | Jacksonville Sheriff's Office – Bailiff
\$5,223.04 |
| 2. BARTLESON, Scott R., Police Officer (1)
City of Jacksonville Service
9 months, 21 days | Jacksonville Sheriff's Office – Bailiff
\$5,538.69 |
| 3. BARTLESON, Scott R., Police Officer (2)
Prior Military Service
1 year | U.S. Navy
\$14,716.51 |
| 4. BAUMGARTNER, Bryan J., Firefighter Engineer
Prior Florida Service
3 years, 10 months, 2 days | Clay County Fire Department
\$39,083.05 |
| 5. BENNETT, Monica L., Police Officer
City of Jacksonville Service
6 months, 2 days | Jacksonville Sheriff's Office – Bailiff
\$2,565.96 |
| 6. BINKLEY, Aron W., Police Officer
City of Jacksonville Service
2 years, 6 months, 21 days | Jacksonville Sheriff's Office – Bailiff
\$9,759.59 |
| 7. BOREE, Michael A., Police Officer
City of Jacksonville Service
2 years, 7 months, 19 days | Jacksonville Sheriff's Office – Bailiff
\$12,207.94 |
| 8. BOYD, Trevor M., Police Officer
City of Jacksonville Service
8 months, 23 days | Jacksonville Sheriff's Office – Bailiff
\$3,332.05 |
| 9. BROOKS, Harmoni R., Police Officer
City of Jacksonville Service
1 year, 23 days | Jacksonville Sheriff's Office – Bailiff
\$5,301.77 |
| 10. BROWN, Walter J., Police Officer
City of Jacksonville Service
8 months, 25 days | Jacksonville Sheriff's Office – Bailiff
\$5,342.43 |
| 11. BUSEKRUS, David L., Police Officer
City of Jacksonville Service
11 months, 17 days | Jacksonville Sheriff's Office – Bailiff
\$4,892.25 |

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12. CARR, Timothy J., Police Officer City of Jacksonville Service 3 years, 6 months, 10 days	Jacksonville Sheriff's Office – Bailiff \$16,421.95
13. COOK, Dennis M., Police Officer City of Jacksonville Service 3 years, 16 days	Jacksonville Sheriff's Office – Bailiff \$12,517.67
14. CRAWFORD, Marc W., Police Sergeant City of Jacksonville Service 11 months, 10 days	Jacksonville Sheriff's Office – Bailiff \$5,313.09
15. DAWSON, Bradley D., Police Officer City of Jacksonville Service 2 years, 5 months, 5 days	Jacksonville Sheriff's Office – Bailiff \$8,313.67
16. GOEBEL, Bryan D., Police Sergeant City of Jacksonville Service 7 months, 16 days	Jacksonville Sheriff's Office – Bailiff \$3,897.84
17. HILLIER, Jake R., Police Officer City of Jacksonville Service 1 year, 4 months, 14 days	Jacksonville Sheriff's Office – Bailiff \$7,216.15
18. HOUSEND, Brian R., Police Officer City of Jacksonville Service 9 months, 14 days	Jacksonville Sheriff's Office – Bailiff \$2,287.14
19. MAYNARD, Jessica D., Police Officer City of Jacksonville Service 7 months	Jacksonville Sheriff's Office – Bailiff \$2,960.73
20. MOLINA, Douglas W., Police Sergeant City of Jacksonville Service 3 months, 19 days	Jacksonville Sheriff's Office – Bailiff \$1,380.96
21. NUSSBAUM III, David G., Police Sergeant City of Jacksonville Service 2 years, 3 months, 27 days	Jacksonville Sheriff's Office – Bailiff \$11,603.79
22. PORTER, Gary S., Police Sergeant City of Jacksonville Service 5 months, 1 day	Jacksonville Sheriff's Office – Bailiff \$2,128.90
23. RESTON, Jared T., Police Officer City of Jacksonville Service 1 year, 7 months, 8 days	Jacksonville Sheriff's Office – Bailiff \$7,769.88
24. RODRIQUENZ, Christopher J, Police Officer City of Jacksonville Service 6 months, 2 days	Jacksonville Sheriff's Office – Bailiff \$1,891.83
25. SCOTT, Ron R., Police Sergeant City of Jacksonville Service 7 months, 2 days	Jacksonville Sheriff's Office – Bailiff \$5,443.69

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26. STEVENSON, Wesley A., Police Officer City of Jacksonville Service 2 years, 3 months, 27 days	Jacksonville Sheriff's Office – Bailiff \$11,320.79
27. STRICKLAND, Shawn K., Police Officer City of Jacksonville Service 10 months, 14 days	Jacksonville Sheriff's Office – Bailiff \$3,999.13
28. SALAS, Jose A., Police Sergeant City of Jacksonville Service 9 months, 21 days	Jacksonville Sheriff's Office – Bailiff \$3,916.50
29. SNEAD, Sean D., Police Officer City of Jacksonville Service 1 year, 2 months, 3 days	Jacksonville Sheriff's Office – Bailiff \$5,907.35
30. TAPLEY, Joshua T., Police Officer City of Jacksonville Service 1 year, 3 days	Jacksonville Sheriff's Office – Bailiff \$3,704.75
31. VAN DELINDER, Joel E., Police Sergeant City of Jacksonville Service 1 year, 3 months, 26 days	Jacksonville Sheriff's Office – Bailiff \$7,730.27
32. VELASCO, Christian J., Police Officer (1) City of Jacksonville Service 10 months, 19 days	Jacksonville Sheriff's Office – Bailiff \$4,103.62
33. VELASCO, Christian J., Police Officer (2) City of Jacksonville Service 1 year, 6 months, 13 days	Jacksonville Sheriff's Office – Bailiff \$7,113.79
34. WATFORD, James Q., Police Officer City of Jacksonville Service 8 months, 23 days	Jacksonville Sheriff's Office – Bailiff \$3,623.11
35. WEATHINGTON, Jason L., Police Officer City of Jacksonville Service 1 year, 4 months	Jacksonville Sheriff's Office – Bailiff \$6,337.32
36. WEAVER-THOMPSON, Latosha R., Police Officer City of Jacksonville Service 1 year, 4 months, 28 days	Jacksonville Sheriff's Office – Bailiff \$6,707.00

f. Refund of Pension Contributions

1. BARBIERI, Matthew J., Police Officer Refund of Contributions	\$4,886.67
2. BENTLEY Jr., Thomas M., Police Officer Refund of Contributions	\$4,206.67
3. HILL, John D., Police Officer Refund of Contributions	\$7,565.64

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g. Share Plan Distributions

EISERT III, William M., Police Officer	\$5,549.54
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h. DROP Distributions

1. CULPEPPER, Timothy S.

Remaining Lump Sum Payment	\$223,403.75
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i. DROP Distributions for Survivors

1. RODGERS, Doris W.

Remaining Lump Sum Payment	\$279,333.51
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IV. Counsel Reports

None.

V. Executive Director's Report

Timothy Johnson informed the Advisory Committee that the chairs of the Board of Trustees, FIAC, and Advisory Committee met to review the PFPF Strategic Plan. We are proudly ahead of the plan. We are in the 'Exacting the Model' stage, which means we are getting better and better at our operations. The Bailiff Time Service Connections opinion is an example of the PFPF staff 'Exacting the Model'. Things which we have done for a long time can still be improved. Once the Board of Trustees approves the Strategic Plan, it will be presented to the Advisory Committee.

a. Police Advisory Committee Election Results

Steve Lundy updated the Advisory Committee on the Election Results. Jean Paravisini was not opposed, and won reelection by default. Mike Pelletier was opposed, and won the Election held in November.

Steve Lundy and the Advisory Committee congratulated Mike Pelletier on his win.

b. PFPF Holiday Party

Timothy Johnson invited all of the Advisory Committee to the PFPF's Christmas Party, to be held Friday the 20th from 2-6PM at the Pension Office Atrium.

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VI. New Business

a. *Right to Apply for Vested Retirement – action requested*

1. GIANAKIS, Derek J., Police Officer

James Holderfield said Mr. Gianakas sent the Advisory Committee the letter contained in the book. JSO Sergeant Echelberger is present to answer any questions.

Timothy Johnson described the vesting process for members who terminate service from JFRD or JSO. The law provides an option for members to receive a return of pension contributions as a check or rollover – or to ‘vest’ their pension. This means their pension is ‘frozen’ until they are eligible to begin collecting. In this member’s case, we became aware of his ambiguous status when we got an email from our actuary. Every year, we send a data report on all the fund’s members to the actuary to reconcile against previous years’ reports for the annual actuarial valuation. If a member’s status changes from year to year, the actuary needs to know why. He asked that question of Mr. Gianakas.

Timothy Johnson said after the PFPF received the questions from the actuary, we inquired of JSO. Mr. Gianakas had left employment. More than 30 days had passed from his termination. This is beyond the time period allowed by law to request a ‘vested’ pension retirement.

Timothy Johnson said he feels this member may have not been properly noticed, because he did not leave service in the normal exit process.

Timothy Johnson said he defers this to the Advisory Committee, so that questions may be asked of the PFPF Staff, the Member, Sgt. Echelberger (Mr. Gianakas’s supervisor at JSO), and legal counsel, prior to any recommendations to be made to the Board of Trustees.

Derek Gianakas said the first time he found out about this was 90 days after he left JSO. He said it was always his desire to stay in the pension fund. He said that once he found this out, he took the necessary steps to vest by talking with Chuck Hayes and Timothy Johnson. He said it is his desire to vest his pension and to draw when eligible.

Michael Shell asked if Mr. Gianakas went on terminal leave in March.

Derek Gianakas said yes.

Michael Shell asked if Mr. Gianakas submitted his resignation in July.

Derek Gianakas said yes.

Michael Shell asked Mr. Gianakas if his supervisor, Sgt. Echelberger, handled this on his behalf since he was out of town training with the FBI.

Derek Gianakas said yes.

Michael Shell said that JSO updated the termination checklist packet given to employees who are terminating. This updated packet explicitly explains what happens if a member does not vest within 30 days of separation. Looking back at Mr. Gianakas’s separation packet, this info was not present. He asked if Mr. Gianakas reached out to the PFPF during this time.

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Derek Gianakas said he did not.

Richard Reichard asked Chuck Hayes to describe the normal process is for members who terminate.

Chuck Hayes said the member would check out through either JSO or JFRD HR, and they would inform the member to visit Employee Benefits regarding health insurance and Deferred Compensation, and to visit the PFPF office.

Richard Reichard asked if that conversation is started by the employee or employer.

Chuck Hayes said it is started by the employer through the check out process.

Richard Reichard said this is a huge decision. He said he cannot believe that if he was reaching the point of termination that he would not reach out himself to anybody, or call anybody. If the supervisor didn't know, then he would call the pension office.

Michael Shell said that on the JSO check out sheet, item 5 says to contact the PFPF office for retirement. Now it says that if the member does not contact the PFPF within 30 days, then this will happen. Before, unless you were looking at the Summary Plan Description, you may not know you only have 30 days.

Richard Reichard said this is a huge decision like the DROP. People always start reaching out when they approach their 20-year DROP eligibility mark. He said he doesn't understand why Mr. Gianakas wouldn't reach out.

Michael Shell asked when Sgt. Echelberger visited the PFPF office.

Brad Echelberger said he visited the PFPF office and stayed at the front desk with the secretary. He said the interaction lasted about 30 seconds. He said he knew Mr. Gianakas's intent was to stay in the fund. He said he did not know the repercussions of passing the 30-day deadline. He said he assumed the money stayed in the fund. He said he's known Mr. Gianakas for his whole career, and his intent has always been to stay in the fund.

James Holderfield asked if Brad Echelberger knew of Mr. Gianakas's intent to be a federal agent with the FBI.

Brad Echelberger said yes.

James Holderfield asked when Mr. Gianakis started the FBI academy.

Derek Gianakas said it was in March of this year.

James Holderfield asked if Mr. Gianakas stopped working because he had to attend the FBI academy, and if he 'ran out' his leave to get as much benefit as possible.

Derek Gianakas said that is correct.

James Holderfield said that Derek Gianakas was in the official JSO database as approved for rehire, and that he left in good standing.

Michael Shell asked how often the PFPF office communicates this 30-day requirement to members.

Timothy Johnson said that before, the form just said to 'contact the PFPF'. Now, it indicates, 'You have 30 days, if you don't contact the PFPF, we will send the money back'. The PFPF would communicate the additional facts when the member visits the office. The process is currently to visit the office, and receive the message verbally.

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Chuck Hayes said that also, Timothy Johnson and Steve Lundy hold the quarterly Vesting Workshops which inform members of the 30-day deadline.

Steve Lundy said that the PFPF office publishes a new Summary Plan Description with this 30-day deadline information every two years.

James Holderfield read the last portion of Section 121.201.c.1 of the Jacksonville Code of Ordinances, "Within 30 days of a Member leaving the payroll prior to normal service retirement, the Member must make the election in writing to either vest or the refund will be issued automatically. Acceptance of the refund of employee contributions constitutes an irrevocable waiver of all rights to benefits from the Plan."

James Holderfield said this language does not say 'forfeit'. It just says the refund will be issued automatically. He asked if the Fund has issued a check.

Chuck Hayes said no.

James Holderfield said Mr. Gianakas has not accepted a refund then. He said he believes that is the only provision that would make him revoke any benefit. He asked Bob Sugarman for his legal opinion on the matter.

Bob Sugarman said in order to lose pension credit, Mr. Gianakas would have to accept payment, which he did not. The code says 'leaving the payroll' – the ordinance expects members to leave the payroll normally. Normally in JSO, when a member leaves the payroll, there is a regular process which was described by Chuck Hayes. Members are sent to various locations to get different information. Mr. Gianakas left the payroll in an irregular manner. This is a one-off deal. We can correct JSO's procedures to not let people leave by proxy, as Mr. Gianakas did. Mr. Gianakas did not leave the payroll in a manner anticipated by the ordinance. These are reasons to grant Mr. Gianakas his right to apply for vested retirement. One basis for denial would be the literal reading of the ordinance. He left, 30 days passed, deny the application.

Michael Pelletier asked if any paperwork is signed by members when they begin employment acknowledging the 30-day deadline.

Chuck Hayes said no. Members were historically given a copy of the Summary Plan Description at the academy.

James Holderfield said the fund has made great gains in member education in the past 3 years.

Richard Reichard asked if this action would be affecting any previous applications.

Bob Sugarman said yes, if someone can show that they did the same exact thing as Mr. Gianakas. This is based on unique circumstances. His proxy came to the PFPF office, but did not get the same information that Mr. Gianakas would have received had he been here in person.

Steve Lundy said that this motion would be to approve Mr. Gianakas's right to apply for vested retirement – no dollar amounts have been processed – so, Mr. Gianakas's application would ideally appear on the January Advisory Committee Consent Agenda.

Timothy Johnson added that this would also need to be approved by the Board of Trustees in December as well.

James Holderfield asked for a motion to grant or deny Mr. Gianakas's right to apply for vested retirement.

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Michael Shell made a motion to accept Mr. Gianakas's ability to submit an application for vested retirement. Seconded by Christopher Stover. The vote passed unanimously.

Bob Sugarman noted that some members may 'leave payroll' by means of injury, and cannot apply to vest within 30 days. He recommended that Timothy Johnson craft a new procedure to deal with special circumstances such as these.

James Holderfield thanked Mr. Gianakas for calling to the the meeting.

Derek Gianakas thanked the Advisory Committee for their time.

VII. Old Business

b. Application for Disability Retirement – deferred to January 8, 2020 Advisory Committee Meeting

2. WEATHINGTON, Jason L., Police Officer

James Holderfield deferred the disability application until January. He recommended the Advisory Committee review the disability file prior to the meeting.

Michael Shell said that he would like the Advisory Committee to be able to address witnesses during the hearing. This was not explicitly included in the hearing outline in the agenda.

Bob Sugarman said that would be fine, but it is the Chair's call.

VIII. Adjournment

9:40A.M.

Summary Approved:

James Holderfield, Chair
Advisory Committee

Summary Prepared By:
Steve Lundy, Deputy Director
City of Jacksonville Police and Fire Pension Fund

Posted: 12/11/2019

To be Approved: 01/08/2020