

## Minutes of the Firefighter's Pension Board Meeting

Chairman Ronald Glass called the meeting to order on Thursday, September 16, 2010 at 9:05 a.m., 2<sup>nd</sup> floor, conference room R, City Hall at 400 S. Orange Avenue, Orlando, Florida. There was a quorum.

**Members Present:**

Ronald Glass, Chairman  
Rebecca W. Sutton, Trustee  
Michael Droege, Secretary  
Mario A. Garcia, Trustee  
Shannon Raybon, Trustee

**Also Present:**

Christopher P. McCullion, Executive Director  
James B. Loper, Board Attorney  
Rochelle L. Burlon, Pension Coordinator  
Jeffrey Cervenka, Disability Applicant  
Amanda Green, Department Advocate  
Michael Clelland, Attorney for J. Cervenka  
John McCormack, Deputy Chief  
Chief John Miller  
Katie Zuccarini, Employee Benefits

Chairman R. Glass presented Chief John Miller with a plaque for his eight years of service to the Pension Board. A plaque was also given to Rebecca Sutton for her four years of service to both the Police and Fire Pension Boards on September 10, 2010.

### 1. **DISABILITY HEARING FOR JEFFERY CERVENKA**

Chairman R. Glass advised that this was the time set for the application for line of duty disability pension of Jeffrey Cervenka. Michael Clelland represented the applicant. Amanda Green represented the Department. J. Loper went over the guidelines of the disability hearing. R. Glass informed all present that the hearing was being recorded and indicated that the applicant's package, IME report, and the affidavit that the Department doesn't have any light duty positions available without a reduction in pay and benefits, would be accepted into evidence. J. Cervenka was sworn in. M. Clelland gave his opening statement. A. Green waived her opening statement. Both attorneys waived closing statement. Questions were asked of the applicant. R. Glass advised that the evidentiary phase of the hearing was closed.

**A MOTION THAT JEFFREY CERVENKA IS PERMANENTLY AND TOTALLY DISABLED** was made by M. Droege and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT THIS IS A LINE OF DUTY DISABILITY** was made by M. Droege and seconded by R. Glass; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT JEFFREY CERVENKA IS NOT ENTITLED TO COST OF LIVING INCREASES SINCE HE DOES NOT HAVE 20 OR MORE YEARS OF ACTUAL SERVICE** was made by R. Glass and seconded by M. Droege; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT BASED ON THE NOTICE SUBMITTED BY THE DEPARTMENT ADVOCATE, THE FIRE CHIEF DOES NOT HAVE A LIGHT DUTY POSITION AVAILABLE WITHOUT A REDUCTION IN PAY OR BENEFITS** was made by R. Glass and seconded by M. Droege; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT THE LINE OF DUTY DISABILITY PENSION WILL BE EFFECTIVE OCTOBER 1, 2010** was made by M. Droege and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

**2. MINUTES**

**A MOTION TO APPROVE THE MINUTES OF AUGUST 19, 2010** was made by M. Droege and seconded by R. Sutton; **MOTION CARRIED UNANIMOUSLY.**

**3. CONSENT AGENDA**

**A MOTION TO APPROVE THE CONSENT AGENDA** was made by R. Sutton and seconded by M. Droege; **MOTION CARRIED UNANIMOUSLY.**

<u>Name</u>	<u>Date of Retirement</u>
Dennis R. Longest #6960 \$4195.14 monthly	September 1, 2010

**4. PENDING/OLD BUSINESS**

**a. STATUS OF DISABILITY APPLICATIONS**

S. Burlon gave the following updates:

**John Tormos (neck & back)**

MRI films were submitted by applicant. Questions were submitted by Board and Randy Brown (applicant's attorney), to schedule a deposition with the IME physician. Motion to Stay filed on August 6 by Mr. Brown. Motion Denied by Pension Board at their meeting of August 19, 2010.

<b>John Tormos (hypertension)</b>	Petition for Writ of Certiorari filed by Erin J. O’Leary, attorney for applicant on July 23, 2010 with the Circuit Court of the Ninth Judicial Circuit. Motion to Strike filed by J. Loper. Response to Motion To Strike filed by Applicant’s attorney September 2, 2010.
<b>Jacqueline Goldenberg</b>	Application Notebooks submitted on August 28, 2010. No IME scheduled yet. Notice of Appearance filed by M. Clelland.
<b>John Panzella</b>	Notice of Appearance filed by M. Clelland. No application has been submitted.
<b>Patrick Gallagher</b>	He is working on his application.

b. **SHARE PROGRAM AND NATIONWIDE AGREEMENT UPDATE**

J. Loper advised that he will work on the final Nationwide Agreement this week with their attorney.

**A MOTION TO HIRE NATIONWIDE TO ADMINISTER THE SHARE PROGRAM FOR THE FIREFIGHTERS PENSION BOARD** was made by M. Droege and seconded by S. Raybon; **MOTION CARRIED UNANIMOUSLY.**

A Memorandum of Understanding (MOU) regarding the Share Program was sent to the union by D. Rafanowicz. The selection of Nationwide to administer the Share Program will need to be voted on by the members. Chairman Glass will coordinate this union vote.

To meet the timing requirements of the Share Program calculations each year, K. Zuccarini will now conduct her Lost Time analysis on a calendar year basis instead of on a fiscal year basis and will make sure that any adjustments to the date of hire are made prior to the actuary’s calculation of that year’s Share Program distribution.

c. **HEART ACT ORDINANCE UPDATE  
SHARE PLAN ORDINANCE UPDATE**

A. Green will submit both of these Ordinances at the same time to City Council.

5. **NEW BUSINESS/GENERAL APPEARANCE**

a. **PENSION BOARD TRUSTEE**

C. McCullion announced that K. Edmonds will replace R. Sutton on the Pension Board for the term starting October 1, 2010-September 30, 2012, and this is going to City Council on September 20, 2010.

b. **INCENTIVE PAY**

R. Glass mentioned that a member is questioning if “incentive pay” is pensionable. Employee Benefits will run a query to see how many members have received “incentive pay”. J. Loper will confirm that this is in our plan.

Meeting adjourned at 10:00 a.m.

Respectfully submitted,

*Rochelle L. Burlon*

Rochelle (Shelly) L. Burlon  
Pension Coordinator