

NEW ORLEANS FIREFIGHTERS' PENSION AND RELIEF FUND

Martin Gaal
Board President

Thomas F. Meagher, III
Secretary-Treasurer

SUBJECT:

**Board of Trustees Regular Meeting
Firefighters' Pension & Relief Fund**

TIME, DATE AND PLACE:

**November 8, 2017
3520 General DeGaulle
Suite 3001
New Orleans, Louisiana 70130**

The following members of the Board of Trustees were present: Martin Gaal, Thomas Meagher, Angelo Marchese, Nick Lavene and Tim McConnell. Beverly Gariepy and Derrick Muse were absent.

Also present

Pam Meyer

Louis Robein, Board Attorney

Nick Felton, retired firefighter

Rick LaCava, firefighter

Aaron Mischler, Local 632 President

A quorum being present, Board President Martin Gaal called the meeting to order at 10:08 a.m.

COMMUNICATIONS

Mr. Meagher acknowledged receipt of a thank you note from the Boudreaux family.

REVIEW AND ACCEPT MINUTES

MOTION: Moved by Gaal and seconded by Marchese to defer approval of the September 2017 Regular Board minutes.

Motion passed.

NO OBJECTIONS

REFUND OF CONTRIBUTIONS

Lateef J. Shaheer has requested a refund of his contributions. He has not resigned. No action taken on this request.

CHANGE OF BENEFICIARY

William Carrouche' and Marc Salvador, Jr. have completed change of beneficiary forms.

R.S. 11:3376 DISABILITY APPLICATIONS

None

ALTERNATIVE ELECTION AS PER R.S.11:3376 F (2)

None

APPLICATIONS TO REVOKE DROP

Douglas C. Cardinale and Alden J. Lombard have completed applications to revoke DROP.

MOTION: Moved by Meagher and seconded by Lavene to approve the DROP revoke applications of Mr. Cardinale and Mr. Lombard.

Motion passed.

NO OBJECTIONS

McConnell requested a complete listing of all members who revoked DROP. He needed the list to assist with implementing ADP programming adjustments for individuals who revoked. Meagher and Meyer are working on the list.

DROP WITHDRAWAL

None

REGULAR RETIREMENT APPLICANTS:

None

DROP APPLICATIONS (Effective November 1, 2017)

Jimmie Harris: New Fund Fire Operator, age 50 with 23 years of service is applying to enter

DROP effective November 1, 2017.

MOTION: Moved by Meagher and seconded by Lavene to approve a DROP application for Mr. Jimmie Harris effective November 1, 2017 with a regular retirement benefit in accordance with all conditions of RS 11:3384 to be calculated at 2 ½% for all years of service until he has reached 50 years of age; and 3 1/3% for all years of service and any portion of a year beyond 12 years of service and 50 years of age; If he has beyond 30 years of service the retirement benefit for each year or portion of a year beyond 12 years of service shall be 3 1/3%.

Motion passed.

NO OBJECTIONS

Timothy C. Colin: New Fund Fire Operator, age 50 with 25 years of service is applying to enter DROP effective November 1, 2017.

MOTION: Moved by Meagher and seconded by Marchese to approve a DROP application for Mr. Timothy Colin effective November 1, 2017 with a regular retirement benefit in accordance with all conditions of RS 11:3384 to be calculated at 2 ½% for all years of service until he has reached 50 years of age; and 3 1/3% for all years of service and any portion of a year beyond 12 years of service and 50 years of age; If he has beyond 30 years of service the retirement benefit for each year or portion of a year beyond 12 years of service shall be 3 1/3%.

Motion passed.

NO OBJECTIONS

DROP APPLICATIONS (Effective October 1, 2012)

Alden Lombard: New Fund Fire Captain, age 53 with 33 years of service is applying for DROP effective retroactive to October 1, 2012.

MOTION: Moved by Meagher and seconded by Marchese to approve a DROP application for Mr. Lombard effective October 1, 2012 with a regular retirement benefit in accordance with all conditions of RS 11:3384 to be calculated at 2 ½% for all years of service until he has reached 50 years of age; and 3 1/3% for all years of service and any portion of a year beyond 12 years of service and 50 years of age; If he has beyond 30 years of service the retirement benefit for each year or portion of a year beyond 12 years of service shall be 3 1/3%.

Motion passed.

NO OBJECTIONS

REPORTS OF DEATHS

Pensioners:

Thomas J. Calamari, Sr. Mr. Calarmari died on October 8, 2017 at the age of 81, leaving a widow and no minor children. He entered the department on January 18, 1959. He retired on June 4, 1989 with 30 years of service and spent 28 years on pension.

Ralph A. Boudreaux: Mr. Boudreaux died on October 13, 2017 at the age of 78, leaving a widow and no minor children. He entered the department on October 29, 1961 and retired on September 19, 1975 after 14 years of service. He spent 42 years on pension.

John L. Alfortish: Mr. Alfortish died on October 21, 2017 at the age of 74, without a widow or minor children. He entered the Department on June 6, 1963 and retired on July 23, 1988 after 25 years of service. He spent 29 years on pension.

Widows:

Edna Giroir: Ms. Giroir died on October 31, 2017 at the age of 83. Her benefits began on December 1, 1969 and continued for 47 years.

QDRO TERMINATION

Carolyn M. Alfortish: Ms. C. Alfortish was a QDRO beneficiary of John Alfortish. Her benefits terminated with the death of her ex-husband, effective with the October 2017 benefit payment.

MOTION: Moved by Meagher and seconded by Marchese to remove the above noted deceased members and widow and the QDRO termination from the pension rolls.

Motion passed.

NO OBJECTIONS

WIDOW'S APPLICATIONS

Mrs. Eris L Calamari: Mrs. Calamari is applying for a Non-Duty Widow's benefit effective November 1, 2017.

MOTION: Moved by Meagher and seconded by Lavene to approve the Non-Duty widow's benefit effective November 1, 2017.

Motion passed.

NO OBJECTIONS

FINANCIAL INFORMATION

Board members were provided with key financial revenue and disbursement figures for the New and Old system for October 2017. The Board fielded questions from the floor and requested that the staff provide the Board with the total number of widows currently receiving a \$1,200 monthly benefit.

APPLICATIONS PENDING

Mrs. Juanita Gilbert: Mrs. Gilbert has provided additional information regarding her husband's medical condition in an effort to support a Line of Duty Widow's benefit. The matter will be reviewed in executive session.

MOTION: Moved by Meagher and seconded by Gaal to go into executive session to discuss medical matters.

Motion passed.

NO OBJECTIONS

MOTION: Moved by Meagher and seconded by Lavene to come out of executive session

Motion passed.

NO OBJECTIONS

No additional action was taken regarding Mrs. Gilbert benefit. She will be notified in writing of the Board's action.

OLD BUSINESS:

SEB payment history request: No update provided.

Old System Reserve: Meagher reminded the Board that the Old System's reserves will be depleted at year end. Without a reserve benefit payments to the Old Fund members could be missed or delayed if the appropriations are not received timely from the City. Meagher noted that Mr. McConnell and Ms. Garipey have met with the CAO on this matter. An update will be provided at the next meeting.

Information for life insurance: Staff has confirmed life insurance coverage for certain members who retired disabled. City Hall representatives have refused to provide members of the fund with a listing of persons covered under this policy citing privacy issues. Discussion followed. McConnell will try to obtain a copy of the members covered. Meagher would like to notify our members of their coverage.

Request to make ADP program adjustments for member contributions: McConnell will follow-up on this matter.

Return of tax payments: The Fund is waiting for a return of refunded tax payments made payable to the City of New Orleans, but is related to the longevity disbursements. The credits results from checks being printed and not released to members.

NEW BUSINESS:

SPD update: The SPD was updated to reflect the conversion rate for military service. Reserve Duty credits will require 365 points for each year of service.

MOTION: Motion by Meagher and seconded by Marchese to approve the update to the SPD for military service credit and to add the presumptive bills to the SPD.

Motion passed.

NO OBJECTIONS

Service credit transfer: NOMERS has forwarded \$316,339.08 to NOFFPF on behalf of Milton Smith to complete his transfer 18 years of service time.

LEGAL:

Mr. Robein led the discussion on the following:

- Mr. Robein has provided the Board with a resolution to be approved by the Board which will be used to provide guidance and support for members who have voluntarily separated and are subsequently **reinstated** rather than rehired to their former or higher positions. Those reinstatements will be eligible to have benefits calculated at accrual rates in effect during their initial employment period subject to those members being eligible to receive service credits for prior employment (break in service). To be eligible for service credits for prior employment, after a break in service, the member must have left his contributions with the Fund for time earned before the break in service or bought back prior service time as determined by the Fund's actuary. The resolution is attached to the minutes.

MOTION: Moved by Meagher and seconded by Lavene to approve the resolution supporting the benefit accrual rates for reinstated members.

Motion passed.

McConnell abstained

- The appeal to the alternative interpretation was filed during April. Oral arguments were held on September 12, 2017. No decision to date. Opinions come out usually within 60 days. Opinions are issued on Wednesday.
- The Lakewood matter is set for mediation.
- There has been no action in the Mischler or Mandamus litigation matter.
- The mandamus matter has not been closed by the City. No action on this matter.

ADJOURNMENT

There being no further business the meeting adjourned.

TIMELY FILING OF APPLICATIONS:

All Members applying for retirement, DROP or PLOP must do so 45 days in advance of the scheduled retirement date. All medical documentation for disability applications must be in the administrative office 45 days prior to the scheduled retirement date. Failure to comply with the Fund's rules will cause a delay in the Board taking action and will probably force an extension beyond the member's desired retirement date.

The administrative office will continue to process all paperwork in a friendly, orderly, and timely fashion. We thank all applying members for their continued cooperation. This will enable the Administrative Office and the Board of Trustees to perform their jobs more efficiently.

Members who have recently changed their address or marital status and have not updated their beneficiary form should do so. Please contact the Pension Office during the hours of 10:00 am to 2:00 pm for beneficiary verifications. Your cooperation is appreciated.

APPROVED By:  Date: 12/13/17

**RESOLUTION
OF THE
BOARD OF TRUSTEES
OF THE
NEW ORLEANS FIREFIGHTERS
PENSION & RELIEF FUND
(NEW SYSTEM)**

ADOPTING GUIDELINES FOR PARTICIPATION UPON REINSTATEMENT

WHEREAS, the Board of Trustees of the New Orleans Firefighter's Pension Plan (New System) recognizes the need to set forth the guidelines and regulations with respect to computation of benefits for plan participants and NOFD classified employees (Fund Members) who have recently been reemployed by NOFD pursuant to Civil Service reinstatement rules and procedures.

WHEREAS, New Orleans Civil Service Rule VI, Section 4.8 provides that, pursuant to Louisiana Revised Statute § 33:2406, when a former civil service classified employee who has resigned for reasons other than inefficiency, delinquency, or misconduct is reinstated, his pay shall be fixed at the same rate as his last rate in his former position.

WHEREAS, pursuant to New Orleans Civil Service Rule I, Section 1, the term "pay" includes all forms of "valuable consideration" earned by or paid to an employee.

WHEREAS, the Board of Trustees of the New Orleans Firefighter's Pension Plan has the authority to set forth such guidelines and regulations for its plan participants pursuant to Louisiana Revised Statute § 11:3363(A), which provides that the Board of Trustees shall have exclusive control and management of the fund and all money received with respect to its members "[a]nd make necessary rules and regulations for its government in the discharge of its duties." *City of New Orleans v. Bd. of Trustees of Firefighters Pension & Relief Fund*, 365 So. 2d 882, 886 (La. App. 4 Cir. 1978), writ denied sub nom. *City of New Orleans v. Bd. of Trustees of the Firefighters' Pension & Relief Fund.*, 368 So. 2d 143 (La. 1979) Accordingly, the Board of Trustees adopts the following guidelines governing the participation of members of the Fund reinstated following a break in service.

NOW THEREFORE, BE IT RESOLVED that the following active members of the NOFD who voluntarily separated for reasons other than "inefficiency, delinquency, or misconduct," and have since been reinstated pursuant to Civil Service Rule VI, Section 4.8, shall be entitled to resume participation in the Plan utilizing the same computation of benefits rate and accruals as their last rates and accruals in their former positions:

1. The following participants' have been reinstated pursuant to Civil Service Rule VI, Section 4.8, therefore their retirement benefits are governed by the computation of benefits rate as set forth in Louisiana Revised Statute 11:3384(B)(1). These participants did not elect to receive a refund of

Accumulated Contributions of Years of Service when they voluntarily resigned, and therefore are entitled to reinstatement of Years of Service:

- a. **Gerald A. Elwood, III** had accrued **7 years and 8 months** of service when he voluntarily resigned as of **November 27, 2015**. He was reinstated to his former position with the NOFD on **March 5, 2017**.
 - b. **Christopher Hinson** had accrued **2 years and 6 months** of service when he voluntarily resigned as of **September 9, 2013**. He was reinstated to his former position with the NOFD on **April 2, 2017**.
2. The following participants' have been reinstated pursuant to Civil Service Rule VI, Section 4.8, therefore their retirement benefits are governed by the computation of benefits rate as set forth in Louisiana Revised Statute 11:3384(B)(1). *Additionally*, pursuant to Louisiana Revised Statute 11:3365(C) and 58 La. Admin. Code Pt V, 701, if each of the following remains an Active Firefighter for at least four additional years, Years of Service previously forfeited upon refund of his Accumulated Contributions will be reinstated, so long as each repays the amount of his individual Accumulated Contributions refunded, plus 3-1/2% interest, compounded annually:
 - a. **Harold Blouin, Jr.** had accrued **5 years and 6 months** of service when he voluntarily resigned as of **March 5, 2016**. He was reinstated to his former position with the NOFD on **December 12, 2016**.
 - b. **Quentin Brown** had accrued **12 years and 9 months** of service when he voluntarily resigned as of **April 14, 2006**. He was reinstated to his former position with the NOFD on **May 29, 2016**.
 - c. **Wade Henderson** had accrued **14 years and 3 months** of service when he voluntarily resigned as of **September 1, 2015**. He was reinstated to his former position with the NOFD on **November 6, 2016**.
 - d. **Emanuel Massa** had accrued **4 years and 10 months** of service when he voluntarily resigned as of **July 13, 2015**. He was reinstated to his former position with the NOFD on **November 6, 2016**.
 - e. **Reice O'Keefe** had accrued **5 years and 2 months** of service when he voluntarily resigned as of **November 9, 2015**. He was reinstated to his former position with the NOFD on **November 20, 2016**.

- f. Sean Thomas had accrued 3 years of service when he voluntarily resigned as of January 17, 2014. He was reinstated to his former position with the NOFD on July 26, 2015.
- g. Willie Thomas had accrued 3 years and 10 months of service when he voluntarily resigned as of February 10, 2006. He was reinstated to his former position with the NOFD on July 12, 2015.
- h. Dustin Wedge had accrued 5 years and 7 months of service when he voluntarily resigned as of April 7, 2015. He was reinstated to his former position with the NOFD on February 5, 2017.
3. The following reinstatement provisions, as applied above in items No.: 1 and 2 above, shall apply to any and all participants who are reinstated in the future. Where applicable, the retirement benefits are governed by the computation of benefits rate as set forth in Louisiana Revised Statute 11:3384(B)(1). *Additionally*, pursuant to Louisiana Revised Statute 11:3365(C) and 58 La. Admin. Code Pt V, 701, if each qualifies and remains an Active Firefighter for at least four additional years, Years of Service previously forfeited upon refund of his Accumulated Contributions will be reinstated, so long as each repays the amount of his individual Accumulated Contributions refunded, plus 3-1/2% interest, compounded annually

FINALLY RESOLVED, that the President and the Secretary-Treasurer of the Board of Trustees are hereby authorized on behalf of the Plan to execute and deliver such further documents and take whatever actions he or they deem necessary or appropriate in his or their sole discretion to see that the purpose and intent of the foregoing resolution is fully effectuated.

Thus, done this 8th day of NOVEMBER 2017, New Orleans, Louisiana.


Martin Gaal, President


Thomas Meagher, Secretary-Treasurer