

CITY OF LAUDERHILL FIREFIGHTERS' RETIREMENT SYSTEM
FIRE PENSION- MONTHLY MEETING
December 8, 2015

Recorded and Submitted by
Barbara, Plan Administrator

Fire Headquarters
2nd Floor Training Room
1980 NW 56 Avenue, Lauderhill, Fl.33313

REGULAR MEETING-4:30PM

I CALL TO ORDER

Chairman Sean Henderson called the meeting to order at 4:35PM

MEMBERS PRESENT:

Sean Henderson, Chairman
Michael Taussig, Vice Chairman
Karen Pottinger, Secretary
John Leicht, Trustee

ALSO PRESENT:

Richelle Levy,
Rice Pugatch Robinson & Schiller, P.A.

MEMBERS ABSENT:

Ryan Gabner

II APPROVE MINUTES OF REGULAR MEETING DATED November 10, 2015

MOTION to approve minutes by K. Pottinger

SECONDED by J. Leicht

PASSED UNANIMOUSLY

III NEW BUSINESS

1. APPROVAL OF WARRANT IN THE AMOUNT OF \$9,360.95

MOTION to approve by K. Pottinger

SECONDED by J. Leicht

PASSED UNANIMOUSLY

IV ATTORNEYS' REPORT

Mrs. Levy reported that the SSGA contract is being worked on. There were a couple of minor items they were working on with State Street and they should be able to complete the document soon.

That concluded the Attorney's Report

V ADMINISTRATOR'S REPORT

- Monthly Summary was handed out for review.
- The audit is in progress and the administrator expects it will be ready in time for the February meeting.
- Due to the passing of Dorothy McNeil, S&D Mac, Inc. will be terminated and S&D Mac Services will be established. There is a requirement to give 30 days' notice from either party in the agreement between S & D Mac, Inc. and Lauderhill Firefighters Retirement System. Please allow these minutes to reflect a 30 day notice. The Administrator will submit an agreement to the plan attorney for review and presentation at the next meeting.
- At the November meeting, the Consultant was directed to write a policy addendum for Agincourt, and new guidelines written to allow Agincourt to invest in Triple B bonds, as permissible in the Ordinance. The document was reviewed by legal, a signature was required from Agincourt and by Lauderhill Firefighters Retirement System.

Mr. McNeillie was called and The Chairman asked if there was a limit to how much Agincourt can invest in the Triple B bonds. Mr. McNeillie said no as he didn't feel it necessary. He realizes that they won't put it all in Triple Bs. The Chairman asked if he felt that was prudent. Mr. McNeillie answered yes. He doesn't want

to micromanage the manager. They are the experts on it. The Chairman asked the administrator to direct the consultant to give a report on “a before and after snapshot” of the rebalancing from a credit rating perspective, at the appropriate time. The Agincourt addendum is signed by Pat Kelly and now needs a signature from the Chairman. Since Mr. Henderson was not present at the previous meeting, Mr Taussig updated hi on the addendum. It is in accordance with the Consultant’s recommendations, has been reviewed and approved by legal and is appropriate to sign. The Chairman is satisfied with all answers and signed the policy addendum. The Guidelines do not require a signature. A motion to approve the two documents is not necessary as it was voted on at the previous meeting.

- Ninger disability: The administrator investigated what a Functional Capacity Test entails. She Handed out a description for the Trustees to read. Typically they are done in a place where Physical Therapy is done. A Pain Management group. Some insurance companies use specific companies. Select Physical Therapy is one place that does the Functional Capacity Tests. The test would consist of task related activities according to Mr. Ninger’s job description. There are many Select Physical Therapy facilities in the area. A lengthy discussion ensued. A summary and discussion of the timeline of events and medical records were discussed. The Chairman asked if there is a document that states Mr. Ninger was released to go back to work from the Workers Compensation doctor. There is a document in the file that states he was able to come back to work. Medical notes relating to Mr. Ninger’ s neck injury, from the Workers Compensation Doctor dated 09/26/2014 read “the patient has been working as a fulltime firefighter. His condition continues to improve although occasionally he will suffer some posterior neck discomfort. It doesn’t last very long but he continues to take his medicine. He (Zack) reports that he expects his condition to resolve in the next few weeks. At this point the patient was put on maximum medical improvement status with zero impairment.”

Mr. Ninger was then put on administrative leave. He and the City came to an agreement at the end of 2014 where Mr. Ninger would voluntarily resign. At the time this agreement was signed, Mr. Ninger was physically able to perform the duties in his job description according to the records, however, he was on administrative leave. According to the medical records and city documents, Mr. Henderson believes that Mr. Ninger was not put on leave due to a disability.

Mrs. Pottinger asked what happened from January 2015 when he agreed to resign and March when he applied for a disability before his last day of employment. A portion of the separation agreement was read again. “As of the date of the accepted irrevocable resignation in January 2015 until March 31, 2015 Mr. Ninger shall be placed on Administrative leave.” “He will be prohibited from performing any job duties within the city and will be prohibited from appearing at any facility during that period of time”. The answer was that he was not physically working, he was on leave. After more discussion the administrator recommended the trustees look at the letter that the attorney wrote to the IME doctors for a good look at the timeline from date of injury to present.

After signing the agreement to resign, Mr. Ninger began seeing his own doctors and began getting medical treatment on his back. The trustees want a fourth doctor to review the file. The trustees still want Mr. Ninger to perform a Functional Capacity Test.

The Trustees directed the administrator to contact Attorney James Spears and ask him to contact Mr. Ninger and tell him that Board of Trustees would like to schedule a Functional Capacity Test for Mr. Ninger. The Trustees directed the administrator to find a fourth IME doctor to review the file. The Chairman asked the administrator to contact the Workers Compensation Doctor to see if he is willing to review the entire file and give his opinion. Mr. Leicht said he would inquire as to if Mr. Ninger was required to take a “fit for duty” test by the Fire Department. Some have to do the test and some don’t have to. If Mr. Ninger was released by the Workers Comp doctor he may not have been require to take the test.

This concludes the Administrator’s Report

VI OLD BUSINESS

Val COMMUNICATIONS

VII ADJOURNMENT

MOTION to adjourn at 5:55 PM by Karen Pottinger.

Respectfully submitted by Barbara White