

City of Clearwater

*City Hall
112 S. Osceola Avenue
Clearwater, FL 33756*



Meeting Minutes

Thursday, September 13, 2018

9:00 AM

Council Chambers - City Hall

Pension Advisory Committee

Roll Call

Present 7 - Chair Nathan Hightower, Vice Chair Tom Jensen, Committee Member Diane Devol, Committee Member Greg Newland, Committee Member George Cretekos, Committee Member Hoyt Hamilton, and Committee Member Bob Cundiff

Also Present Stuart Kaufman – Attorney for the Committee, Joe Roseto – Human Resources Director, Jennifer Poirrier – Assistant Human Resources Director, Patricia O. Sullivan - Board Reporter

Awaiting approval

1. Call To Order

The Chair called the meeting to order at 9:00 a.m. at City Hall.

To provide continuity for research, items are in agenda order although not necessarily discussed in that order.

2. Approval of Minutes

2.1 Approve minutes of August 9, 2018 Pension Advisory Committee meeting as submitted in written summation.

Member Cundiff moved to approve minutes of August 9, 2018 Pension Advisory Committee meeting as submitted in written summation. The motion was duly seconded and carried unanimously.

3. Citizens to be Heard Regarding Items Not on the Agenda: None.

4. New Business Items

4.1 Recommend approval of the new hires for acceptance into the Pension Plan as listed.

Name, Job Classification, Department	Pension Eligibility Date
Shane Miller, Police Service Technician, Police	08/04/2018
Jessica Harmeson, Human Resources Analyst, Human Resources	08/06/2018
Jason Chrappa, Parks Service Technician I, Parks and Recreation	08/06/2018
Julian Johnson, Solid Waste Worker, Solid Waste	08/06/2018
Andrew Coleman, Pool Guard, Parks and Recreation	08/06/2018
Travis Nichols, Fleet Mechanic, General Services	08/06/2018
Michelle Mann, Police Communications Operator, Police	08/06/2018
Carla Scrivener, Recreation Program Coordinator, Parks and Recreation	08/06/2018
Christian Jimenez-Barrios, Parks Service Technician I, Parks and Recreation	08/06/2018
Ural Robinson, Recreation Leader, Parks and Recreation	08/19/2018
Isaiah Walton, Public Utilities Technician I, Public Utilities	08/20/2018
Edwin Martinez, Solid Waste Equipment Operator, Solid Waste	08/20/2018
Joseph Borders, Solid Waste Equipment Operator, Solid Waste	08/20/2018

Robert Brzak, Real Estate Coordinator, Engineering	08/20/2018
Howard Rein, Fire Inspector, Fire	08/20/2018
Nicholas Esposito, Fire Inspector, Fire	08/20/2018
Nancy Marquez, Senior Staff Assistant, Public Utilities	08/20/2018

Member Devol moved to recommend approval of the new hires for acceptance into the Pension Plan as listed. The motion was duly seconded and carried unanimously.

- 4.2** Recommend approval of the following request of employee Scott Rhodes, Solid Waste General Services Department to vest his pension as provided by Section 2.419 of the Employees' Pension Plan.

Scott Rhodes, Solid Waste Worker, Solid Waste General Services Department, was employed by the City on June 7, 2004, and began participating in the Pension Plan on September 6, 2004. Mr. Rhodes terminated from City employment on February 21, 2018.

The Employees' Pension Plan provides that should an employee cease to be an employee of the City of Clearwater or change status from full-time to part-time after completing ten or more years of creditable service (pension participation), such employee shall acquire a vested interest in the retirement benefits. Vested pension payments commence on the first of the month following the month in which the employee normally would have been eligible for retirement.

Section 2.416 provides for normal retirement eligibility for non-hazardous duty employees hired prior to the effective date of this reinstatement (1/1/13), a member shall be eligible for retirement following the earlier of the date on which a participant has reached the age of fifty-five (55) years and completed twenty (20) years of credited service; the date on which a participant has reached age sixty-five (65) years and completed ten (10) years of credited service; or the date on which a member has completed thirty (30) years of service regardless of age. Mr. Rhodes will meet the non-hazardous duty criteria and begin collecting a pension in October 2024.

Member Newland moved to recommend approval of the following request of employee Scott Rhodes, Solid Waste General Services Department to vest his pension as provided by Section 2.419 of the Employees' Pension Plan. The motion was duly seconded and carried unanimously.

- 4.3** Recommend approval of the following request of employee Mirjana Zdjelar, Finance Department for a regular pension as provided by Sections 2.416 and 2.424 of the Employees' Pension Plan.

Mirjana Zdjelar, Senior Accountant, Finance Department, was employed

by the City on August 17, 1998, and her pension service credit is effective on that date. Her pension will be effective September 1, 2018. Based on an average salary of approximately \$55,565.02 over the past five years, the formula for computing regular pensions and Ms. Zdjelar's selection of the 75% Joint and Survivor Annuity, this pension benefit will be approximately \$28,660.08 annually.

Section 2.416 provides for normal retirement eligibility for non-hazardous duty employees hired prior to the effective date of this reinstatement (1/1/13), a member shall be eligible for retirement following the earlier of the date on which a participant has reached the age of fifty-five (55) years and completed twenty (20) years of credited service; the date on which a participant has reached age sixty-five (65) years and completed ten (10) years of credited service; or the date on which a member has completed thirty (30) years of service regardless of age. Ms. Zdjelar has met the non-hazardous duty criteria.

Member Jensen moved to recommend approval of the following request of employee Mirjana Zdjelar, Finance Department for a regular pension as provided by Sections 2.416 and 2.424 of the Employees' Pension Plan. The motion was duly seconded and carried unanimously.

4.4 Formal hearing for Joseph Connors request for job-connected disability pension

Attorney for the Committee Stuart Kaufman said on December 14, 2016 Joseph Connors submitted his application for a job-connected disability pension based on PTSD (Post Traumatic Stress Disorder) and major depression with an August 12, 2016 date of injury. He reviewed Code provisions re mental disability findings. He said case law required the PAC (Pension Advisory Committee) to determine that Mr. Connors was disabled. He said materials accepted into evidence at the informal hearing were part of the record and introduced into evidence Exhibits 1 – 14.

Member Jensen moved to accept into evidence Exhibits 1 - 14. The motion was duly seconded and carried unanimously.

Attorney Tonya Oliver, representing Joseph Todd Connors, said the City hired Mr. Connors as a paramedic/firefighter on July 19, 1999. She said he received satisfactory and higher performance reviews and moved up the ranks. She reviewed the DSM 5 (Diagnostic and Statistical Manual of Mental Disorders, 5th Edition) definition of PTSD, noting traumatic events affected all people differently. She said mental health professionals indicated Mr. Connors had reported witnessing numerous traumatic events. She said as described in the DSM5, Mr. Connors relived his traumas, experienced nightmares after triggering events and was hypervigilant. She said by August 12, 2016, it was evident to

command staff that Mr. Connors needed counseling and to be relieved of his duties. She said recent Florida legislation required firefighters to be trained to recognize PTSD behaviors. She said Mr. Connors was unable to perform his duties due his PTSD symptoms. She said expert testimony in the record opined that his PTSD was job related.

Attorney Pedro Herrera, representing the Pension Plan, said Mr. Connors could not do his job due to his mental illness. He said the record provided evidence that Mr. Connors' claims of job connected PTSD were unfounded. He said the record had inconsistencies. He said the sudden diagnosis of PTSD was coincidental, occurring shortly before Mr. Connors' submittal of his disability application. He said Mr. Connors' mental health condition was not permanent nor caused by on-the-job experiences.

In response to questions from Attorney Oliver, Mr. Connors reviewed traumatic events he experienced on duty: 1) 2001 – upper floor residents' reactions to unsightly deceased high rise fire victim in stairwell; 2) 2005 – telling fatally injured accident victim he would be OK rather than providing him a chance for final words or pray; 3) 2008 - finding a completely decomposed body; 4) 2011 – providing life support to fatally injured stabbing victim while assuring him he would be OK rather than eliciting last words; and 5) loud sea gull feeding frenzy of 20 year-old motorcyclist's brain matter which had spread across a bridge and vehicles following gruesome accident. He said he no longer could visit the beach where noisy sea gulls fed en masse.

Mr. Connors said he had mixed feelings re 2016 department administration changes; he was devoted to performing his best. He said he was easily irritated, had started drinking heavily and felt stressed and out of control at work when his wife voiced concerns re his avoidance behavior, conflicts, and nightmares; he saw his primary doctor, Connie Mercer, MD on February 16, 2016 but did not start counseling. He said his immediate supervisor suggested he use vacation time when he felt stressed. He said he did so until called into a meeting with 3 supervisors to whom he explained his major depression and general anxiety diagnosis. He said they referred him to EAP (Employee Assistance Program) services, directed him to be in the office more, and required preapproval of vacation time. He said he tried to return to work but soon was sent home on paid administrative leave and advised that EAP was mandatory; he started treatment with mental health counselor Linda Berkowitz, who he still saw. He said for a short time, he saw nurse practitioner Rebecca Shytle, who was supervised by Joseph Adan MD. He said he continued to see Dr. Mercer for normal health issues. He said he previously had worked with Joseph Shanklin MD re family issues; he had good relationships with his wife and daughter and stressors at home stopped after his stepsons moved out.

Mr. Connors said after he was diagnosed with PTSD in fall 2016, the City terminated him on January 6, 2017.

In response to questions from Attorney Herrera, Mr. Connors said prior to his diagnosis for PTSD he knew little about the condition, an emerging topic in fire services; in 2014 he learned his father had PTSD related to military service. He said he tried to hide his condition from his kids. He said he was excited about opportunities when he was promoted to Assistant Fire Chief around 2012 but became bothered by his lack of control over deficiencies in calls he evaluated and the process. He said he was disturbed when supervisors stopped him from using vacation time to deal with his stress, feeling the department turned its back on him rather than help him. He said he also had issues with the union's bargaining unit and individuals. He said his lawsuit related to his Workers' Comp case was settled in early 2017; he was happy with the settlement. Attorney Oliver said the City had required terms of the settlement to remain confidential.

The PAC recessed from 10:02 to 10:11 a.m.

Attorney Herrera said according to Dr. Mercer's notes, Mr. Connors reported stress related to his stepsons and finances in 2011, stress related to his children and Assistant Fire Chief promotion in 2013, his interaction with the union and work stressors in February 2016, and his desire to leave the fire department with a compensation package 3 years prior to retirement on August 8, 2016. Attorney Herrera said for 5 years Mr. Connors only discussed stressors related to his personal life and career with Dr. Mercer and not until October 2016, around the time he engaged counsel, did he mention traumatic events he experienced as a firefighter. Attorney Herrera said by then Mr. Connors knew his father had PTSD from war and was aware PTSD was being associated with firefighters.

Mr. Connors said he did not think his depression and anxiety were caused by traumatic events until he began mental health therapy. He said firefighters were encouraged to "suck it up." He said family life was different. He said his comments regarding a compensation related to an incident when an Assistant Fire Chief, caught stealing, was allowed to resign with a payout according to his contract rather than be terminated. He said at that time his stress had a tremendous effect on his personal life and work and he needed to save himself. He said resigning his position never came to mind. He said his goal was to complete 20 years.

Attorney Herrera said according to Dr. Mercer's notes, she thought Mr. Connors' problems were abnormal and related to his promotion as he had not reported work problems when he was a firefighter/paramedic. Mr. Connors said he did not understand the "abnormal" reference and said the work load associated with his promotion caused him additional stress.

In response to a comment that Dr. Mercer was not a licensed mental health therapist, Attorney Kaufman said Dr. Mercer had prescribed anxiety and stress medication for Mr. Connors.

In response to questions from Attorney Herrera, Mr. Connors said Ms. Berkowitz first mentioned PTSD after multiple visits as did Dr. Shanklin and Ms. Shytle who also probed him re his general anxiety and major depression. He said his counselors/physicians did not initially diagnosis him with PTSD. He said he was in denial when Ms. Berkowitz first mentioned PTSD. He said in 2016, his counselors/physicians were adamant that he could not return to work and at that point he realized PTSD had impacted him and he could not return.

Discussion ensued. It was suggested that Mr. Connors should have resigned his position if comforting the dying with hope violated his morals and it was questioned how those experiences could have caused his trauma. Mr. Connors said during discussions with therapists he understood he wanted to calm dying people and give them hope but struggled with lying to them. It was questioned why he became a firefighter as comforting people was part of his job. Mr. Connors said dealing with those struggles was not taught in school. It was questioned how Mr. Connors' struggles were the City's fault. It was felt that Mr. Connors' experiences were normal for a firefighter. Computation of pension plan benefits was reviewed.

In response to questions, Mr. Connors said before he worked with therapists, he thought he could continue his administrative position for 3 more years. He felt he was good at his job and made many suggestions to make EMS (Emergency Medical Services) more transparent. He said he had planned to find other employment after retirement and had no grand plan to obtain a compensation package by filing for disability. He said he had dealt with several command staff caught in blatant lies. He said he had no domestic issues after his stepsons moved out around 2014; Dr. Shanklin's 2017 letter stating his PTSD and anxiety were connected to work not home was written in response to a state investigation regarding placement of his grandchild.

In response to questions, Mr. Connors said he continued treatment. He said his anxiety and PTSD affected his role at work. He said he tried to save everyone but could not because of his traumatic experiences. He said people reacted differently to trauma. He said he suppressed his feelings about trauma he witnessed until they came out suddenly. He agreed problems at home also affected his job performance. He said the fire union did not offer counseling re job related issues.

It was stated the record should show that Dr. Mercer's notes indicated Mr.

Connors' had referenced his traumatic events prior to the date stated by Attorney Herrera.

The PAC recessed from 10:55 to 11:04 a.m.

In response to questions, Mr. Connors said he had not reported to Human Resources that his supervisor had denied him the ability to take vacation days when he was distraught and upset. He said his immediate supervisor told him Human Resources had approved that action and Fire Deputy Chief Pettingill's preapproval was then required for him to use his vacation days.

Psychiatrist Gary Kenneth Arthur MD said he worked with adults with PTSD, depression, and anxiety and had worked with veterans. He said he reviewed Mr. Connors' medical records, progress notes, Clearwater Fire rescue memorandum, and job description before he performed the IME (Independent Medical Exam) on August 23, 2017, the only time he met with Mr. Connors. He diagnosed Mr. Connors with chronic PTSD, depressive illness, and generalized anxiety symptom overlap. He reviewed Mr. Connors symptoms and the effects of PTSD. He said many people with PTSD continued to function denying or not realizing they had symptoms. He said people with symptoms could go for years not knowing something was wrong. He said some were more susceptible to PTSD than others. He said Mr. Connors could not have known he was susceptible to PTSD when he signed on as a firefighter. He said Mr. Connors could not work as a firefighter, first responder, or serve in the military. He said with medical certainty that Mr. Connors' PTSD was caused by in the line of duty events. He said moral aspects of PTSD were seen in many people. He said people with PTSD had damaged brain cells that could not reproduce. He said seeing a corpse could trigger PTSD symptoms. He said Dr. Mercer had prescribed appropriate antidepressant medications. He said when Dr. Shanklin first diagnosed Mr. Connors with PTSD he could not determine at that time that his condition was permanent. Dr. Arthur said Mr. Connors' PTSD was chronic and permanent and agreed with Ms. Berkowitz's PTSD diagnosis.

In response to questions from Attorney Herrera, Dr. Arthur said Attorney Oliver had referred Mr. Connors to his office; his staff spoke with the person who called. He said Attorney Oliver paid his fee. He said he spent 90 minutes with Mr. Connors. He said most records from his treatment providers indicated Mr. Connors had PTSD resulting from his work experiences

Attorney Herrera said the plan's IME doctor Eric Kaplan MD said Mr. Connors did not have PTSD. Dr. Arthur said he did not recall that. Attorney Herrera read from Dr. Kaplan's IME indicating Mr. Connors exhibited no evidence of PTSD in his daily activities.

It was noted that Dr. Kaplan report was contradictory.

Dr Arthur said people with PTSD often were first diagnosed with depression and anxiety. In response to questions from Attorney Herrera, Dr. Arthur said hypervigilance was not a symptom of severe depression or anxiety. He said PTSD nightmares were more horrific than those from an anxiety disorder. He said people with PTSD were sensitive to noises and overreacted. He said Mr. Connor's PTSD symptoms likely were increasing. He based his diagnosis that Mr. Connors had PTSD since 2011 on his history of traumatic events and gradually increased difficulties getting along with his wife. He said Mr. Connors could not handle the meeting with his superiors in August 2016. He said he had not been advised about any traumatic events Mr. Connors could have experienced prior to 2011.

In response to Attorney Herrera's suggestion that Mr. Connors might have had PTSD prior to his City employment, Dr. Arthur disagreed, stating Mr. Connors had a good performance record, good quality work and got along well with others; his evaluations would have reflected PTSD symptoms within the first 5 – 6 years of being hired. He said Mr. Connors' PTSD symptoms evolved over time. He said each traumatic event bruised his brain. He said documented events were sufficient to precipitate PTSD.

Attorney Herrera said all traumatic events listed were reported by Mr. Connors.

In response to questions from Attorney Herrera, Dr. Arthur said multiple traumatic events could result in PTSD. He said prior small traumas or theories linking PTSD to genetic susceptibility could not be proven. He said Mr. Connors' PTSD could have been related to other events but reported events were sufficient to cause PTSD. He said he had not performed neuropsychological testing, which some doctors used to supposedly determine malingering. He said he would have questioned him about traumatic events had he not been provided medical documentation that listed those events.

In response to questions from Attorney Oliver, Dr. Arthur said Mr. Connors had answered all questions posed by Dr. Kaplan's testing accurately and truthfully, indicating he was not malingering. He said psychological testing used by Dr. Kaplan was valid. He said Mr. Connors' records included no history of trauma prior to his 1999 hiring or abuse as a minor. He said Mr. Connors probably benefited from counseling for family problems which were part of ordinary life.

In response to questions, Dr. Arthur said Mr. Connors may have experienced other traumatic events while employed by the City such as a major vehicular accident while out of town. He said had Mr. Connors

been diagnosed and received treatment soon after the traumatic events, he may have made progress but his condition now was chronic and not improving. He said Dr. Kaplan was being optimistic and he did not agree with his conclusion that Mr. Connors' PTSD symptoms would improve after 4 – 8 weeks off from work.

It was questioned why doctors had not advised Mr. Connors to give up his job if he was morally conflicted and how he got good performance reviews after incidents caused him problems. Dr. Arthur said conflicted people did not want to lose their jobs and usually returned to work. He said PTSD damaged the part of the brain associated with fight or flight and anger. He said those with PTSD had uncalled for traumatic memories resurface. He said Mr. Connors did his job as long as he could while suffering, perhaps due to heroism or denial.

Concern was expressed that Mr. Connors' performance reviews showed no decline in his performance. Dr. Arthur said traumatic events were outside normal life experiences. In response to questions, Dr. Arthur said chronic marital and financial issues were not traumatic and would not cause PTSD but could affect someone's work performance. He said people with PTSD were more stressed and likely to blow up when irritated. In response to questions about Dr. Kaplan's interpretation of Mr. Connors' testing, Dr. Arthur disagreed with the conclusions, stating the test did not prove Mr. Connors' had a long-term paranoid personality; paranoia and distrust were symptoms of PTSD. He said outside stressors, such as the death of a loved one, could make PTSD worse. He did not see evidence that Mr. Connors experienced outside stressors as his wife was still with him and appeared supportive.

The PAC recessed from 12:25 to 12:36 p.m.

Attorney Herrera requested the PAC deny Mr. Connors' request. He reviewed the timeline, noting when speaking to Dr. Mercer, Mr. Connors attributed his stress problems with his desk job, financial and domestic problems and did not mention traumatic events before October 16, 2016. He said the timing of his revisionist history was suspicious and was related to his hiring an attorney. He said mental health counselors/doctors based their diagnosis on Mr. Connors' narration about traumatic events. He said Dr. Kaplan's IME report indicated no evidence of PTSD impairment to Mr. Connors' daily activities and that the condition would improve. He said Mr. Connors' employer had not concluded his disability related to PTSD but was due to depression. He said Mr. Connors looked for a financial package to end his career. He said it was illogical that Mr. Connors would have received exceptional reviews when he had PTSD. He said Dr. Shanklin had changed Mr. Connors' date of injury several times and Mr. Connors also had changed the date of injury. He said an in the line of duty disability required a

causative factor directly related to employment function.

It was noted whether Mr. Connors had PTSD was not relevant.

Attorney Herrera said Dr. Kaplan's IME report indicated Mr. Connors was not permanently disabled, his condition had improved and would continue improving. He reviewed Dr. Mercer's notes which did not report traumatic events. He said other IME reports ignored the medical history in Dr. Mercer's notes and relied on Mr. Connors narration of traumatic events. He said Mr. Connors and his attorney could not provide an onset date. He said no proof was presented that Mr. Connors' condition started in 2011. He noted Dr. Arthur's testimony that Mr. Connors' condition could have been going on for years. He said the Code required clear and convincing evidence. He said Mr. Connors' physicians indicated causes other than trauma lead to his stress and anxiety. He said Ms. Berkowitz's notes reported that Mr. Connors had provided her an article re supervisors being prone to PTSD after he retained counsel. He said Mr. Connors' anxiety and depression did not mean he had PTSD.

Attorney Oliver objected to Attorney Herrera's attempt to enter into the record information related to Mr. Connors' Workers Comp agreement, indicating the City had made terms of the settlement confidential.

Attorney Herrera disagreed. He felt Mr. Connors would have been less likely to settle if he was highly convinced re the cause of his condition. Chair Hightower said it would be unduly prejudicial to tie Mr. Connors' claim of disability to his economic need to settle his Workers Comp case and denied the request to accept Mr. Connors' Workers Comp agreement into the record.

Attorney Oliver said Dr. Kaplan's IME report was contradictory, included a diagnosis of PTSD and then disagreed with that diagnosis. She said all mental health physicians/counselors had diagnosed Mr. Connors with PTSD. She said Dr. Shanklin also stated Mr. Connors' PTSD was a direct result of his employment and he could not be a firefighter or hold other gainful employment. She said Dr. Aiden and Ms. Shytle reported Mr. Connors' PTSD was a result of his experiences as a firefighter. She said notes from Dr. Mercer, Mr. Connors' primary care doctor, were not inclusive of all events relayed by Mr. Connors, however the notes did indicate work related stress in 2013. She said the day his supervisors told him he no longer could use vacation days to deal with his stress was significant. She said Dr. Shanklin's notes indicated changes to Mr. Connors' behavior. She said beginning with mandated EAP treatment, Mr. Connors was treated by mental health counselors with special training in PTSD. She said by asking probing questions from August to October, Ms. Berkowitz found evidence of PTSD. She said the timeline of Mr. Connors' reporting traumatic events made sense. She said the

catalyst for his job-connected PTSD diagnosis was the mandated ELP. She said the job-connected disability application was not intended to attribute fault.

Attorney Oliver said Mr. Connors' request met all criteria in the Code with all medical doctors and mental health specialists diagnosing PTSD. She said the July 2018 Florida Statute re PTSD recognized Fire and Police personnel who witnessed gruesome events were affected. She reviewed the DSM5 explanation re traumatic events and that ordinary people could get PTSD. She said Mr. Connors had documented traumatic events he experienced as a firefighter. She said all doctors testified that Mr. Connors had PTSD and all but Dr. Kaplan indicated his condition was permanent and related to events he witnessed as a firefighter. She said Dr. Arthur had said other events could have manifested symptoms but did not cause them. She said Dr. Mercer lacked mental health expertise and referred Mr. Connors for treatment. She said Dr. Adan determined Mr. Connors' PTSD resulted from his experiences at the Fire Department. She said Dr. Shanklin, who Mr. Connors worked with the longest, diagnosed he had PTSD, anxiety and depression, directly resulting from his work at the Fire Department. She said Ms. Berkowitz treated Mr. Connors' PTSD for an extended time and determined his symptoms were caused by his work at the Fire Department. She requested the PAC find Mr. Connors permanently disabled with PTSD caused by his work at the Fire Department.

Attorney Herrera said while Mr. Connors claimed his PTSD symptoms dated back to 2005 he did not elect to share or discuss traumatic events he experienced with his primary doctor or wife until 2016; Mr. Connors did not mention the traumatic events until he hired an attorney. He said physicians employed by Attorney Oliver were the ones who claimed Mr. Connors had PTSD related to his firefighter service. He said Mr. Connors was unable to handle his job as an Assistant Fire Chief, he did not bring up PTSD until it was necessary, and his claim was based on convenience. He said Mr. Connors had not met the burden of proof required by Code. He said Dr. Kaplan had opined that Mr. Connors' condition was not permanent.

Attorney Oliver said Mr. Connors was treated for depression for years and then for PTSD. She said his claim was not based on obtaining a tax free benefit. She said Dr. Kaplan's opinion was inconsistent with all of the other physicians. She said Mr. Connors hiring an attorney for his Workers Comp claim could not be held against him. She said the disabling event occurred on August 16, 2016 when he was relieved of his duties due to manifestation of PTSD and depression. She said the other physicians and therapists all concluded that Mr. Connors had PTSD, his condition was permanent ,and was caused by his firefighter duties.

Attorney Kaufman reviewed the Code, stating as Mr. Connors could not return to work as a firefighter, the permanency of his disability was proven.

Member Cundiff moved that Mr. Connors' disability was total and permanent. The motion was duly seconded.

Concern was expressed that Dr. Kaplan's IME report indicated Mr. Connors could return to work. Discussion ensued regarding contradictory information in Dr. Kaplan's report. It was noted the Fire Department and all other testimony indicated that Mr. Connors could not return to work.

Upon the vote being taken, the motion carried unanimously.

Discussion ensued with comments Mr. Connors had a mental injury, his psychiatric issues affected his work but evidence was insufficient to prove symptoms were service connected, the medical reports were subjective and not convincing and clear, and the documentation depended on backtracking symptoms to earlier dates.

Member Cundiff moved that Joseph Connors met the requirements for a job-related disability pension as he was disabled by reason of an injury suffered or an illness contracted in the line of duty, such disability is likely to be continuous and permanent from a cause other than those listed as general disability exclusions, and he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a police officer or firefighter. The motion was duly seconded.

Discussion ensued with comments that one member knew many people with PTSD who were in self-denial re their symptoms similar to Mr. Connors not discussing his traumatic events earlier, his wife had asked him to get help in 2014, it would be reasonable for someone to postpone therapy, Mr. Connors realized he had symptoms only after counseling, some people were not diagnosed with PTSD until 20 years after a traumatic event, Dr. Kaplan said Mr. Connors' condition was service related but disputed its permanency, Dr. Arthur said not everyone experiencing a traumatic event was affected and family disharmony would not cause PTSD, and clear and convincing evidence was provided. Concern was expressed that the timeline of Mr. Connors' reporting of traumatic events was troubling, insufficient evidence was provided proving the mental injury resulted from line of duty events, the standard was not met, recurring evaluations should occur, Mr. Connors' performance reviews showed no decline in his performance, approval would create a slippery slope, he should have given up his job if it conflicted with his morals, PTSD was a new thing during the Vietnam War and never heard of during World War II or the Korean War, and firefighters should expect to witness traumatic event as part of the job.

Upon the vote being taken, Members Newland, Cundiff, and Devol voted “Aye”; Members Jensen, Hamilton, Cretekos, and Chair Hightower voted “Nay.” Motion failed.

It was stated the decision was difficult. The PAC appreciated Mr. Connors’ service to Clearwater.

Discussion ensued re prevalence of PTSD in firefighters, recent efforts to educate public safety workers to recognize PTSD, and multiple first responder suicides related to PTSD reported in many cities.

Human Resources Director Joe Roseto said a non-job-connected disability pension could begin immediately if Mr. Connors agreed not to appeal the PAC’s decision

Attorney Oliver and Mr. Connors stated he would accept a non-job-connected disability and waive his right to appeal the PAC’s decision that his disability was not job connected.

Member Cundiff moved that Joseph Connors met the requirements for a non-job-related disability pension as he is disabled by undetermined reasons, such disability is likely to be continuous and permanent from a cause other than those listed as general disability exclusions, and he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a police officer or firefighter. The motion was duly seconded and carried unanimously.

5. Director's Report: None

6. Board Members to be Heard

Upcoming pension plan conferences were reported.

7. Adjourn

The meeting adjourned at 2:55 p.m.

*Chair
Pension Advisory Committee*

Attest:

Board Reporter