

AGENDA

EMPLOYEES' RETIREMENT SYSTEM

Wednesday February 12, 1992 3 P.M.

Conference Room B

ROLL CALL

MINUTES - January 8, 1992

RETIREMENT - Mary O'Connor

COMMUNICATION - Joseph A. Golden
Sommers, Schwartz, Silver & Schwartz

INVESTMENTS

ADJOURN

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, February 12, 1992. The meeting was called to order at 3:02 p.m.

PRESENT: Kenneth L. Courtney
Thomas Houghton
Eugene A. Louwaert
Anthony N. Pallotta
Linda McGee Parsons

ABSENT: Frank Gerstenecker
Harold Janes

MINUTES

Resolution #92-7
Moved by Pallotta
Supported by Louwaert

RESOLVED, That the minutes of the meeting of January 8, 1992 be approved.

Yeas: All-5

EXCUSE GERSTENECKER AND JANES

Resolution #92-8
Moved by Pallotta
Supported by Courtney

RESOLVED, That Frank Gerstenecker be excused due to being out of state and that Harold Janes be excused due to illness.

Yeas: All-5

RETIREMENT - MARY L. O'CONNOR

Resolution #92-9
Moved by Pallotta
Supported by Parsons

RESOLVED, That the retirement of Mary L. O'Connor shall begin on March 21, 1992.

Yeas: All-5

COMMUNICATION - SOMMERS, SCHWARTZ, SILVER & SCHWARTZ

A letter was received from Joseph A. Golden (copy attached to the original minutes) requesting a disability retirement for Ronald M. Dowell. Mr. Dowell presented the Board with three documents (copies attached to the original minutes) in support of his claim, and he read a statement (copy not provided at this time).

Resolution #92-10
Moved by Courtney
Supported by Parsons

RESOLVED, That the Secretary to the Board be directed to send Mr. Dowell a retirement request form and to request that he submit satisfactory evidence that he is totally and permanently incapacitated for duty in the employ of the City, as required by Ordinance.

Yeas: All-5

INVESTMENTS

Resolution #92-11
Moved by Louwaert
Supported by Pallotta

RESOLVED, That, we purchase \$300,000 each of New York Telephone 7.875% due 6/15/17, American Tel & Tel 8.125% due 1/15/22 and Seagram & Son 8.35% due 1/15/22, \$100,000 General Motors Acceptance Corp. 6% due 4/1/11 and 1,000 shares each of Sony and of Eli Lilly.

Yeas: All-5

The meeting was adjourned at 4:24 p.m.

LAW OFFICES
SOMMERS, SCHWARTZ, SILVER & SCHWARTZ
PROFESSIONAL CORPORATION

2000 TOWN CENTER
SUITE 900
SOUTHFIELD MICHIGAN 48075-1100

(313) 355-0300
TELECOPIER (313) 746-4000

Plymouth Office
400 PLYMOUTH ROAD
SUITE 200
PLYMOUTH, MICHIGAN 48170
(313) 455-4260

NORMAN S. SOMMERS
STANLEY S. SCHWARTZ
HOWARD SILVER
LEONARD H. SCHWARTZ
LAWRENCE W. WINTER
STEVEN J. SCHWARTZ
PAUL GROFFSKY
DONALD H. EFSTEIN
JOHN F. VORW
JEFFREY N. SHULMAN
JEREMY L. WIRTH
DAVID H. GETTO
NORMAN D. TUCKER
ROBERT L. BIEDELMAN
ROBERT H. DARRING
PAUL W. HINES
DONALD J. GASIDREK
PATRICK B. MCCAULEY
JUSTIN C. RAVITZ
GARY A. TABACK

ALLEN J. KOVINSKY
HOWARD J. GOLDWITZ
DAVID L. NELSON
ROBERT H. PORTNOY
JOSEPH A. GOLDEN
STEPHEN H. LEUCHMAN
RICHARD D. TOTH
ALLEN J. WALL
RICHARD D. FOX
FRANK MARINCE
JAMES J. VASILE
BRIAN J. BART
VICTOR A. COEN
RICHARD L. GROFFSKY
DAVID J. WINTER
JOSEPH E. GRANNAN
DAVID M. BLACK
ROBERT A. TYLER
DANIEL D. SWANSON
MICHAEL J. CUNNINGHAM

J. IFE NELSON
JAMES D. TEBBETTER
PATRICK J. DUBRETT
JOEL J. BURKHART
DAVID A. KOLZIAN
MATTHEW G. CURTIS
CHARLES R. ASHIII
HELEN K. JOYNER
ROBERT J. SCHWARTZ
ROBERT DUBCO
ROBERT J. POSTER
PATRICIA A. STAMER
SUSANNE DRYCE
LISA K. PEBERICK
JOYCE A. FOWLER
JOSEPH H. BOURGON
STEPHEN S. BIRNKRAUT
RICHARD C. LITTLEFIELD
KIMBERLY S. HAUSER
MARK S. FIANKEL

CHRISTINA B. DEAN
FRANK T. AIELLO
R. THOMAS BIDARI
ALICE M. SCHOFFELE
AUDREY R. FORTANAVE
ALAN B. KOENIG
DAVID B. DEUTSCH
GARY D. DODDS
JAY G. YASSO
MARTHA L. SELJAS

OF COUNSEL
CHRISTOPHER D. DINGELL
CHARLES S. FARMER
SHERWIN M. BIRNKRAUT
ANTONIA E. GRANNAN
KENNETH V. COCKRELL
(1938-1989)

January 3, 1992

CERTIFIED/RETURN RECEIPT
REQUESTED

Kenneth L. Courtney, Secretary
Troy Employees Retirement System
500 West Big Beaver Road
Troy, Michigan 48084

RE: Ronald M. Dowell

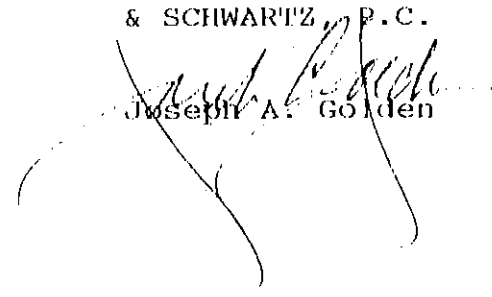
Dear Mr. Courtney:

On behalf of my client, Ronald M. Dowell, Mr. Dowell formally applies for disability retirement from the City of Troy.

This application is based upon his meeting of a requirement set out in Chapter 10, Section 7.1 of the Retirement System Rules; and the findings of the Prudential Insurance Company set out in Paragraph 3 of their letter dated January 4, 1991 attached to this correspondence.

Please advise me of any hearings or other procedures necessary to facilitate the approval of this application.

Very truly yours,
SOMMERS, SCHWARTZ, SILVER
& SCHWARTZ, P.C.


Joseph A. Golden

JAG/ds
Attachment
cc: Ronald M. Dowell



The Prudential
Insurance Company
of America

P.O. BOX 9135
VAN NUYS CA 91409

JANUARY 04, 1991

RONALD M DOWELL
4920 BELZAIK
TROY MI 48098

LONG TERM DISABILITY
CLAIMANT: RONALD M DOWELL
CONTROL #/BR: 042104/00000
CLAIM #: 90-040-0027
SOCIAL SECURITY #: 364-44-8056

DEAR MR. DOWELL:

WE ARE CORRESPONDING WITH YOU REGARDING YOUR CLAIM FOR LONG TERM DISABILITY (LTD) UNDER THE CITY OF TROY GROUP POLICY.

THE CITY OF TROY GROUP POLICY PROVIDES BENEFITS FOR AN EMPLOYEE WHILE SATISFYING THE FOLLOWING DISABILITY DEFINITION:

1. DUE TO SICKNESS OR ACCIDENTAL BODILY INJURY, YOU ARE (A) COMPLETELY UNABLE TO PERFORM ANY AND EVERY DUTY PERTAINING TO YOUR OCCUPATION WITH YOUR EMPLOYER AND (B) AFTER THE INITIAL DURATION (24 MONTHS FROM THE DATE BENEFITS BEGIN) OF A PERIOD OF DISABILITY YOU ARE COMPLETELY UNABLE TO ENGAGE IN ANY AND EVERY GAINFUL OCCUPATION FOR WHICH YOU ARE REASONABLY FITTED BY EDUCATION TRAINING OR EXPERIENCE.
2. YOU ARE NOT ENGAGED IN ANY GAINFUL OCCUPATION.
3. YOU ARE UNDER THE REGULAR CARE OF A PHYSICIAN.

THE CHANGE TO THE STRICTER DEFINITION OF TOTAL DISABILITY UNDER 1(B) ABOVE WILL BECOME EFFECTIVE 01-10-92. THE ACCUMULATED MEDICAL AND VOCATIONAL INFORMATION IN OUR FILE DOES NOT SUPPORT THAT YOU ARE TOTALLY DISABLED AS DEFINED ABOVE. AFTER THE VOCATIONAL EVALUATION WAS COMPLETED BY CRAWFORD & COMPANY, IT WAS DETERMINED THAT YOU HAVE TRANSFERABLE WORK SKILLS AND THAT JOBS EXIST WHICH UTILIZE THESE SKILLS AND ARE COMPATIBLE WITH YOUR CONDITION. ALTHOUGH THE INFORMATION IN OUR FILE INDICATES YOU ARE TOTALLY DISABLED FOR YOUR OCCUPATION YOU DO NOT MEET THE MORE RESTRICTIVE DEFINITION OF DISABILITY UNDER 1(B) ABOVE. THEREFORE NO FURTHER BENEFITS WILL BE RELEASED BEYOND 01-10-92 AND WE WILL CLOSE OUR HANDLING OF YOUR CLAIM EFFECTIVE 01-10-92.

WE WILL REVIEW ANY ADDITIONAL EVIDENCE SUBMITTED TO SUPPORT YOUR CLAIM. IF YOU DISAGREE WITH OUR DECISION AND WITH US TO RECONSIDER YOUR CLAIM OR IF YOU HAVE ANY QUESTIONS, PLEASE WRITE US AT THE ADDRESS ABOVE OR CALL OR OFFICE, TOLL-FREE, AT 1-800-821-1976 EXT. 5476.

CONTINUED ON REVERSE

UPPER LEFT

Stress Management Centers

OF MICHIGAN, P.C.
(313) 334-3030

ALAN K. BENENSON, M.D.

June 25, 1990

Greg Nunlee
Claim Reviewer
Prudential Insurance Company of America
P. O. Box 9135
Van Nuys, CA 91409

Re: Claimant: Ronald M. Dowell
SS#: 364-44-8056
Claim #: 90-040-0027

Dear Mr. Nunlee:

I was unaware of a letter from your company prior to this one. Please forgive me if I was responsible for misplacing it, as I have received numerous requests for reports regarding Mr. Dowell's status. As you know, I have treated Mr. Dowell since he was referred to me by his internist, Dr. Marshall Katz, on January 24, 1989. At that time Mr. Dowell had complaints of anxiety, recurrent headaches, intermittent dizziness, irritability, depression, insomnia and temper outbursts. He also reported that he had experienced several acute panic attacks and that he had experienced worry and guilt about the possible recurrence of either temper or panic attacks.

I diagnosed Mr. Dowell as suffering from reactive depression with agitation, which was triggered by his recurring difficulty in effectively dealing with his boss, Frank Gerstenecker, the City Manager of the City of Troy, to whom Mr. Dowell, as personnel director, was expected to report directly. I also diagnosed Mr. Dowell as suffering from an underlying identity disorder and generalized anxiety disorder, which together, predisposed Mr. Dowell to becoming depressed and excessively self-critical whenever his performance was a disappointment to authority figures. He was clearly unable to work for the City of Troy at that time, and he had become so despondent and anxious that he was unable to perform even simple work duties reliably or effectively at that time, nor could he effectively perform chores at home.

While it is true that Mr. Dowell's depression and agitation were, in part, resulting from several disagreements and confrontations with his boss, Frank Gerstenecker, even prior to any conflict with the City Manager, Mr. Dowell had begun experiencing a great deal of anxiety, anger and frustration over the plight of two female employees who had complained to him during November, 1988, about ongoing sexual harassment on their jobs. The severity of Mr. Dowell's anger and frustration clearly impaired his judgement in performing his duties as personnel director and led him to narrow-mindedly attempt to force his will upon his boss, Mr. Gerstenecker, when in fact, he had several other avenues open to him that might have helped these two employees resolve their work-related problems satisfactorily.

Woodside Professional Building · 853 Woodward Ave., Suite 105, Pontiac, MI 48053

-continued-

Stress Management Centers

OF MICHIGAN, P.C.
(313) 334-3030

ALAN K. BENENSON, M.D.

Page Two

June 25, 1990


Re: Ronald M. Dowell

It has been this continued impairment of Mr. Dowell's judgement, as well as the erosion of his self-confidence, which have left him disabled and unable to perform his duties as Troy Personnel Director, and later, during 1990, have prevented him from effectively functioning as a private consultant in the labor relations field. In my professional opinion it is the high level of Mr. Dowell's anxiety which has impaired both his judgement and his self-confidence. As a result, he continues to remain totally disabled and unable to reliably perform any of his work duties for the City of Troy at this time. He certainly has had his confidence in being able to work effectively with Mr. Frank Gerstenecker undermined by the series of events following the complaints of sexual harassment made by the two female employees during November, 1988, and I doubt that Mr. Dowell could ever work effectively with Mr. Gerstenecker in the future.

Mr. Dowell has experienced a severe financial crises during 1989 and 1990 due to his inability to return to work for the City of Troy and his inability to perform effectively as a labor relations consultant. He claims that he has exhausted most of his family's savings and that he can no longer afford to continue his psychiatric treatment. I last treated Mr. Dowell on February 22, 1990, although I have spoken to him on the telephone on three occasions since then. My current impression is that Mr. Dowell remains completely disabled due to continuing severe anxiety and depression. He is dependent upon his wife, Annette, to support their family, and reports that he lacks sufficient self-confidence at this time to follow through with earlier plans to begin his own consulting business in resolving labor arbitration cases and in recruiting employees for other businesses.

Currently, I am providing no treatment to Mr. Dowell, but I believe that he is possibly still receiving treatment including a tranquilizer with anti-depressant action (Xanax) from Dr. Katz. I am unaware of any additional improvement in Mr. Dowell's condition since his last treatment at my office on February 22, 1990. As a matter of fact, my impression is that his severity of anxiety, depression and self-doubt has worsened since that date. I believe that I could help Mr. Dowell resolve his current illness if he chose to resume psychiatric treatment by me. However, since Mr. Dowell claims that he is unable to afford further treatment, I can do very little to help him at this time. His prognosis appears to be guarded at this time.

Sincerely yours,


Alan K. Benenson, M.D.

AKB/sjm
CC: Woodside Professional Building, 853 Woodward Ave., Suite 105, Pontiac, MI 48053

prudential



The Prudential
Insurance Company
of America

P.O. BOX 9135
VAN NUYS CA 91409

JANUARY 04, 1991

LONG TERM DISABILITY

CLAIMANT: RONALD M DOWELL
CONTROL #/BR: 042104/00000
CLAIM #: 90-040-0027
SOCIAL SECURITY #: 364-44-8056

RONALD M DOWELL
4920 BELZAIK
TROY MI 48098

DEAR MR. DOWELL:

WE ARE CORRESPONDING WITH YOU REGARDING YOUR CLAIM FOR LONG TERM
DISABILITY (LTD) UNDER THE CITY OF TROY GROUP POLICY.

THE CITY OF TROY GROUP POLICY PROVIDES BENEFITS FOR AN EMPLOYEE WHILE
SATISFYING THE FOLLOWING DISABILITY DEFINITION:

1. DUE TO SICKNESS OR ACCIDENTAL BODILY INJURY, YOU ARE (A) COMPLETELY
UNABLE TO PERFORM ANY AND EVERY DUTY PERTAINING TO YOUR OCCUPATION
WITH YOUR EMPLOYER AND (B) AFTER THE INITIAL DURATION (24 MONTHS
FROM THE DATE BENEFITS BEGIN) OF A PERIOD OF DISABILITY YOU ARE
COMPLETELY UNABLE TO ENGAGE IN ANY AND EVERY GAINFUL OCCUPATION
FOR WHICH YOU ARE REASONABLY FITTED BY EDUCATION TRAINING OR
EXPERIENCE.
2. YOU ARE NOT ENGAGED IN ANY GAINFUL OCCUPATION.
3. YOU ARE UNDER THE REGULAR CARE OF A PHYSICIAN.

THE CHANGE TO THE STRICTER DEFINITION OF TOTAL DISABILITY UNDER 1(B)
ABOVE WILL BECOME EFFECTIVE 01-10-92. THE ACCUMULATED MEDICAL AND
VOCATIONAL INFORMATION IN OUR FILE DOES NOT SUPPORT THAT YOU ARE
TOTALLY DISABLED AS DEFINED ABOVE. AFTER THE VOCATIONAL EVALUATION WAS
COMPLETED BY CRAWFORD & COMPANY, IT WAS DETERMINED THAT YOU HAVE
TRANSFERABLE WORK SKILLS AND THAT JOBS EXIST WHICH UTILIZE THESE SKILLS
AND ARE COMPATIBLE WITH YOUR CONDITION. ~~ALTHOUGH THE INFORMATION IN~~
~~OUR FILE INDICATES YOU ARE TOTALLY DISABLED FOR YOUR OCCUPATION~~ YOU DO
NOT MEET THE MORE RESTRICTIVE DEFINITION OF DISABILITY UNDER 1(B) ABOVE.
THEREFORE NO FURTHER BENEFITS WILL BE RELEASED BEYOND 01-10-92 AND
WE WILL CLOSE OUR HANDLING OF YOUR CLAIM EFFECTIVE 01-10-92.

WE WILL REVIEW ANY ADDITIONAL EVIDENCE SUBMITTED TO SUPPORT YOUR CLAIM.
IF YOU DISAGREE WITH OUR DECISION AND WITH US TO RECONSIDER YOUR CLAIM
OR IF YOU HAVE ANY QUESTIONS, PLEASE WRITE US AT THE ADDRESS ABOVE OR
CALL OR OFFICE, TOLL-FREE, AT 1-800-821-1976 EXT. 5476.

CONTINUED ON REVERSE

UPPER LEFT

30816-09LL

AUGUST 24, 1990

BARRIE BRATT
100 GALLERIA OFFICENTARE
27700 NORTHWESTERN HIGHWAY, SUITE 411
SOUTHFIELD, MI 48034

DEAR MR. BRATT:

WE HAVE COMPLETED OUR REVIEW OF MR. ^{DOWELL} DOEWLL'S CLAIM FOR LONG TERM DISABILITY (LTD) BENEFITS UNDER THE CITY OF TROY GROUP POLICY AND HAVE DETERMINED THAT HE IS ELIGIBLE FOR BENEFITS EFFECTIVE 01-10-90.

THE GROUP POLICY PROVIDES BENEFITS FOR AN EMPLOYEE WHILE SATISFYING THE FOLLOWING DISABILITY DEFINITION:

1. DUE TO SICKNESS OR ACCIDENTAL BODILY INJURY, HE (A) IS COMPLETELY UNABLE TO PERFORM ANY AND EVERY DUTY PERTAINING TO HIS OCCUPATION WITH THE EMPLOYER AND (B) AFTER THE INITIAL DURATION (24 MONTHS FROM THE DATE BENEFITS BEGIN) OF A PERIOD OF DISABILITY IS COMPLETELY UNABLE TO ENGAGE IN ANY AND EVERY GAINFUL OCCUPATION FOR WHICH HE IS REASONABLY FITTED BY EDUCATION, TRAINING OR EXPERIENCE.
2. HE IS NOT ENGAGED IN ANY GAINFUL OCCUPATION.
3. HE IS UNDER THE REGULAR CARE OF A PHYSICIAN.

THE MEDICAL INFORMATION IN OUR FILE SUPPORTS TOTAL DISABILITY FOR MR. DOWELL'S OCCUPATION AS A PERSONNEL AND PURCHASING DIRECTOR, WITH THE CITY OF TROY. HOWEVER, THE MEDICAL AND VOCATIONAL INFORMATION DOES NOT SUPPORT TOTAL DISABILITY FOR ANY OCCUPATION, AND AFTER THE INITIAL DURATION PERIOD (01-10-92), HE WILL NO LONGER QUALIFY FOR LONG TERM DISABILITY BENEFITS. INFORMATION IN OUR FILES INDICATES THAT MR. DOWELL HAS NOT SEEN DR. BENENSON SINCE 02-22-90. CONTINUATION OF BENEFITS UNDER 1(A) ABOVE WILL DEPEND ON MR. DOWELL RECEIVING REGULAR TREATMENT BY AN ATTENDING PHYSICIAN FOR HIS CONDITION (3 ABOVE). WE HAVE ENCLOSED A ATTENDING PHYSICIAN STATEMENT BASED ON A RECENT EXAM.

RECEIVED

AUG 31 1990

LEVINE & BENJAMIN, P.C.