

**MINUTES OF PUBLIC MEETING
FOR THE CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD
FOR THE SUPERIOR COURT**

A Public Meeting of the Corrections Officer Retirement Plan Local Board for the Superior Court was convened Tuesday, February 6, 2018 at 10:00 a.m., Conference Room 109, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

Board Members Present in Conference Room 109: Kevin Kluge, Chair; Mark Smalley, Jason Hathcock

Board Members Present by Conference Call: Danna Quinn

Board Members Absent: Rob Lubitz

Also Present: Hannah Auckland, Board Attorney; Annette Corallo, Board Secretary; Leticia Chavez, Recorder, Wanda Roberson, Recorder, Ottmar & Associates, Court Reporter; Applicant #17-02, Paul Munoz (by conference call)

Call to Order:

Approval of the Minutes:

January 9, 2018 – Public Meeting Minutes
January 9, 2018 – Executive Session

MOTION: A motion to approve the public meeting and executive session minutes of the January 9, 2018 meeting with noted correction was made by Jason Hathcock. Motion was seconded and passed unanimously; minutes stand approved. **CORP 2018-12**

Consideration of Disability Applications:

#17-02, Paul J. Munoz – IME Review; Decision on Benefits

The Board received Application #17-02 from Paul J. Munoz for Accidental Disability Retirement on September 5, 2017.

The applicant was a juvenile detention officer in Maricopa County who was injured while responding to situations that involved shielding a juvenile on January 9, 2016, and restraining a juvenile on June 15, 2016.

The application was filed by the member after the disabling incident and within one year of the applicant's termination. Maricopa County Human Resources confirmed that the applicant was terminated effective May 30, 2017.

The application and medical records were provided to the Board for review.

The applicant's physical exam dated November 19, 2010, indicated the following pre-existing condition: hypertension. The exam report was provided to the Board for review.

The Board Secretary advised the applicant initialed the Waiver of Confidentiality provision, to allow discussion of the medical condition in open public meeting.

The Board Secretary also advised that the applicant was notified via certified letter that the Board would consider the application at this meeting and of the applicant's right to attend.

Mr. Paul Munoz joined the meeting by conference call. The Chair asked if Mr. Munoz had any questions prior to the Board's discussion of the case. Mr. Munoz indicated that he did not have any questions.

The Chair asked if any Board members had questions for Mr. Munoz.

Board member Jason Hathcock asked Mr. Munoz if incident reports were written by Maricopa County Juvenile Detention regarding the ankle injury and the separate knee injury, and further asked if he received Worker's Compensation for either of the injuries. Mr. Munoz stated that incidents reports were taken for both injuries and that he received a combined Worker's Compensation payment.

The Chair asked if Mr. Munoz was aware if the ankle injury caused the knee injury. Mr. Munoz stated that he could not be sure.

The Chair asked the Board Secretary if copies of the incident reports had been received and requested they be obtained if not. The Chair also asked if there were any questions that required follow up with the doctor.

MOTION: A motion to enter Executive Session to receive legal advice was made by Jason Hathcock at 10:07 a.m. Motion was seconded and passed unanimously. **CORP 2018-13**

Mr. Munoz was asked to exit the conference line and call back into the meeting at 10:15 a.m., which he did.

MOTION: A motion to return to open session was made by Jason Hathcock at 10:13 a.m. Motion was seconded and passed unanimously. **CORP 2018-14**

The Chair asked Board member Danna Quinn if she could obtain copies of the incident reports and provide them to the Board Secretary for further review by the Board.

Board Member Jason Hathcock stated that there were two issues that would prevent him from voting on this matter today, one being the lack of having copies of the incident reports from the

knee and ankle injuries, and the other doctor's seemingly conflicting answers between the Board's Question #4 and Question #6 on Form C5-LB-A. He noted that at Question #4 the doctor indicated the arthritic condition existed prior to the injury but after Mr. Munoz's hire date, and at Question #6 on the Form C5-LB-A, the doctor's response indicated a contributing pre-existing condition at the time of his membership. Mr. Hathcock requested the Board Secretary obtain clarification from the IME doctor and provide his response to the Board for review at the next scheduled meeting. He also suggested, depending on the response received, that the IME doctor be available by conference call.

Board member Danna Quinn stated that that she would recuse herself from voting on this case. The Chair recognized her request and stated that it appears the Board should table this matter until the next scheduled meeting, to allow time to obtain the incident reports and the IME doctor's clarification.

MOTION: A motion to have staff and the Board Attorney draft a letter to the IME doctor to obtain clarification on the doctor's responses to Question #4 of the Board's letter and Question #6 on the Form C5-LB-A was made by Jason Hathcock. Motion was seconded and passed by a vote of 3-0-1, with Board member Danna Quinn recused from the vote. **CORP 2018-15**

Decision on CORP Designation of Yavapai County Position

Wendy Ross, Director of Human Resources and Risk Management for Yavapai County, requested that the Board review the position of Community Restitution Coordinator to determine if the position is a designated CORP position pursuant to the Joinder Agreement.

The Board received for review a copy of the job description for Community Restitution Coordinator for Adult Probation, a copy of the Joinder Agreement and a copy of the letter from Michael P. Anthony, a former Board Attorney, to Billie Grobe of Yavapai County dated September 4, 2007, regarding the Board's action on the Community Restitution Coordinator position at that time. The Board Secretary advised that a job description was not available in the file for the 2007 determination.

The Adult Probation Department indicated that over time the nature of the position duties changed.

The Chair stated that he felt the significant change in the position was the responsibility of Surveillance Officer supervision and that generally supervision of CORP designated positions is indicative that the position should be CORP designated.

Board member Jason Hathcock stated that he felt that the position itself, based on title and qualifications, was not a CORP designated position but that the intent may be to fill the position with a sworn and badged officer. He questioned whether only that employee would be eligible to participate in CORP while serving in the position. Board member Danna Quinn added that the position does not indicate a requirement for a badged sworn officer, only that the applicant must have three years progressively responsible general office, clerical or Surveillance Officer experience.

The Chair advised that the Board could table this item to obtain further information from Yavapai County about the employment requirements of the position. The Board Attorney suggested that the Board also have a knowledgeable resource from the county attend the Board's next scheduled meeting to obtain further clarification and address any concerns the Board may have. The Chair and Mr. Hathcock stated it would appear this may be a Senior Surveillance Officer position, with an assignment to serve as the community restitution coordinator, to include supervision of Surveillance Officers, in which case it would be clearer that this is a CORP designated position.

MOTION: A motion to table this item and have staff contact Yavapai County Adult Probation to obtain further clarification on the position of Community Restitution Coordinator, and to request that Yavapai County Adult Probation attend the Board's next scheduled meeting to address the Board's questions and concerns, was made by Jason Hathcock. Motion was seconded and passed unanimously. **CORP 2018-16**

Decision on Request for Review of Pre-Existing Condition

Member Valerie Briscoe-George submitted documentation regarding a pre-existing condition noted in her CORP physical exam. She requests reconsideration of the Board's approval of membership with the inclusion of one of the identified pre-existing conditions.

The Board Attorney advised that discussion of this request should occur in a "modified" executive session, rather than a public portion of the meeting, since there is the potential to discuss confidential medical information without a confidentiality waiver from the member.

The Board Attorney advised that the Board can agree to accept the information and include it with the pre-existing condition report or take some other action if it feels the additional information is sufficient to refute the pre-existing condition determination. She further advised that whatever action is taken must be done on the record in open session.

Board Member Jason Hathcock said that it appears the pre-existing condition indicated came from the patient and not the doctor who conducted the physical examination. He asked if the Board has a duty to contact the doctor to see if the condition was self-reported at the time of the examination.

The Board Attorney stated the decision would be up to the Board. The information could be filed to be considered, should the member apply for a disability retirement or the Board could send the information provided by the member to the doctor who conducted the CORP physical exam for review.

MOTION: A motion to send the medical documentation provided by the member to the doctor who conducted the CORP physical exam, and to ask said doctor to review and clarify the medical evidence that indicated pre-existing conditions, was made by Jason Hathcock. Motion was seconded and passed unanimously. **CORP 2018-17**

Approval of Normal Retirement Benefits:

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts, effective February 1, 2018, except as noted, was made by Danna Quinn. Motion was seconded and passed unanimously. CORP 2018-18

Norma J. Brasda:	\$4,032.16; Reverse DROP Estimate: \$28,418.49
Maria G. Fischer:	\$2,505.53
Veronica Guzman-Vincent:	\$2,548.90, effective January 1, 2018
Christopher D. Hopkins:	\$2,443.40, effective January 1, 2018
Jane M. Kuhl:	\$2,764.67; Reverse DROP Estimate: \$102,206.79
Chris A. Lester:	\$2,516.76
Timberly J. Matson:	\$2,700.20
Ann Rooney:	\$3,217.17; Reverse DROP Estimate: \$62,104.84
Karen G. Smith:	\$3,467.43
Barbara A. Snider:	\$2,758.01
Michael W. Zaremba:	\$3,318.16

Acknowledgement of CORP Physical Exam Final Letters

The Chair noted, for the record, that physical examination reports for Michael J. Edwards, Carly M. Smith, and Kelly Winston were not received within 60 days of receipt of their membership applications and that final letters requesting an examination were sent to these members via certified mail on January 29, 2018

Approval of Membership:

The Local Board may consider and vote on the approval of the following requests for membership or defer decision to a later date:

Aguilar, Ziria	Yuma	12/18/2017
Baackes, Aaron	Maricopa	10/30/2017
Bujanda Saenz, Elena	Maricopa	11/20/2017
Chavez, Itzel	Cochise	9/25/2017
Coburn, Jr., Johnnie	Maricopa	1/16/2018
Edwards, Michael	Pima	6/26/2017
Falquez, Sabrina	Gila	12/4/2017
Gary, Lori	Mohave	7/10/2017
Greiner, Jonathan	Maricopa	10/30/2017
Kilbourne, Taylor	Gila	7/10/2017
LeClaire, Morgan	Mohave	11/27/2017
McCollum, Melinda	Pima	10/2/2017
Mendez, Venise	Greenlee	8/28/2017
Nunez, Marisela	Pima	1/7/2018

Saenz, Jessica	Maricopa	1/17/2017
Salazar, Giovanna	Maricopa	11/20/2017
Sanders, Darron	Maricopa	8/14/2017
Smith, Carly	Coconino	7/31/2017
Thompson, Brittany	Pima	1/9/2018
Villalobos, Ana	Pima	10/16/2017
Villalobos, Johanna	Pima	10/16/2017
Villareal, Sade	Pima	9/25/2017
Walden, Katelyn	Maricopa	10/30/2017
Williams, John	Coconino	10/23/2017
Winston, Kelly	Mohave	8/7/2017

MOTION: A motion to approve the 25 applicants listed on the agenda for this meeting for membership in CORP pursuant to A.R.S. §38-893.D and to note for the record that the physical examinations for Aaron Baackes, Lori Gary, Jonathan Greiner, Melinda McCollum, Venise Mendez, Darron Sanders, Ana Villalobos, Johanna Villalobos, Sade Villareal, and Katelyn Walden identified a physical or mental condition or injury that existed or occurred before their date of membership in the plan was made by Mark Smalley. Motion was seconded and passed unanimously. CORP 2018-19

Future Agenda Items:

The Board asked for information about the implementation of the new Tier 3 for CORP members. Board Member Danna Quinn stated that she believes Public Safety hired outside consultants to conduct training on the new tier for Public Safety officers. The Board Secretary advised that she spoke to Kim Brady of Yavapai County and that Kim mentioned the consultants currently conducting training for Public Safety officers said they are in negotiations to conduct training for CORP members as well. The Board Secretary also advised that she sent an email to Robert Ortega, Public Safety Training Coordinator, requesting his attendance at the Board’s next scheduled meeting to provide information about the Tier 3 implementation plan. She is awaiting a response, but will continue to reach out to him.

Board member Jason Hathcock would like to seek information on the clean up on the law regarding officers staying in ASRS if they have at least five years of credit in ASRS and move to a CORP position. The Chair stated that Public Safety agreed to include that fix in their ‘administrative’ bill this year.

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 10:52 a.m.

Transcribed February 6, 2018