

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

A Public Meeting of the Corrections Officer Retirement Plan Local Board for the Judiciary was convened Tuesday, April 2, 2024, at 10:00 a.m., via Zoom, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

Board Members Present by Conference/Video Call: Jason Hathcock (Acting Chair); Mark Smalley; Scott Mabery; Jennifer Fish

Board Members Absent: Kevin Kluge (Chair)

Also Present by Conference/Video Call: Christopher Lemke, Board Secretary; Kayla Adkins, Recorder; Nicolas Cornelius, Board Attorney; Tracey Romero, Cochise County HR Director; Yvonne Wong, AOC HR Officer

Call to Order:

Approval of Minutes:

March 5, 2024 – Public Meeting Minutes

MOTION: Mark Smalley moved to approve the public meeting minutes of the March 5, 2024, meeting. The motion was seconded by Jennifer Fish and passed unanimously. The minutes stand approved. **CORP 2024-10**

Legislative Update

During the March 5, 2024, Local Board meeting, the Chair requested that Liana Garcia, Government Affairs Director for the Administrative Office of the Courts, attend future meetings to provide updates on CORP-related 2024 legislation.

A list of House and Senate bills discussed by Ms. Garcia was provided to the Board.

Notice of Retiree Return to Work – Anibal Rodriguez

The Board received a Notice of Retiree Return to Work from the Maricopa County Judicial Branch for Anibal Rodriguez, indicating that Mr. Rodriguez retired from the Arizona Department of Corrections on May 23, 2023, with an effective CORP retirement date of June 1, 2023. He had since accepted an employment offer with the Maricopa County Judicial Branch and returned to work on March 4, 2024, in a non-CORP-designated position as a Security Officer.

Copies of A.R.S. § 38-884.N-O. and Mr. Rodriguez’s current position description were provided to the Board.

Ms. Adkins noted that Mr. Rodriguez appeared eligible to continue receiving a CORP pension because he returned to work in a non-CORP-designated position after retirement.

MOTION: Scott Mabery moved that the Board received a Notice of Retiree Return to Work for Anibal Rodriguez and found that (1) Mr. Rodriguez is eligible to continue receiving a CORP pension. (2) Mr. Rodriguez's employer, Maricopa County Judicial Branch, is not responsible for paying the CORP alternate contribution rate on his behalf because he returned to work in a non-CORP-designated position. The motion was seconded by Jennifer Fish and passed unanimously. **CORP 2024-11**

Notice of Retiree Return to Work – Sean Azevedo

The Board received a Notice of Retiree Return to Work from the Maricopa County Judicial Branch for Sean Azevedo, indicating that Mr. Azevedo retired from the Maricopa County Sheriff's Office on May 30, 2019, with an effective CORP retirement date of June 1, 2019. He had since accepted an employment offer with the Maricopa County Judicial Branch and returned to work on March 4, 2024, in a non-CORP-designated position as a Security Officer.

Copies of A.R.S. § 38-884.N-O. and Mr. Azevedo's current position description were provided to the Board.

Ms. Adkins noted that Mr. Azevedo appeared eligible to continue receiving a CORP pension because he returned to work in a non-CORP-designated position after retirement.

MOTION: Jennifer Fish moved that the Board received a Notice of Retiree Return to Work for Sean Azevedo and found that (1) Mr. Azevedo is eligible to continue receiving a CORP pension. (2) Mr. Azevedo's employer, Maricopa County Judicial Branch, is not responsible for paying the CORP alternate contribution rate on his behalf because he returned to work in a non-CORP-designated position. The motion was seconded by Scott Mabery and passed unanimously. **CORP 2024-12**

Notice of Retiree Return to Work – Jill Bognar

The Board received a Notice of Retiree Return to Work from the Maricopa County Judicial Branch for Jill Bognar, indicating that Ms. Bognar retired from the Maricopa County Judicial Branch Adult Probation Department on December 27, 2023, with an effective CORP retirement date of January 1, 2024. She had since accepted an employment offer with the Maricopa County Judicial Branch and returned to work on March 4, 2024, in a non-CORP-designated position as a Court Investigator.

Copies of A.R.S. § 38-884.N-O. and Ms. Bognar's current position description were provided to the Board.

Ms. Adkins noted that Ms. Bognar appeared eligible to continue receiving a CORP pension because she returned to work in a non-CORP-designated position after retirement.

MOTION: Mark Smalley moved that the Board received a Notice of Retiree Return to Work for Jill Bognar and found that (1) Ms. Bognar is eligible to continue receiving a CORP pension. (2) Ms. Bognar’s employer, Maricopa County Judicial Branch, is not responsible for paying the CORP alternate contribution rate on her behalf because she returned to work in a non-CORP-designated position. The motion was seconded by Scott Mabery and passed unanimously. **CORP 2024-13**

Notice of Retiree Return to Work – Mary Rivas Anderson

The Board received a Notice of Retiree Return to Work from the Cochise County Superior Court for Mary Rivas Anderson, indicating that Ms. Rivas Anderson retired from the Cochise County Superior Court on April 15, 2023, with an effective CORP retirement date of May 1, 2023. She had since accepted an employment offer with the Cochise County Superior Court and returned to work on June 12, 2023. The Notice of Retiree Return to Work indicated that Ms. Rivas Anderson returned to work in a non-CORP-designated position as a temporary Court Liaison Officer/Probation Officer.

The Board Secretary noted that Board staff sought clarification from Tracey Romero, Cochise County Human Resources Director, for the following questions:

- Did Ms. Rivas Anderson return to work in a CORP-designated position?
 - Ms. Rivas Anderson returned to work in a non-CORP-designated position as a temporary Court Liaison Officer/Probation Officer from June 12, 2023, until December 23, 2023. On December 24, 2023, Ms. Rivas Anderson became a full-time employee.
- Was Ms. Rivas Anderson rehired into a position created with the intent of being a temporary role?
 - Ms. Rivas Anderson was hired on June 12, 2023, with the intent of being a temporary employee. Temporary funding was used for Ms. Rivas Anderson’s position. A full-time position was not approved.
- If anyone else was hired into Ms. Rivas Anderson’s position on June 12, 2023, would it have been considered CORP-designated?
 - The position would not have been considered CORP-designated regardless of who was hired on June 12, 2023. The position was created as a temporary role because it was unclear at the time if there would be a sufficient workload to justify a full-time position.
- Is the position description the same for temporary and full-time positions?
 - Temporary and regular status Probation Officers share the same position description.
- How many hours per week did Ms. Rivas Anderson work in the temporary position?
 - Ms. Rivas Anderson worked an average of 39.89 hours per week in the temporary position.
- Is Ms. Rivas Anderson a participant in ASRS?
 - Ms. Rivas Anderson had participated in ASRS since her June 12, 2023, rehire date.

Copies of A.R.S. § 38-884.N-O. and Ms. Rivas Anderson's position description were provided to the Board. The Board Secretary noted that on April 2, 2024, moments before the Local Board meeting commenced, Tracey Romero had submitted a revised position description to Board staff, indicating that Ms. Rivas Anderson's position title was Court Liaison, not Court Liaison Officer/Probation Officer.

Ms. Romero informed the Board that the Court Liaison Officer/Probation Officer position description initially submitted with Ms. Rivas Anderson's Notice of Retiree Return to Work was a draft document and that the official position title was Court Liaison. Ms. Romero explained that the initial position description was drafted after the Cochise County Chief Probation Officer requested the creation of the Court Liaison position in March 2023 but had not received formal approval. Ms. Romero further clarified that Ms. Rivas Anderson was not hired as a Probation Officer and that the Court Liaison position did not and had not served in the capacity of a Probation Officer.

Ms. Fish questioned if a job posting describing the position Ms. Rivas Anderson was hired into was publicized, to which Ms. Romero answered that the position was not posted for recruitment. Ms. Romero recalled that Ms. Rivas Anderson applied for a different non-CORP-designated position but was considered and hired by the Chief Probation Officer for the Court Liaison position. Ms. Fish asked if Ms. Rivas Anderson acknowledged or signed a position description upon hire, to which Ms. Romero said that Ms. Rivas Anderson had not signed a position description upon hire.

Mr. Mabery sought clarification from Ms. Romero regarding whether the revised Court Liaison position description was pending final approval. Ms. Romero responded that when the position was created, the Chief Probation Officer directed her to draft the Court Liaison position description using a Probation Officer position description to establish baseline responsibilities. However, Ms. Romero stated that the position description did not undergo further review and modification, nor was it submitted to the Chief or Deputy Chief Probation Officer for final edits and approval. Ms. Romero assured the Board that the Court Liaison position was not a Probation Officer and that the revised position description had been reviewed by the Deputy Chief Probation Officer during the week of April 1, 2024. Ms. Romero added that she would provide a non-draft, finalized copy of the position description to the Board for continued consideration.

Mr. Smalley inquired about who the Court Liaison position interacted with during the course of work. Ms. Romero replied that the position primarily interacted with probation staff, Judges, and Defense Attorneys. The Acting Chair also asked if the Court Liaison job duties changed on December 24, 2023, when Ms. Rivas Anderson became a permanent employee. Ms. Romero answered that Ms. Rivas Anderson's Court Liaison job duties remained consistent during her temporary and permanent employment.

The Acting Chair noted for the record that the matter was tabled pending receipt of the finalized Court Liaison position description.

Acknowledgment of CORP Physical Exam Final Letter

Name	County	Letter Issue Date
Alex Siqueiros	Pima	2/22/2024

The Acting Chair noted for the record that the CORP physical examination report for Alex Siqueiros was not received within 60 days of receiving their membership application and that the final letter requesting the examination report was sent via certified mail.

Approval of Membership:

The Board voted on the approval of the following requests for membership:

Name	County	Effective Enrollment Date
Sarah Wessel	Cochise	12/11/2023
Jasmine Altamirano	Greenlee	2/11/2024
Destiny Chavarria	Greenlee	2/11/2024
Gerald Strickland	Maricopa	3/3/2024
Shelly Stiteler	Maricopa	3/3/2024
Serena Cuevas	Maricopa	3/17/2024
Marshall Biddinger	Maricopa	3/17/2024
Tracey Montague	Maricopa	2/25/2024
Sheila Woods	Maricopa	2/25/2024
Karen Guerrero	Maricopa	2/25/2024
Mercedez Taylor	Maricopa	2/25/2024
Reesheda Sanders	Maricopa	2/25/2024
Amanda Moore	Maricopa	2/25/2024
Niko Papic	Maricopa	2/25/2024
Sean Lockhart	Maricopa	2/25/2024
Francisco Lopez	Mohave	3/17/2024
Stephen Boughton	Navajo	3/3/2024
Victoria Bolton	Pima	3/3/2024
Jocelyn Lujan	Pima	3/3/2024
Melissa Barraza-Bautista	Pima	3/17/2024
Juan Mondragon	Pima	3/17/2024
Katelyn Joslyn	Pima	3/17/2024
Alex Siqueiros	Pima	3/17/2024
Alora Shreeve	Pinal	3/10/2024
Cristina Trujillo	Pinal	3/10/2024
Mario Estell II	Yavapai	2/25/2024
Jessica Mckenna	Yavapai	2/25/2024
Milton Garcia	Yuma	2/18/2024

MOTION: Jennifer Fish moved to approve the 28 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 Niko Papic, Sean Lockhart, and Cristina Trujillo identified a physical or mental condition or injury that existed or occurred before their dates of membership in the plan. The motion was seconded by Mark Smalley and passed unanimously. CORP 2024-14

Retiree Return to Work FAQ Update

Proposed revisions to the Board's Retiree Return to Work FAQ document were presented for review and consideration. The revisions clarified that fulfillment of the statutorily mandated six-month waiting period applied only to retirees who are or intend to become reemployed in a CORP-designated position with the employer from which they retired.

MOTION: Scott Mabery moved to approve the revised Retiree Return to Work FAQ and direct Board staff to post the document on the CORP website. The motion was seconded by Jennifer Fish and passed unanimously. CORP 2024-15

CORP Certificates of Records Destruction:

A CORP Certificate of Records Destruction was approved by the Board Chair, the Acting Chair, and the Board Secretary for the destruction of Local Board meeting recordings in accordance with the CORP Local Board for the Judiciary Rules of Local Board Procedure Section C(6)(e).

Board Staff destroyed electronic recordings for the following meeting dates:

Local Board meetings without the consideration of a disability claim:

- 10/3/2023; 11/7/2023; 12/5/2023

Section C(6)(e):

I. For Meetings at which no disability claims have been considered, such electronic recordings shall be maintained for ninety (90) days after the Minutes have been submitted to the Board of Trustees.

II. For Meetings at which a disability claim was considered, such electronic recordings shall be maintained until the Claimant reaches his or her normal retirement date.

III. The Secretary may destroy the electronic recording of a Local Board Meeting after the period in Section C(6)(e)(1) or (2) expires. The Secretary will prepare and retain a certificate of destruction when any electronic recordings are destroyed.

Future Agenda Items:

The Board Secretary informed the Board that the independent medical examination (IME) for the reevaluation of ordinary retirement applicant #19-02, Matthew Baack, was scheduled to be completed on April 5, 2024.

The Acting Chair reiterated that the return to work of retiree Mary Rivas Anderson would be reviewed at the May 7, 2024, Local Board meeting following receipt of the revised Court Liaison position description from Ms. Romero.

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 10:47 a.m.

Transcribed April 3, 2024.