

**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, November 3, 2020 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

Board Member Present by Conference Call: Jason Hathcock; Jennifer Fish; Mark Smalley; Scott Mabery

Board Member Absent:

Also Present in Conference Room 109: Vanessa Haney, Board Secretary; Alicia Bocardo, Recorder (conference call)

Call to Order:

Approval of the Minutes:

October 6, 2020 – Public Meeting Minutes

MOTION: A motion to approve the public minutes of the October 6, 2020 meeting was made by Jennifer Fish. The motion was seconded and passed; minutes stand approved. **CORP 2020-59**

Disability Application #20-03 – IME Decision

The Board received Application #20-03 for Accidental Disability benefits from Robert Sitnek on August 12, 2020.

The applicant is a Maricopa County Adult Surveillance Officer with 21.870 years of credited service with CORP.

The applicant identified the disabling conditions as: “low back injury”.

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.

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

The applicant provided medical reports of findings and treatment with the application. The application and medical reports are provided for the Board.

The criteria for Accidental Disability benefits per A.R.S. §38.886 are: "Accidental disability" means a physical or mental condition that the local board finds totally and permanently prevents

an employee from performing a reasonable range of duties within the employee's department and was incurred in the performance of the employee's duties.”

A copy of A.R.S. §38-886 governing Local Board consideration of applications for Accidental Disability was included for reference purposes.

Dr. Michael Steingart performed an Independent Medical Examination of the applicant on October 9, 2020. A copy of Dr. Steingart’s IME report was provided to the Board.

The Local Board will need to determine eligibility based on the Independent Medical Evaluation. Any motion to approve or disapprove the application should include a reference to the Independent Medical Evaluation upon which the determination is based.

The Board can consider any medical evidence that the applicant may want to provide; however, the statutes are clear that a determination of disability shall be based on the IME. Material conflicts in medical evidence must be resolved by findings of the Board. Disability determinations by the State Comp Fund or other workers’ compensation bodies are not binding on the Local Board.

Board member Jason Hathcock inquired whether the IME doctor had received a copy of the new hire member physical exam due to the Dr. Steingart’s comment on page 8 of the IME referencing that the exact records and physical examination were not provided to him.

The Local Board secretary responded that the physical exam was provided to the IME doctor and that staff had a record of that on file.

Board member Jason Hathcock noted that though the IME doctor included the statement about not having a physical exam, Dr. Steingart listed a 2016 3-level fusion as the only injury relation.

The Chair reiterated that the IME doctor found that the April 11, 2020 injury claimed was the cause of the permanent disability and that any attributing conditions does not predate May 17, 2017.

Board member Jason Hathcock asked the Local Board Secretary if the discrepancy of credited service was due to leave without pay. The Local Board Secretary confirmed it was because of the leaves without pay.

Board member Jason Hathcock inquired if the applicant had already terminated his position. It was confirmed by Board member Jennifer Fish that he was still a Maricopa County employee. Board Attorney Cynthia Kelly was asked if the Board was able to approve the benefit though the member had not terminated. Board Attorney Cynthia Kelley responded that the Board could approve it and that it was normal practice for applicants to terminate within the month approved.

Board member Jason Hathcock stated that he was in favor of approving the accidental disability benefit based on: the timely manner the application was submitted, the IME report stating that Mr. Sitnek’s injury has a total and permanent injury that prevents him from performing a reasonable range of duties in a CORP designated position with no predicted improvement, and because there was no attributing pre-existing condition that predated his membership into the plan.

The Chair noted that a reevaluation would not be included in the motion due to the applicant being eligible for retirement.

MOTION: A motion to: (1) Approve the application for Accidental Disability Retirement benefits from Applicant #20-03, Robert Sitnek, based on the findings of the Independent

Medical Evaluation conducted by Dr. Michael Steingart for the Local Board, As set forth in the report dated October 9, 2020 and the Form C5-LB-O dated October 9, 2020; (2) Approve an Accidental Disability Benefit for Robert Sitnek in about the amount of \$2,580.96 (3) Pursuant to A.R.S. §38-886.01.D: Not to review this matter again as the claimant has been deemed totally and permanently disabled and is eligible for normal retirement benefits with 21.870 years of service in a CORP position, was made by Jason Hathcock. The motion was seconded and passed unanimously. CORP 2020-60

Update – Yearly CORP Membership Audit

COUNTY	TOTAL FINDINGS	RESOLVED	PENDING	ISSUE TYPE(S)
Apache	1	1	0	N/A*
Cochise	10	5	5	Missing memberships/exams; Notices sent to all members.
Coconino	2	2	0	N/A*
Gila	1	1	0	N/A*
Graham	1	1	0	N/A*
Maricopa	14	14	0	N/A*
Mohave	3	3	0	N/A*
Navajo	2	1-2	1-0	Missing membership; exam on file N/A *
Pima	7	7	0	N/A*
Pinal	2	2	0	N/A*
Santa Cruz	3	3	0	N/A*
Yavapai	4	4-3	0-1	N/A* Missing membership; exam on file
Yuma	1	1	0	N/A*
TOTALS	51	45	6	

The Local Board Secretary stated that staff is working with the counties to consolidate the missing enrollment forms. She added that the county HR staff was directed by Public Safety Personnel Retirement System to enter members into demographics and to refer the new members to the PSPRS site for more information. It was further explained that this action was taken due to COVID-19 and remoting staff’s inability to produce the documents.

Board member Mark Smalley asked for further clarification on the audit report information. It was concluded that Yavapai’s discrepancy was listed under Navajo. Staff was instructed to make the corrections to the report as listed.

Approval of Normal Retirement Benefits:

There were five applications for Normal Retirement benefits submitted for the Board’s approval pursuant to A.R.S. § 38-893 (D).

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts effective November 1, 2020 was made by Scott Mabery. The motion was seconded and passed unanimously. CORP 2020-61

Connie Casillas	\$4,583.72; Reverse DROP Estimate \$ 55,189.67
Kimberly Connor	\$3,077.54
Craig Hazlett	\$4,994.52; Reverse DROP Estimate \$ 60,090.86
Derrick Knott	\$4,563.92; Reverse DROP Estimate \$246,130.11
Kristie Wooley	\$3,518.72

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:

Aramburo, Araceli	Yuma	04/26/2020
Armenta, Gilberto	Pima	10/11/2020
Avila, Eduardo	Maricopa	07/13/2020
Barcena, Alma	Yuma	09/20/2020
Brown, Paul	Maricopa	02/10/2020
Christian, Arthur	Maricopa	07/19/2019
Colwell, Corey	Pinal	04/20/2020
Daniel, Denise	Pima	09/27/2020
Davis, Michelle	Yavapai	08/24/2020
Dorfman, Jeffrey	Pima	10/11/2020
Gaudette, Kim	Cochise	08/01/2020
Gomez, Francisco	Maricopa	07/05/2020
Gonzales, Lorenzo	Yuma	04/20/2020
Horne, Jarvis	Maricopa	07/05/2020
Judd, Chase	Maricopa	05/04/2020
Knight, Felicia	Yavapai	09/27/2020
Logue, Nelsina	Coconino	12/12/2019
Lopez, Manuel	Pima	06/28/2020
Maki, Ayana	Maricopa	07/05/2020
Matthews, Mattie	Navajo	05/31/2020
Nixon, Anthony	Yavapai	08/24/2020
Pittman, Roderic	Maricopa	07/19/2020
Quiroa, Krystal	Pima	05/27/2020
Reinhold, Jacqueline	Maricopa	05/18/2020
Reyes, Alesi	Maricopa	07/19/2020

Sanders, D'Auria	Yavapai	04/01/2020
Schartiger, Luke	Coconino	10/11/2020
Schumaker, Zane	Mohave	09/20/2020
Sells, Zarin	Maricopa	07/19/2020
Smith, Alec	Navajo	03/02/2020
Stinson, Sarah	Maricopa	07/05/2020
Thompson, Alicia	Navajo	01/06/2020
Watts, Emily	Maricopa	07/26/2020
Wilcox, Jacob	Pinal	09/27/2020
Williams, Keith	Pinal	01/27/2020

The Local Board Secretary was instructed to correct the date listed for Arthur Christian on the Attachment A to be sent to PSPRS.

Board member Jason Hathcock asked the Local Board Secretary for clarification on Francisco Gomez's membership. The member was listed as both "Defined Benefits" and a Juvenile Detention Officer. Staff was instructed to review and either correct or add to the next agenda. Upon staff revision it was discovered that the member did, in fact, have the incorrect benefit listed. The member was redacted and will be placed on the December 1, 2020 agenda.

MOTION: A motion to approve the 34 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 Paul Brown, Corey Colwell, Denise Daniel, Felicia Knight, Ayana Maki, Mattie Matthews, Roderic Pittman, Zarin Sells and Emily Watts identified a physical or mental condition or injury that existed or occurred before their date of membership in the plan, was made by Scott Mabery. The motion was seconded and passed unanimously. CORP 2020-62

Future Agenda Items:

The Local Board Secretary informed the Board that election procedures for Mark Smalley will be placed on the December 1, 2020 meeting agenda. Mark Smalley's term will end on June 2021.

The Local Board Secretary also added that the IME for applicant for #20-04 will be added to the December 1, 2020 agenda as well.

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 10:32 a.m.

Transcribed October 6, 2020.