

**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, June 2, 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, Chair.

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

Board Member Absent: Scott Mabery

Also Present in Conference Room 109: Vanessa Haney, Board Secretary (conference call); Alicia Bocardo, Recorder; Julie Anderson, Applicant #20-01 (conference call).

Call to Order:

Approval of the Minutes:

May 5, 2020 – Public Meeting Minutes

MOTION: A motion to approve the public minutes of the May 5, 2020 meeting was made by Mark Smalley. The motion was seconded and passed; minutes stand approved. **CORP 2020-26**

Board Attorney Contract

Consideration of Disability Applications:

Disability Application #20-01 – IME Decision

The Board received Application #20-01 for Accidental Disability benefits from Julie Anderson on March 10, 2020.

The applicant is a Maricopa County Adult Surveillance Officer with 13.6 years of credited service with CORP.

The applicant identified the disabling conditions as: “head injury due to a car accident” while working.

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 were provided for the Board. The criteria for Accidental Disability benefits per A.R.S. §38.881 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. Bruce Moffatt performed an Independent Medical Examination, IME, of the applicant on May 5, 2020. A copy of Dr. Moffat's IME report was provided to the Board.

The Chair acknowledged that applicant #20-01, Julie Anderson, was present via conference call.

The Local Board Secretary read Ms. Anderson's statement to the Board. The applicant's statement included the following details: her inability to complete full thoughts, how she is still unable operate/drive a motor vehicle, the brain fatigue she experiences, and how certain treatment exercises affect her eyesight and overall health. She also expressed her fear of being a liability to her coworkers and the possibility of not being able to employed in the future.

Board member Mark Smalley asked Ms. Anderson if she had any previous concussions based on the medical reports provided by Barrow Neurological Institute #2 as it conflicts with Dr. Moffat's IME findings of no pre-existing conditions.

Ms. Anderson responded that she had no history of injury resulting in a concussion prior to the accidental injury applied for. She stated that Barrow Neurological Institute must have accidentally copied and pasted the verbiage from a previous patient/incident onto hers.

The Chair agreed and noted that the IME doctor did not list any pre-existing conditions that contributed to her current condition.

Board member Mark Smalley stated that the status of the accidental application was not "total and permanent." He inquired if the application could change to "total and permanent" or remain the same based off later IME evidence.

The Chair replied that the Board considers an application "permanent" based off the months of recovery and the time designated for review is recommended by the Guidelines for Periodic Reevaluation of Disability Benefit.

Board member Jason Hathcock stated that Dr. Moffatt described Ms. Anderson's treatment plan as reasonable and requires six to twelve months of rehab and treatment for full recovery. Mr. Hathcock noted, however, that full recovery cannot be predicted and that it was the doctor's indication that if a full recovery was not made within the timeframe, then Ms. Anderson's condition would be considered total and permanent.

Board member Jason Hathcock continued to add that the based of the IME report and medical records, Ms. Anderson meets the criteria for accidental disability benefits. The Chair agreed and stated that date of review would be the only item to establish.

Board member Jason Hathcock responded that based off the Guidelines for Periodic Reevaluation of Disability Benefit, a review in two years would be ideal for this case because the IME doctor noted the recovery as unpredicted. He added that treatment would require six to twelve months from the date of the report. Mr. Hathcock stated that two years would suffice for the Board reevaluate her case as permanent or not.

MOTION: A motion to approve the application for Accidental Disability Retirement benefits from Applicant #20-01, Julie Anderson, based on the findings of the Independent Medical Evaluation conducted by Dr. Bruce Moffatt for the Local Board, as set forth in the report dated May 5, 2020 and the Form C5-LB-O dated May 5, 2020; approve an Accidental Disability Benefit for Julie Anderson in about the amount of \$2,048.54; review this matter again in two years pursuant to A.R.S. §38-886.01.D., was made by Jason Hathcock. The motion was seconded and passed unanimously. CORP 2020-27

Approval of Normal Retirement Benefits:

There was one application 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 applicant in about the following amounts, effective June 1, 2020 was made by Jennifer Fish. The motion was seconded and passed unanimously. CORP 2020-28

Marat Petrosyan	\$3,307.33
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Approval of Survivor Benefits:

An application for a survivor benefit was submitted for the Board's approval pursuant to A.R.S. §38-887.

Member: Scott Homan (Active Member, deceased April 25, 2020)
Benefit Payable to Spouse Stephanie Homan beginning May 30, 2020: \$1,807.52

MOTION: A motion to approve the payment of a survivor benefit to the following applicant in about the following amount was made by Mark Smalley. The motion was seconded and passed unanimously. CORP 2020-29

Member: Scott Homan (Active Member, deceased April 25, 2020)
Benefit Payable to Spouse Stephanie Homan beginning May 30, 2020: \$1,807.52

Decision on Notice of Retiree Return to Work:

A. Marat Petrosyan

The Board received a Notice of Retiree Return to Work from Maricopa County for Marat Petrosyan. The form indicated that Mr. Petrosyan retired from Maricopa County Adult Probation under CORP effective May 11, 2020. Mr. Petrosyan returned to work for the Maricopa County Superior Court on June 1, 2020 as a temporary, on-call Juvenile Detention Officer in a Non-CORP designated position.

A copy of A.R.S. §38-884.N-O. was provided to the Board as well as a copy of Mr. Petrosyan's current job description.

The Local Board Secretary reiterated that Mr. Petrosyan did not return to work in a CORP designated position. Board member Mark Smalley inquired if the position was only non-CORP because it was part-time. The Chair stated the position description outlined 19 work hours.

The Local Board Secretary informed the Board that Maricopa County specifically was hiring back CORP retirees to be on call on a "as needed basis" meaning the work hours outlined for the position could be less than the 19 hours.

Board member Jennifer Fish expanded on what "temporary" positions mean for the Board's purposes. She stated that "temporary" staff remain on payroll but only work certain hours as needed. She added that because these positions are temporary, the part-time/full-time status does not constitute CORP eligibility. Ms. Fish explained that the position is not eligible for any benefits and thus will invalidate it as a regular status position/CORP designated position.

Board member Jason Hathcock added the compensation line on the form was blank. Board member Jennifer Fish replied that the section applied to retirees who return to work after 12 months to a CORP designated position to calculate the Alternate Contribution Rate. Ms. Fish added that the ACR would not apply to Mr. Petrosyan.

MOTION: A motion that the Board received a Notice of Return to Work for Marat Petrosyan and finds that: (1) Mr. Petrosyan is eligible to continue to receive a CORP pension (2) Maricopa County is not responsible for paying an alternate contribution rate on his behalf, made by Jason Hathcock. The motion was seconded and passed unanimously. **CORP 2020-30**

B. Carolina Cabral

The Board received a Notice of Retiree Return to Work from Pima County for Carolina Cabral. The form indicated that Ms. Cabral retired from the Pima County Juvenile Probation under CORP effective April 11, 2020. Ms. Cabral returned to work for the Pima County Superior Court on April 17, 2020 as a temporary, on-call Juvenile Probation Officer in a Non-CORP designated position.

A copy of A.R.S. §38-884.N-O. was provided to the Board as well as a copy of Ms. Cabral's current job description.

MOTION: A motion that the Board received a Notice of Return to Work for Carolina Cabral and finds that: (1) Ms. Cabral is eligible to continue to receive a CORP pension (2) Pima County is not responsible for paying an alternate contribution rate on her behalf, was made by Jason Hathcock. The motion was seconded and passed unanimously. **CORP 2020-31**

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:

Alcala, Melissa	Maricopa	04/20/2020
Buckley, Danielle	Coconino	01/17/2020
Colwell, Jessica	Pinal	04/26/2020
Corral, Alexandria	Maricopa	04/26/2020
Ghosh, Rupali	Maricopa	04/20/2020
Hart, Mariam	Mohave	04/20/2020
Jones, Mikayla	Maricopa	04/26/2020
Kirchhofer, Rachel	Yuma	04/26/2020
Koontz, Britteny	Maricopa	12/02/2019
McFarlin, Caleb	Maricopa	04/26/2020
Meza, Luis	Cochise	03/15/2020
Noriega-Carrizosa, Alejandro	Pima	05/03/2020
Oliver, Sean	Maricopa	04/26/2020
Osburn, Alisha	Yavapai	04/20/2020
Perez, Katie	Maricopa	04/20/2020
Perry, Alexis	Maricopa	04/20/2020
Reynoso, David	Yuma	12/29/2019
Robertson, Peter	Pima	05/03/2020
Said, Jozef	Pima	05/02/2020
Sharp, Alexis	Maricopa	02/03/2020
Walker, Savannah	Pinal	04/12/2020
Yi, Tae	Maricopa	04/06/2020

MOTION: A motion to approve the 22 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 Melissa Alcala, Rupali Ghosh, Mariam Hart, Rachel Kirchhofer, Sean Oliver and Savannah Walker identified a physical or mental condition or injury that existed or occurred before their date of membership in the plan, was made by Jennifer Fish. The motion was seconded and passed unanimously. **CORP 2020-32**

Future Agenda Items:

The Board decided that to hold the July 7, 2020 via conference call.

The Local Board Secretary advised the Board that the next upcoming meeting will contain many Retiree Return to Work acknowledgements per Public Safety Personnel Retirement System's request. She added that it will contain retirees who have also taken positions with Arizona State Retirement System eligibility.

The Chair instructed the Board Secretary to reach out to all the county human resources department to remind them of the return to work statute and processes.

Board member Jason Hathcock inquired if all counties were successfully providing resources for CORP members to make an educated decision regarding the benefit options and percentages within the plan. The Board Secretary responded that due to COVID-19, online tools are available to members. She added, however, that if the counties are not properly setting up member accounts on the county employer portal then members might not receive email notification thus allowing the system to default them into a plan.

The Chair instructed the Local Board Secretary to have a PSPRS representative at the July 7, 2020 or August 4, 2020 meeting to receive further instructions to provide support and guidance to the counties.

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 10:44 a.m.

Transcribed June 5, 2020.