

**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, December 6, 2022, at 10:00 a.m., via Zoom, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

Board Members Present by Conference/Video Call: Kevin Kluge (Chair); Jason Hathcock; Jennifer Fish; Scott Mabery

Board Members Absent: Mark Smalley

Also Present: Christopher Lemke, Local Board Secretary (video call); Sierra Stowell, Recorder (video call); Yvonne Wong, AOC Human Resources Officer (video call)

Call to Order:

Approval of the Minutes:

November 1, 2022 – Public Meeting Minutes

November 1, 2022 – Executive Session Minutes

MOTION: Jason Hathcock moved to approve the public meeting minutes and the executive session minutes of the November 1, 2022, meeting. The motion was seconded and passed unanimously. The minutes stand approved. **CORP 2022-56**

Retiree Return to Work – Jill Gondek:

The Board received a Notice of Retiree Return to Work from the Administrative Office of the Courts (AOC) for Jill Gondek on November 30, 2022. The form indicates that Ms. Gondek retired from the Maricopa County Probation Department effective April 2, 2022, and has accepted an employment offer with the AOC to return to work on December 12, 2022, in a non-CORP-designated position as a Business Analyst.

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

MOTION: Jennifer Fish moved that: (1) Jill Gondek is eligible to continue to receive a CORP pension and (2) Ms. Gondek's employer (AOC) is not responsible for paying the CORP alternate contribution rate on her behalf since she returned to work in a non-CORP-designated position. The motion was seconded and passed unanimously. **CORP 2022-57**

Retiree Return to Work – Marat Petrosyan:

The Board received a Notice of Retiree Return to Work from Maricopa County for Marat Petrosyan on November 30, 2022. The form indicates that Mr. Petrosyan retired from the Maricopa County Superior Court under CORP on May 10, 2020, and returned to work for the Maricopa County Superior Court on October 17, 2022, in a CORP-designated position as a Juvenile Surveillance Officer.

Previously, Mr. Petrosyan returned to work for the Maricopa County Superior Court on June 1, 2020, in a non-CORP-designated position as a temporary, on-call Juvenile Detention Officer. A Notice of Retiree Return to Work was provided, and on June 2, 2020, the Board found that Mr. Petrosyan was eligible to continue to receive his CORP pension.

A copy of A.R.S. §38-884.N-O. and §38-891.01 were provided to the Board, as well as a copy of Mr. Petrosyan's current job description.

The Board Secretary noted that Mr. Petrosyan returned to work in a CORP-designated position more than six months after retirement. Additionally, since Mr. Petrosyan holds a CORP-designated position, his employer is responsible for paying the CORP alternate contribution rate on his behalf.

MOTION: Scott Mabery moved that: (1) Marat Petrosyan is eligible to continue to receive a CORP pension and (2) Mr. Petrosyan's employer (Maricopa County Superior Court) is responsible for paying the CORP alternate contribution rate on his behalf. The motion was seconded and passed unanimously. **CORP 2022-58**

2023 CORP Election Schedule Approval:

Board member Jason Hathcock's term will expire on June 30, 2023. Pursuant to A.R.S. § 38-893, the Board will conduct an election to fill Mr. Hathcock's position effective July 1, 2023. Proposed action plans for conducting the election, either by mail using paper ballots or electronically, were provided for the Board's review and discussion.

The Board Secretary commented that if the Board agrees to conduct an electronic election, Board Staff can create a mailing list using database obtained active member email addresses. Nomination and voting ballots could then be issued only to identified email addresses, with a limit of one ballot submission per member.

The Board Secretary explained that he could utilize SurveyMonkey, a tool he uses for his work with the AOC, to conduct and tabulate the election. Currently, a Standard plan with an annual cost of \$403.99, allowing the collection of up to 1,000 participant responses per month, is in use. If participation dictates, an upgrade to SurveyMonkey's Advantage plan, which has an annual cost of \$468.00, would offer increased collection limits. An example nomination email and ballot, as well as election costs for the 2019 and 2021 Board Member elections (outlined below), were presented for review.

The Board Secretary added that the labor hours associated with the packing and mailing of ballots are not factored into the costs and that to be completed timely, those tasks require assistance from a variety of professional positions within the AOC HR department.

Prior Election Costs

2021

- 163 Voting ballots returned
- Cost: \$1,382.36

2019

- 198 Voting ballots returned
- Cost: \$1,485.55

Vacancies in the position of "Chief Justice Appointee" will also occur on June 30, 2023, when members Scott Mabery and Jennifer Fish's terms end. An appointment for the positions will be made by May 31, 2023.

The Chair asked if the costs from 2021 and 2019 were from primary postage and mailing costs. The Board Secretary confirmed the cost is from printing and mailing ballots, including purchasing postage-paid envelopes. The Chair added that the issue with moving to an electronic election in the past was obtaining member email addresses and questioned if that is still a concern. The Board Secretary responded that obtaining the email addresses should not be an issue as Board Staff has already begun requesting this information from Counties without issue. The Board Secretary added that in the database, around 200 missing email addresses are outstanding, primarily members working for the Maricopa County Superior Court.

Ms. Fish inquired how conducting an electronic election would reduce required labor hours. The Board Secretary responded that Board Staff could export member email addresses from the database and import them into SurveyMonkey to send ballots via mass communication, offering a significant reduction in labor hours, as opposed to physically packing and mailing nomination and election ballots.

Mr. Hathcock asked if the email addresses were work or personal email addresses. The Board Secretary responded that the email addresses on file reflect what the member provided on their CORP Enrollment form. Therefore, the records are a combination of work and personal email addresses. Mr. Hathcock questioned if Board Staff should request work email distribution lists from the fifteen Counties.

The Chair asked if the ballot emails would be distributed by the AOC or through SurveyMonkey, to which the Board Secretary replied that they would send from SurveyMonkey. Mr. Hathcock recommended contacting each County in advance of the election to advise them of this, as County IT Departments may need to adjust their email filtering security protocols.

Mr. Mabery suggested providing County Administration with a web link to the SurveyMonkey nomination and election ballots for internal distribution among staff. The Board Secretary replied that the suggested process would reduce the capability to limit each member to one response. The Chair agreed that issuing emails unique to each member is preferred.

Mr. Hathcock asked if part of the election plan was to notify each department head, allowing them an opportunity to send an email to their staff advising them of the upcoming election emails. The

Board Secretary confirmed that this communication is part of the plan, as well as the issuance of reminder emails to members.

Mr. Hathcock questioned if it would be acceptable for nominators to provide a nominee's work email address and work phone number on the nomination ballots because that information is more accessible than personal contact details. The Chair confirmed that work emails and phone numbers are sufficient so long as Board Staff receives contact information to discuss a nominee's interest in running on the election ballot.

The Chair requested that the Board Secretary provide updates on electronic election progress during subsequent Local Board meetings.

MOTION: Jennifer Fish moved to approve the electronic election plan for the Board vacancy that will occur when Board member Jason Hathcock's term ends on June 30, 2023. The motion was seconded and passed unanimously. **CORP 2022-59**

Acknowledgment of CORP Physical Exam Final Letters:

A physical examination report has not been received for the member listed below. A certified letter was sent to the member regarding the non-receipt of a CORP physical examination within 60 days of receiving their membership form.

<u>County</u>	<u>Name</u>	<u>Date Letter Sent</u>
Yuma	Richard Nunez	9/23/2022

The Chair noted for the record that a physical examination report for Richard Nunez was not received within 60 days of receipt of their membership application and that the final letter requesting examination was sent via certified mail.

Approval of Membership:

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

Juan Cabrera-Ortega	Cochise	3/15/2020
Ginny Hamilton	Coconino	10/23/2022
Nadine Chase	Coconino	11/6/2022
Deirdre Martin	Coconino	11/6/2022
Kyla Morgan	Coconino	11/6/2022
TyRondre Yesslith	Coconino	8/8/2022
Makayla Waggoner	Coconino	11/20/2022
Dina Ransom	Maricopa	10/23/2022
Tiffany Lincoln	Maricopa	10/30/2022
Marcus Edel	Maricopa	11/6/2022
Lizbeth Ruvalcaba Urbina	Maricopa	11/6/2022
Curt Metzger	Maricopa	11/6/2022
Joel Dominguez Duran	Maricopa	11/6/2022

Katlin Bishop	Maricopa	8/8/2022
Karina Taylor	Maricopa	11/13/2022
Angel Andrade Trujillo	Maricopa	11/14/2022
Wendy Reynaga	Maricopa	11/13/2022
Sergio Lizarraga	Maricopa	10/23/2022
Wesley Bursh	Maricopa	10/23/2022
Michael Marshall	Maricopa	11/6/2022
Devante Rabon	Mohave	11/13/2022
Heather Hyde	Mohave	11/13/2022
Jason Moore	Navajo	10/30/2022
Danielle Thorhaug	Navajo	10/30/2022
Nicole Tagler	Navajo	11/13/2022
Heather Whitney	Navajo	11/13/2022
Buddy-Kory Mero	Pima	10/23/2022
Morgan Crull	Pima	10/30/2022
Armando Teyechea	Pima	10/30/2022
Kendra Hendrickson	Pima	10/30/2022
Kevin Batiste	Pima	11/6/2022
Annai Figueroa	Pima	11/13/2022
Grace Cooper	Pima	11/13/2022
Kiana Thibault	Pima	8/1/2022
Yolanda Garcia-Navarro	Pinal	10/23/2022
Ashlyn Banuelos	Yavapai	10/30/2022
Guillermo Soria Espinoza	Yavapai	10/30/2022
Robin Dawson	Yavapai	11/20/2022
Adreanne Perez	Yavapai	11/20/2022
Jesus Gonzales Post	Yuma	7/25/2022
Richard Nunez	Yuma	7/25/2022

MOTION: Jason Hathcock moved to approve the 41 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 Juan Cabrera-Ortega, TyRondre Yesslith, Makayla Waggoner, Dina Ransom, Curt Metzger, Joel Dominguez Duran, Karina Taylor, Sergio Lizarraga, Wesley Bursh, Morgan Crull, Kevin Batiste, Annai Figueroa, Grace Cooper, Kianna Thibault, Guillermo Soria Espinoza, Adreanne Perez, and Jesus Gonzales Post identified a physical or mental condition or injury that existed or occurred before their dates of membership in the plan. The motion was seconded and passed unanimously. **CORP 2022-60**

CORP Retiree Return to Work Scenarios and Questions:

During the November 1, 2022, CORP Local Board Meeting, Board Member Jennifer Fish was asked to prepare a list of frequent scenarios/questions related to retirees returning to work from an employer's perspective for discussion. The scenarios/questions are outlined below.

Common Retiree Return to Work Scenarios

- Member retires and accepts employment in a non-CORP-designated position.
- Member retires and accepts employment into a part-time position, that if it were full-time, would be classified as CORP-designated.
- Member submits a retirement notice that also requests reemployment into a non-CORP designated position in a temporary, on-call capacity.
- Member retires and accepts employment in a CORP-designated position.

For these scenarios, the Chair emphasized that retired members returning to a non-CORP-designated position should experience a clear break in service with County the member retired from to reduce concerns associated with pre-arranged employment agreements. It was agreed upon by the Board that a minimum break in service of one pay period or two weeks would alleviate concerns of a pre-arranged employment agreement existing. Concerning retired members returning to a CORP-designated position, the Chair stated that those members must wait six months before initiating employment to avoid pension suspension.

Retiree Return to Work Questions and Timing Issues

- An active CORP member applies for a position covered by the Arizona State Retirement System (ASRS). The employee is eligible to retire from CORP but does not want to officially provide notice of their retirement until knowing that they are a final candidate for the ASRS position. Does the Local Board approve the retiree's return to work on only the following factors:
 - Has the retiree fulfilled the six-month waiting period if they are returning to work in a CORP-designated position?
 - Is the County employer responsible for paying an alternate contribution rate (ACR)?
 - Was the job offer extended after the retirement was effective?

The Chair advised that it is acceptable for a CORP retiree to accept employment in an ASRS-covered position at any time, so long as there is a clear break in service. Ms. Fish expressed concern regarding retirees returning to work in an ASRS-covered position with the same County employer the member retired from. The Chair stated that in the proposed situation, a termination within the County's HR system would require a pay period to pass, indicating that a break in service has occurred.

- Is Local Board approval solely to identify if pension payment should continue and whether ACR applies, or does the Board also determine if Counties may hire retirees returning to work? Is it critical to receive approval before hiring a retired member?

The Chair confirmed that the purpose of Local Board review and approval is to identify if a retiree's pension payment should continue or be suspended and whether an ACR applies. The Chair added that the Board cannot make determinations on the hiring or termination of retirees. The Chair

concluded that it is not critical to receive approval before hiring the retired member, but Counties should notify Board staff of retiree return to work as soon as possible.

- An active CORP member wishes to retire and requests approval to return in a part-time, temporary capacity. Are there concerns with facilitating the return to work immediately following the employee's retirement?

The Chair confirmed that in the proposed scenario, a break in service must first occur. Ms. Fish asked if this was still the case if the member retired from one County on a Friday and started with another County on a Monday. The Chair responded that in such a situation, the Board would determine that a break in service has occurred since the member is no longer recording payroll hours with the County from which they retired and has been onboarded to another County's payroll.

- The CORP Screening Form is used to check if an employer is hiring a CORP retiree, but an employer would not know if an offer was extended before the member retired from a position held with another Superior Court or Local Board.
 - Similarly, what if an applicant were a retiree from PSPRS such as AZDOC (Department of Corrections)?

The Chair noted that PSPRS would catch and identify members who retire under CORP DOC and return to work for CORP AOC in a CORP-designated position. Mr. Hathcock added that it would be the DOC Board's responsibility to determine if the member's pension is suspended and that it would be this Local Board's responsibility to vote on the member's ACR.

- Are there timeframe restriction differences for CORP retirees moving to an ASRS-covered position as opposed to accepting reemployment in a CORP-designated position?

The Chair reiterated that for a CORP retiree to return to an ASRS position, there would need to be a clear break in service to avoid the concern of a prearranged employment agreement.

- Under what circumstances would the Local Board deny a retiree return to work? What if the retired member returned to work before the Local Board conducted a review?

The Chair stated that the Board would deny a retiree return to work if the retiree attempted to return to a CORP-designated position before the six-month waiting period. Mr. Hathcock clarified that the Board would not deny a retiree's option to accept employment but would decide if their pension must be suspended. The Chair added that if a retired member returned to work in a CORP-designated position before the six-month waiting period and before the Local Board conducts a review, the member would be required to pay back pension payments to PSPRS.

Future Agenda Items:

Staff informed the Board that the following items will likely be placed on the January 3, 2023, meeting agenda:

- Update on electronic election plan provided by the Board Secretary

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 10:57 a.m.

Transcribed December 6, 2022.