

**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 7, 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; Jennifer Fish; Mark Smalley; Jason Hathcock; Scott Mabery

Board Members Absent: None

Also Present: Christopher Lemke, Local Board Secretary (video call); Sierra Stowell, Recorder (video call); Yvonne Wong, AOC Human Resources Officer (video call); Vanessa Haney, Consultant (video call); Lesli Sorensen, Board Attorney (video call), Julie Anderson, Applicant #20-01 (conference call); and Paul Murray, Applicant #22-01 (conference call).

Call to Order:

Approval of the Minutes:

May 3, 2022 – Public Meeting Minutes

MOTION: Jennifer Fish moved to approve the public minutes of the May 3, 2022 meeting. The motion was seconded and passed unanimously; the minutes stand approved. **CORP 2022-31**

Consideration of Disability Application (Taken Out of Order)

The Board approved Application #20-01, Julie Anderson, for Accidental Disability benefits on June 2, 2020. This matter is brought to the Board for a biennial review of medical records. The applicant initialed the Waiver of Confidentiality provision, to allow discussion of the medical condition in an open public meeting.

The applicant was previously asked to provide medical treatment records since June 2, 2020, to assist the Board in determining whether an independent medical reevaluation of the applicant's condition is necessary. The applicant's medical records were received on May 24, 2022. All records were provided for the Board's review.

Additionally, a copy of the applicant's Social Security Benefits Verification Letter was provided. This letter establishes the applicant's entitlement to monthly disability benefits through Social Security.

This was the Board's first biennial review of this case.

Relevant Statute: A.R.S. § 38-886 governs Accidental Disability retirement for CORP members. The relevant provision to this review is A.R.S. § 38-886. D:

D. The Local Board may require a retired member with a disability to undergo periodic reevaluation of the continuation of accidental disability or total and permanent disability. If the retired member with a disability refuses to submit to reevaluation, the Local Board may suspend payment of the pension. If the refusal continues for one year, the Local Board may revoke the retired member's with a disability rights to the pension. An accidental disability pension or a total and permanent disability pension is terminated if the Local Board finds the retired member no longer meets the requirements for accidental disability retirement or total and permanent disability retirement. This subsection does not apply after a retired member with a disability reaches the member's normal retirement date. The amount of a disability pension shall not be recomputed at a retired member's with a disability normal retirement date.

The Board established on June 2, 2020, that the disabled member's condition should be reevaluated in two years. The applicant's earliest normal retirement date would have been March 8, 2025, when she would attain 62 years of age and 10+ years of service.

The Chair acknowledged that Applicant # 20-01 was present via conference call.

Board member Jason Hathcock opined that the medical evidence provided showed no sign of significant improvement that justifies referring Ms. Anderson to an IME. Mr. Hathcock added that he would be in favor of continuing Ms. Anderson's Accidental Disability benefit and ceasing biennial reevaluations.

Board member Mark Smalley replied that he was also in favor of continuing Ms. Anderson's Accidental Disability benefit and ceasing reevaluations because the improvement of her disabling condition was not expected. Additionally, Mr. Smalley noted that March 8, 2025, would have been Ms. Anderson's earliest normal retirement date, at which time she can no longer be subjected to reevaluations.

MOTION: Mark Smalley moved to continue the Accidental Disability benefit for Applicant #20-01, Julie Anderson, and suspend further review of the case. The motion was seconded and unanimously passed. **CORP 2022-32**

Consideration of Disability Benefits: Independent Medical Evaluation (IME) Benefit Decision (Taken Out of Order)

The Board received Application #22-01 for Ordinary Disability benefits from Paul Murray on February 18, 2022.

The applicant was a Yavapai County Juvenile Detention Officer with 8.525 years of credited service. The applicant terminated with Yavapai County on 4/8/2022.

The applicant identified the disabling condition as: "COVID-19 Long Term Side Effects".

Mr. Murray was notified via certified letter that the Board would consider his application at this meeting and of his right to attend.

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

A copy of the IME report conducted on April 27, 2022, by Dr. J. Burr Ross was provided for the Boards review.

The criteria for Ordinary Disability benefits per A.R.S. §38-881.01 are: “Ordinary disability” means a physical condition that the Local Board determines will prevent an employee from totally and permanently performing a reasonable range of duties within the employee's department or a mental condition that the Local Board determines will prevent an employee from totally and permanently engaging in any substantial gainful activity.

A copy of A.R.S. §38-886.01 governing Local Board consideration of applications for Ordinary Disability is included for reference purposes.

The Chair acknowledged that Applicant 22-01 was present via conference call.

The Chair noted that the IME report appeared to clearly establish that Mr. Murray qualifies for an Ordinary Disability benefit and that he noticed no discrepancies within the report to discuss.

Board Member Jason Hathcock replied that IME Dr. J. Burr Ross did not contradict himself in his report and that Dr. Burr Ross’ responses on form C5-LB-O indicate Mr. Murray’s qualification for an Ordinary Disability benefit.

MOTION: Scott Mabery moved to: (1) Approve the application for Ordinary Disability Retirement benefits from Applicant #22-01, Paul Murray, based on the findings of the Independent Medical Evaluation conducted by Dr. J. Burr Ross, as set forth in the report dated April 27, 2022 and the form C5-LB-O dated May 9, 2022 (2) Approve an Ordinary Disability Benefit for Paul Murray in about the amount of \$718.19 (3) Not to review this matter again as the applicant’s earliest normal retirement date would have been September 1, 2023, when he would have attained 62 years of age and 10+ years of service. The motion was seconded and passed unanimously. CORP 2022-33

The Board Attorney advised that the questions on form C5-LB-0 must be read for the record and responded to by the Board members. The Local Board Secretary read the following questions for the record:

“Did the employee file the application after the disabling incident or within one year of ceasing to be an employee?” The Local Board unanimously responded “yes”.

“Did (or will) the employee terminate by reason of disability?” The Local Board unanimously responded “yes”.

“Did employment terminate based on a disciplinary issue?” The Local Board unanimously responded “no”.

“In regard to the physical injury, is the employee still working in a CORP designated position that the Local Board considers a reasonable range of duties position within the employee’s department? In regard to the mental condition, is the employee still working a job that the Local Board considers substantial gainful activity?” The Local Board unanimously responded “no”.

“In regard to the physical injury, has the employee refused a CORP designated position that the Local Board considered a reasonable range of duties within the employee’s department? In regard to the mental condition, has the employee refused a position that the Local Board determined will prevent the employee from engaging in any substantial gainful activity?” The Local Board unanimously responded “no”.

“Did the injury or condition occur prior to the current CORP membership date?” The Local Board unanimously responded “no”.

Acknowledgement 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 non-receipt of the CORP physical examination within 60 days of receipt of their membership form.

<u>Name</u>	<u>Date Letter Sent</u>
Cristian Castellanos	4/25/2022

The Chair noted for the record that a physical examination report for Cristian Castellanos was not received within 60 days of receipt of the 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:

Christine Rangel	Coconino	5/22/2022
Nicholas Villas-Fletcher	Coconino	5/23/2022
Erin Mills	Graham	5/15/2022
Marcus Weeks	Maricopa	5/1/2022
Lucero Ramirez	Maricopa	2/7/2022
Christine Robles	Maricopa	2/7/2022
Kathleen Cassatt	Maricopa	2/22/2022
Karla Esparza	Maricopa	2/22/2022
Jesus Morales	Pima	5/1/2022
Karla Quintero	Pima	5/1/2022
David Cisneros	Pima	5/15/2022
Christopher Hamiter	Pinal	5/8/2022
Lindsay Gilchrist	Pinal	5/8/2022
Jonathan Crawford	Pinal	5/23/2022
Lauren Jo Lucas	Yavapai	5/8/2022
Alicia Francis	Yavapai	5/15/2022
Jonathan Barrett	Yavapai	1/31/2022
Matthew Rios	Yuma	5/15/2022
Michelle Garcia	Yuma	5/15/2022

Edward Gilligan	Yuma	2/14/2022
Cristian Castellanos	Yuma	5/23/2022

Board member Jason Hathcock noted that Board Staff indicated CORP Member Alicia Francis, Juvenile Detention Officer, as having membership in the Defined Benefits (DB) plan and inquired about the accuracy of the information provided to the Board. The Board Secretary replied and informed Mr. Hathcock that the member is a participant in the Defined Contribution (DC) plan and that Staff would correct the records provided to the Board.

MOTION: Jason Hathcock moved to approve the 21 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 Christine Rangel, Kathleen Cassatt, Jesus Morales, Karla Quintero, Lauren Jo Lucas, and Alicia Francis 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 2022-34

Future Agenda Items:

Staff informed the Board that the following items will likely be placed on the July 5, 2022 meeting agenda:

- Report on the Local Board’s audio records provided by the Local Board Secretary
- Report on Retiree Return to Work issues provided by the Board Attorney

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 10:34 a.m.

Transcribed June 9, 2022.