

**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, March 1, 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: Alicia Bocado, Local Board Secretary (video call); Yvonne Wong, AOC Human Resources Officer (video call); Lesli Sorensen, Board Attorney (video call); Paul Murray, Applicant #22-01 (conference call)

Call to Order:

Approval of the Minutes:

February 1, 2022 – Public Meeting Minutes

MOTION: A motion to approve the public minutes of the February 1, 2022 meeting was made by Mark Smalley. The motion was seconded and passed unanimously; minutes stand approved. **CORP 2022-15**

Consideration of Disability Benefits: IME Decision

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

The applicant is a Yavapai County Juvenile Detention Officer with 8.468 years of service.

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 the applicant’s right to attend.

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

The applicant's physical exam dated June 23, 2015 is provided. The exam report identified the following pre-existing conditions: reducible ventral hernia (asymptomatic); obesity.

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, Paul Murray, was present via conference call.

Board member Jason Hathcock asked Mr. Murray when was the last day he worked with the county. Mr. Murray replied that his last day with the county was back in September of 2021.

Board member Jason Hathcock also inquired about the applicant's work status. The applicant informed the Board that he was currently on Short-Term Disability through the county and that he was hopeful to go back to work once able to.

Additionally, Board member Jason Hathcock noted that the Short-Term Disability paperwork remarked COVID-19 exposure after juvenile detainee transport/admittance to a hospital. Mr. Hathcock asked the applicant if the exposure was directly linked to the emergency room visit. Mr. Murray replied that he was unsure. He added that the symptoms started a few weeks after and could not directly pinpoint the timeframe of exposure.

Board member Scott Mabery asked the applicant if he had any workplace exposure to COVID-19. Mr. Murray responded that he did not.

Board member Mark Smalley inquired about the current symptom experience and if the applicant felt any progress towards recovery. The applicant responded that it was hard to tell. He expressed that some days were better than others. Mr. Murray added that he is currently relying on an oxygen tank and that he experiences shortness of breath upon physical activity. The applicant stated that he was still waiting on testing and scans from both a cardiologist and pulmonologist.

Board member Mark Smalley questioned whether the Board should wait for those medical records before approving the request for an Independent Medical Evaluation. He added that more medical records could provide a better gathering of information as the basis for the IME.

Mr. Murray stated that he had a doctor's appointment last week. He added that during his visit, he signed a release form to allow the Board to request medical records.

The Chair informed Mr. Murray that it was the applicant's responsibility to provide medical records. The Chair asked the Local Board Secretary to confirm.

The Local Board Secretary confirmed that information to be true and stated that all communications from staff detailed it as so. Board member Jennifer Fish informed Mr. Murray that he could request copies from the doctor's office and then forward them to staff.

The Local Board Secretary informed Mr. Murray that the form that he has signed was not an authorization to release information to the Board but a request for records to be forwarded to the Board. The Local Board Secretary suggested that Mr. Murray follow up with his doctor.

Board member Mark Smalley inquired if the Board could approve the IME contingent on the updated medical records. The Chair replied that it is possible. The Chair instructed Mr. Murray to forward all medical records to staff. The Chair added that an IME would not be scheduled until all records were sent over.

MOTION: A motion to refer Applicant #22-01 for an Independent Medical Evaluation for Ordinary Disability conditioned upon receiving all medical records, including an upcoming CT scan and cardiac stress test, was made by Jason Hathcock. The motion was seconded and passed unanimously. **CORP 2022-16**

Decision on Notice of Retiree Return to Work:

The Board received a Notice of Retiree Return to Work from Pinal County for Celena Angstead. The form indicated that Ms. Angstead retired from Pinal County effective January 1, 2022. (Terminated on 12/25/2021) Ms. Angstead returned to work for Pinal County Juvenile Court on December 27, 2021 as an Operations Manager, which is not a 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. Angstead's current job description.

Board member Jennifer Fish expressed concerns that the retiree returned to work before her retirement was effective. Even though it was a non-CORP designated position, she stated that the timeframe would not support a conclusion of a non-prearranged agreement.

Board member Jason Hathcock stated that per previous exchanges with PSPRS, a clear bona fide termination would still allow compliance with IRS codes.

Board member Jennifer Fish replied that a few days of separation still does not support non-prearrangement agreements because hiring into a new role, regardless of the CORP designation, requires a whole interview process.

Board member Scott Mabery inquired what exact proof should be shown to prove or disprove pre-arrangements.

The Chair replied that retirees, in theory, should be fully retired before even applying for a new position. Board member Jennifer Fish stated that the Board could not enforce the timeline for retirees to apply but stressed the importance of the county administration to be educated on the topic to avoid these assumptions.

Board member Jason Hathcock expressed his confusion on what agency falls under the term, "employer" He added that it was unclear who the retiree would be returning to work for as in what employer: Administrative Office of the Courts, county, or state.

The Board Attorney replied that PSPRS would be updating verbiage to be more specific and force the "employer" to better adhere to the IRS codes/rules. Additionally, she stated that the Board could modify the rule language to better describe who is the employer in the retiree return to work exchange.

MOTION: Jason Hathcock moved that: (1) Celena Angstead is eligible to continue to receive a CORP pension; (2) Pinal County is not responsible for paying an alternate contribution rate on her behalf. The motion was seconded and passed unanimously. **CORP 2022-17**

Acknowledgment of CORP Physical Exam Final Letters

Physical examination reports have not been received for the member listed below. A certified letter was sent to the members regarding the non-receipt of the CORP physical examinations within 60 days of receipt of the membership forms.

<u>Name</u>	<u>Date Letter Sent</u>
Octavius O'Large	11-5-2021

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

Approval of Survivor Benefit I:

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

Member: Jane Parker (Active Member, deceased November 31, 2021)
Benefit Payable to Spouse Caroline Nelson beginning December 31, 2021: \$2,653.56

MOTION: A motion to approve the payment of a survivor benefit to the following applicant in about the following amount was made by Jennifer Fish. The motion was seconded and passed unanimously. **CORP 2022-18**

Member: Jane Parker (Active Member, deceased November 31, 2021)
Benefit Payable to Spouse Caroline Nelson beginning December 31, 2021: \$2,653.56

PSPRS Model Uniform Rules Review for Adoption

Board Attorney Lesli Sorensen requested to have the item tabled for the next meeting. The Board Attorney informed the Board there were a few edits/updates that should be included. Ms. Sorensen added that she would work alongside the Local Board Secretary to produce a drafted Model Rules for adoption.

The Chair added that the Board would need one meeting to discuss the changes and a separate meeting for adoption.

The matter was tabled for the April 5, 2022 meeting.

Request to Remain in ASRS

The Board received a request dated February 25, 2022, from Laura Crow to remain in the Arizona State Retirement System (ASRS) pursuant to A.R.S. §38-891(F):

F. The local board of the state department of corrections, the local board of the department of juvenile corrections, the local board of the judiciary, or the local board of a county, city, or town that operates detention facilities may specify a designated position within the department or facility as a nondesignated position if the position is filled by an employee who has at least five years of credited service under the Arizona state retirement system and who makes a written request to the local board to specify the position as a nondesignated position within ninety days after accepting the position. On the employee leaving the position, the position reverts to a designated position.

Ms. Crow became a full-time Adult Probation Officer on November 28, 2021. Her Request to Remain in ASRS indicated that she has 17.665 years of credited service with ASRS as Legal Secretary (2004-2021).

MOTION: Jennifer Fish moved to approve the request by Laura Crow to remain in the Arizona State Retirement System, as it appears Ms. Crow has met the requirement of a minimum of five years of service credited under the Arizona State Retirement System. The motion was seconded and passed unanimously. CORP 2021-19

Approval of Membership:

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

Clayton, Nicholas	Navajo	11/14/2021
Cody-Larsen, Raytee	Coconino	10/10/2021
Coons, Kylee	Coconino	1/30/2022
Curry, Christopher	Maricopa	12/26/2021
Girdwood, Timothy	Yavapai	12/19/2021
Hammontree, Sherry	Mohave	1/23/2022
Lopez Morales, Jose	Yuma	1/16/2022
O'Large, Octavius	Pima	10/31/2021
Ornelas, Robert	Navajo	12/12/2021
Ramirez, Lilian	Navajo	1/2/2022
Reed, Robin	Yavapai	1/29/2022
Reese, William	Yavapai	12/11/2021
Ross, Matthew	Coconino	1/2/2022
Sherman, Shaun	Navajo	12/12/2021
Thomas, Scott	Gila	1/23/2022
Torres, Joaquin	Maricopa	12/6/2021
Waddell, Carnie	Apache	9/19/2021
Williams, Michael	Maricopa	11/28/2021

MOTION: Scott Mabery moved to approve the 18 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 Nicolas Clayton, Raytee Cody-Larsen, Christopher Curry, Timothy Girdwood, Sharon Hammontree, Jose Lopez Morales, Robert Ornelas, Robin Reed, William Reese, Shaun Sherman, Joaquin Torres, Carnie Waddell, and Michael Williams 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 2022-20

Future Agenda Items:

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

- Model Rules for review/discussion
- IME review (tentative on medical records)

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 10:52 am.

Transcribed March 3, 2022