

**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, May 7, 2024, 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; Mark Smalley; Scott Mabery

Board Members Absent:

Also Present by Conference/Video Call: Christopher Lemke, Board Secretary; Kayla Adkins, Recorder; Nicolas Cornelius, Board Attorney; Tracey Romero, Cochise County HR Director; Liana Garcia, Government Affairs Director for the AOC; Matthew Baack, Applicant #19-02; Yvonne Wong, AOC HR Officer

Call to Order:

Approval of Minutes:

April 2, 2024 – Public Meeting Minutes

MOTION: Jennifer Fish moved to approve the public meeting minutes of the April 2, 2024, meeting. The motion was seconded by Mark Smalley and passed unanimously. The minutes stand approved. **CORP 2024-16**

Acknowledgment of CORP Physical Exam Final Letter (Taken Out of Order)

Name	County	Letter Issue Date
Alexander Hillar	Maricopa	1/16/2024

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

Legislative Update

During the March 5, 2024, Local Board meeting, the Chair requested that Liana Garcia, Government Affairs Director for the Administrative Office of the Courts, attend future meetings to provide updates on CORP-related 2024 legislation.

A list of the House and Senate bills discussed by Ms. Garcia was provided to the Board.

The Chair requested that Ms. Garcia attend the Local Board meeting on June 4, 2024, to provide continued legislative updates. The Chair also asked that Ms. Garcia arrange to report on the status of House Bill 2378 and the renewal of the Public Safety Personnel Retirement System (PSPRS).

Notice of Retiree Return to Work – Mary Rivas Anderson

During the April 2, 2024, Local Board meeting, the Board reviewed a Notice of Retiree Return to Work submitted for Cochise County Superior Court employee Mary Rivas Anderson. The matter was tabled, pending the receipt of Ms. Rivas Anderson's finalized position description from Tracey Romero, Cochise County Human Resources Director.

On April 4, 2024, Ms. Romero submitted a revised Notice of Retiree Return to Work and finalized position description to Board staff. The position description indicated that retroactively, from June 2023 to the present, Ms. Rivas Anderson's position was Court Liaison, a non-CORP-designated position. On May 6, 2024, Ms. Romero submitted a copy of the finalized position description that Ms. Rivas Anderson had signed on April 9, 2024.

Copies of the following documents were provided to the Board:

- Three Notice of Retiree Return to Work forms submitted by Tracey Romero:
 - Amended Notice of Retiree Return to Work, signed April 4, 2024, by Ms. Romero, indicating that Ms. Rivas Anderson's position at the time of her June 12, 2023, hire date was Temporary Court Liaison, a non-CORP-designated position
 - Amended Notice of Retiree Return to Work, signed March 25, 2024, by Ms. Romero, indicating that Ms. Rivas Anderson's position title at the time of her June 12, 2023, hire date was Temporary Court Liaison/Probation Officer, a non-CORP-Designated position
 - Notice of Retiree Return to Work, signed March 19, 2024, by Ms. Romero, indicating that Ms. Rivas Anderson's position at the time of her June 12, 2023, hire date, was Court Liaison Officer/Probation Officer, a CORP-designated position
- Four position descriptions submitted by Tracey Romero:
 - Position title: Court Liaison – Received May 6, 2024 (copy of the finalized document signed by Ms. Rivas Anderson on April 9, 2024)
 - Position title: Court Liaison – Received April 4, 2024 (finalized document)
 - Position title: Court Liaison – Received April 2, 2024 (redline edited document)
 - Position title: Court Liaison Officer/Probation Officer – Received March 20, 2024
- Meeting materials previously reviewed by the Board during the April 2, 2024, Local Board meeting
- The email Ms. Romero issued on April 4, 2024, to Board staff, Cochise County Chief of Probation John Schow, and Deputy Chief Armando Arias when submitting the finalized Court Liaison position description
- A.R.S. § 38-884.N-O., the statute which establishes CORP retiree return-to-work provisions

Ms. Rivas Anderson retired from the Cochise County Superior Court on April 15, 2023, with an effective CORP retirement date of May 1, 2023. She had since accepted an employment offer with

the Cochise County Superior Court and returned to work on June 12, 2023, in a temporary position. On December 24, 2023, Ms. Rivas Anderson transitioned to full-time status. While working as a temporary employee, Ms. Rivas Anderson averaged 39.89 hours worked per week.

MOTION: Mark Smalley moved to enter Executive Session to receive legal advice at 10:21 a.m. The motion was seconded by Scott Mabery and passed unanimously. **CORP 2024-17**

Members of the public exited the open session at 10:21 a.m.

MOTION: Jennifer Fish moved to return to open session at 10:46 a.m. The motion was seconded by Mark Smalley and passed unanimously. **CORP 2024-18**

Members of the public rejoined the open session at 10:46 a.m.

Mr. Hathcock questioned if Ms. Rivas Anderson was required to attend the Probation Officer Training Academy. Ms. Romero answered no, explaining that prior to Ms. Rivas Anderson's hiring, she was instructed by John Schow, Cochise County Chief of Probation, to create the Court Liaison position description by using a Probation Officer position description as a starting point due to similarities in job duties. According to Ms. Romero, Ms. Rivas Anderson's job duties were unclear because the Court liaison position description was not finalized until April 2024.

Mr. Hathcock also sought clarification concerning whether Ms. Rivas Anderson was required to complete annual defensive tactics training. Ms. Romero stated that Ms. Rivas Anderson was not required to complete annual defensive tactics training and was not issued a badge or firearm.

Ms. Fish requested that Ms. Romero explain the differences between the job duties of a Probation Officer and a Court Liaison. Ms. Romero responded that there were similarities, but the Court Liaison position had minimal contact with probationers in an office setting, did not complete fieldwork, and was not a badged officer.

Mr. Mabery asked Ms. Romero how she gained knowledge regarding whether Ms. Rivas Anderson acted in the capacity of a Probation Officer after her June 12, 2023, return to work. Ms. Romero replied that when the Board raised concerns about Ms. Rivas Anderson's Notice of Retiree Return to Work, she met with Armando Arias, Cochise County Deputy Chief of Probation, to review the accuracy of Ms. Rivas Anderson's initial Court Liaison Officer/Probation Officer position description.

Ms. Fish inquired about the origin of the Court Liaison Officer/Probation Officer position description and why Ms. Romero submitted it to the Board. Ms. Romero clarified that she submitted the position description on file for Ms. Rivas Anderson without verifying if it was finalized. Ms. Romero emphasized that she took responsibility for the error and that Ms. Rivas Anderson had performed the job duties outlined in the finalized Court Liaison position description from June 12, 2023, to the present day.

The Chair asked the Board if they would prefer to interview Ms. Rivas Anderson about the nature of her position at the next Local Board meeting before reaching a consensus. Mr. Mabery

recommended that Ms. Rivas Anderson's presence be requested at the next meeting to allow the Board to conduct its due diligence. The Board Attorney also advised that it was within the Board's purview to interview Ms. Rivas Anderson due to her status as the subject of the Notice of Retiree Return to Work.

The Chair noted for the record that this matter was tabled pending Ms. Rivas Anderson's attendance at the June 4, 2024, Local Board meeting.

IME Review and Benefit Decision – Matthew Baack

On February 6, 2024, during its second biennial review of this case, the Board reviewed the medical records submitted by ordinary disability Applicant #19-02, Matthew Baack, and motioned to refer him for an independent medical examination (IME) to reevaluate his disabling condition. The IME was completed on April 5, 2024, by Stephen Barron, MD, Orthopedic Surgery.

Copies of the following documents were provided to the Board:

- An IME reevaluation report completed on April 5, 2024, by Dr. Barron, including:
 - One-page IME addendum, dated April 19, 2024
 - Ordinary disability questionnaire form C5-LB-O, dated April 12, 2024
- Two IME reports previously completed for Mr. Baack:
 - July 9, 2019 – Paul Cederberg, MD
 - December 20, 2019 – Mark Frankel, MD
- Medical treatment records furnished for the biennial review of records
- Ordinary disability benefit application #19-02
- The Board's Guidelines for Periodic Reevaluation of Disability Benefits
- A.R.S. § 38-886.01, the statute governing CORP ordinary disability retirement

Mr. Baack previously initialed the Waiver of the Confidentiality provision to allow discussion of the disabling condition associated with his ordinary disability benefit in an open public meeting. In addition, Mr. Baack was notified via certified mail that the Board would consider the continuation of his benefit at this meeting and of his right to attend.

The IME report completed by Dr. Barron, dated April 5, 2024, addressed the criteria for an ordinary disability benefit. Any motion made by the Board to approve or deny Mr. Baack's continued eligibility to receive a disability benefit was based on the findings of the reevaluation as established by A.R.S. § 38-886.01.

The Board established on February 4, 2020, that Mr. Baack's disability case would be reevaluated every two years. His earliest normal retirement date would have been March 31, 2034, when he would have attained 62 years of age and 10+ years of service.

The Chair invited Mr. Baack to provide a statement before the Board; however, Mr. Baack declined the offer. The Chair also invited the Board to ask Mr. Baack about the status of his disabling condition and the IME reevaluation report.

Mr. Hathcock referenced the IME reevaluation report and ordinary disability questionnaire, noting that Dr. Barron concluded that Mr. Baack displayed no expectation of improvement. Mr. Hathcock proposed that he would move to continue Mr. Baack's ordinary disability benefit and suspend future reevaluations or adjust his reevaluation period from two to six years.

MOTION: Jason Hathcock moved to (1) Continue the ordinary disability benefit for Applicant #19-02, Matthew Baack, and suspend further review of this case or (2) Continue the ordinary disability benefit for Applicant #19-02, Matthew Baack and reevaluate this case in six years. The motion (1) to continue the ordinary disability benefit for Applicant #19-02, Matthew Baack, and suspend further review of this case was seconded by Jennifer Fish and passed unanimously. **CORP 2024-19**

Notice of Retiree Return to Work – Alberto Pena

The Board received a Notice of Retiree Return to Work from the Maricopa County Judicial Branch for Alberto Pena, indicating that Mr. Pena retired from the Maricopa County Sheriff's Office on January 29, 2024, with an effective CORP retirement date of February 1, 2024. He had since accepted an employment offer with the Maricopa County Judicial Branch and returned to work on April 1, 2024, in a non-CORP-designated position as a Security Officer.

Copies of A.R.S. § 38-884.N-O. and Mr. Pena's current position description were provided to the Board.

The Board Secretary noted that Mr. Pena appeared eligible to continue receiving a CORP pension because he returned to work in a non-CORP-designated position after retirement.

MOTION: Scott Mabery moved that the Board received a Notice of Retiree Return to Work for Alberto Pena and found that (1) Mr. Pena is eligible to continue receiving a CORP pension. (2) Mr. Pena's employer, Maricopa County Judicial Branch, is not responsible for paying the CORP alternate contribution rate on his behalf because he returned to work in a non-CORP-designated position. The motion was seconded by Jennifer Fish and passed unanimously. **CORP 2024-20**

Notice of Retiree Return to Work – Kevin Graddy

The Board received a Notice of Retiree Return to Work from the Maricopa County Judicial Branch for Kevin Graddy, indicating that Mr. Graddy retired from the Arizona Department of Corrections, Rehabilitation & Reentry on August 25, 2023, with an effective CORP retirement date of September 1, 2023. He had since accepted an employment offer with the Maricopa County Judicial Branch and returned to work on April 29, 2024, in a CORP-designated position as a Juvenile Detention Officer.

Copies of A.R.S. § 38-884.N-O. and Mr. Graddy's current position description were provided to the Board.

The Board Secretary noted that Mr. Graddy appeared eligible to continue receiving a CORP pension because he returned to work in a CORP-designated position more than six months after retirement and did not return to the employer from which he retired. Additionally, since Mr. Graddy held a CORP-designated position, his employer was responsible for paying the CORP alternate contribution rate on his behalf.

MOTION: Mark Smalley moved that the Board received a Notice of Retiree Return to Work for Kevin Graddy and found that (1) Mr. Graddy is eligible to continue receiving a CORP pension. (2) Mr. Graddy’s employer, Maricopa County Judicial Branch, is responsible for paying the CORP alternate contribution rate on his behalf because he returned to work in a CORP-designated position. The motion was seconded by Jason Hathcock and passed unanimously. **CORP 2024-21**

Approval of Membership:

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

Name	County	Effective Enrollment Date
Christopher Adams	Maricopa	1/22/2024
Beverley Bookout	Maricopa	4/7/2024
Kenneth Brown	Maricopa	1/22/2024
Brittany Correll	Maricopa	1/22/2024
Jennifer Desiderio Segundo	Maricopa	4/1/2024
Maya Ellison	Maricopa	1/22/2024
Alexander Hillar	Maricopa	2/9/2024
Caitlyn Mann	Maricopa	4/7/2024
Nora Marquez	Maricopa	4/7/2024
Margaret Mitchell	Maricopa	4/7/2024
Colton Nagore	Maricopa	1/22/2024
Gabriela Parra	Maricopa	1/22/2024
Amy Pina	Maricopa	1/22/2024
Esmeralda Regino	Maricopa	4/7/2024
Alexander Sandoval	Maricopa	1/22/2024
Jody Starbird	Maricopa	1/22/2024
Thomas Stephens	Maricopa	4/7/2024
Alexandra Temple	Maricopa	1/22/2024
Jeremy Terrones	Maricopa	1/22/2024
Kemberly Vega Valentin	Maricopa	4/7/2024
Christopher Washington	Maricopa	1/22/2024
Kora Witthun	Maricopa	4/7/2024
Jeffrey Lindemann	Mohave	4/15/2024
Bruce Yost	Mohave	4/1/2024
Zoey Crisci	Pima	3/30/2024

Brenden VanWinkle	Pima	4/1/2024
Anthony Montanez	Pinal	4/7/2024
Crystal Solorio	Yavapai	2/24/2024
Brian Arredondo	Yuma	11/13/2023
Ricardo Luna	Yuma	4/7/2024
Jacqueline Medina	Yuma	4/15/2024
Sebastian Ryan	Yuma	2/4/2024

MOTION: Jennifer Fish moved to approve the 32 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 Maya Ellison, Caitlyn Mann, Alexander Sandoval, Thomas Stephens, Alexandra Temple, Christopher Washington, Kora Witthun, Bruce Yost, Ricardo Luna, and Sebastian Ryan identified a physical or mental condition or injury that existed or occurred before their dates of membership in the plan. The motion was seconded by Scott Mabery and passed unanimously. **CORP 2024-22**

Future Agenda Items:

The Board Secretary reiterated that he would attempt to secure the attendance of Ms. Rivas Anderson at the June 4, 2024, Local Board meeting for continued review of her Notice of Retiree Return to Work.

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 11:11 a.m.

Transcribed May 9, 2024.