

**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, November 7, 2023, 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; Mark Smalley

Board Members Absent: Scott Mabery; Jennifer Fish

Also Present: Christopher Lemke, Local Board Secretary (video call); Kayla Adkins, Recorder (video call); Nicolas Cornelius, Board Attorney (video call)

Call to Order:

Approval of Minutes:

October 3, 2023 – Public Meeting Minutes

MOTION: Mark Smalley moved to approve the public meeting minutes of the October 3, 2023, meeting. The motion was seconded by Jason Hathcock and passed unanimously. The minutes stand approved. **CORP 2023-52**

The Chair completed a role call at 10:08 a.m. to establish a Board quorum upon Mr. Smalley's arrival at the meeting.

Proposal of Rules Change

The Board was provided with the full text of proposed changes to the Rules of Local Board Procedure for review and discussion. As requested by the Chair in the October 3, 2023, meeting, Nicolas Cornelius, Board Attorney, was in attendance to answer questions presented by the Board.

Regarding the proposed changes to Section D. Pre-Membership Physical, Mr. Cornelius advised that any Member whose employment ends with an employer participating in the CORP plan for any reason other than retirement or death is considered to have terminated and is no longer a plan Member. Mr. Cornelius explained that in the absence of active employment in a CORP-designated position and continued plan contributions, a terminated Member is no more than a former employee who previously participated in CORP, regardless of whether funds remain in the former employee's plan account.

Mr. Cornelius added that any employee hired into a CORP-designated position should be instructed to complete a physical examination, irrespective of past CORP history or previous physical examinations, or waive their right to claim disability retirement under statute. Mr.

Cornelius encouraged the Board to apply this guidance uniformly, regardless of whether an employee was terminated from a Superior Court for one day or another Local Board employer, such as the Arizona Department of Corrections, rather than create break in service exception scenarios.

Mr. Cornelius also recommended the removal of the proposed guidance for “Evidence-Based Treatment” referenced in Section F. Disability Benefit Applications. Mr. Cornelius asserted that the Board was already empowered to determine whether an applicant sufficiently demonstrated that a disabling condition is legitimate. Specifically, the Board may exercise discretion when reviewing an applicant's medical evidence to establish if treatment was sought and if the severity of the disabling condition remains constant. Furthermore, Mr. Cornelius explained that if an independent medical evaluation (IME) found that an applicant could continue working by seeking and receiving medical treatment, the Board should consider requiring evidence of the applicant doing so before approving or denying a disability retirement application.

The Chair tabled the matter until the Board’s December 5, 2023, meeting to allow Ms. Fish and Mr. Mabery an opportunity to review the Rules changes proposed by Mr. Cornelius. In addition, the Chair requested that Mr. Cornelius attend the December meeting so he may answer any questions presented by Ms. Fish and Mr. Mabery.

Notice of Retiree Return to Work – Laura Thomas

The Board received a Notice of Retiree Return to Work from Maricopa County Superior Court for Laura Thomas, indicating that Ms. Thomas retired from the Maricopa County Superior Court on September 15, 2023, with an effective CORP retirement date of October 1, 2023. She had since accepted an employment offer with the Maricopa County Superior Court and returned to work on October 16, 2023, in a non-CORP-designated position as a Court Investigator.

Copies of A.R.S. § 38-884.N-O. and Ms. Thomas’ current position description were provided to the Board.

The Board Secretary noted that Ms. Thomas appeared to be eligible to continue to receive a CORP pension because she returned to work in a non-CORP-designated position after retirement.

MOTION: Jason Hathcock motioned that the Board received a Notice of Retiree Return to Work for Laura Thomas and found that (1) Ms. Thomas is eligible to receive a CORP pension. (2) Ms. Thomas’ employer, Maricopa County Superior Court, 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 by Mark Smalley and passed unanimously. **CORP 2023-53**

Review of Position – Apache County

The Board received a membership application for Kyle Mayer, hired on September 10, 2023, from the Apache County Human Resources Department on September 18, 2023, indicating that Mr. Mayer’s position was Program Coordinator and Intake Supervisor. Board staff notified Apache County Human Resources that Mr. Mayer’s position is not specified in the Joinder Agreement as CORP-designated and required Local Board review for plan eligibility.

In response to Board staff's inquiries about Mr. Mayer's position duties, Paul Hancock, Apache County Director of Juvenile Court Services, advised that part of Mr. Mayer's responsibilities are that of an Intake Supervisor. Mr. Hancock defined Mr. Mayer's Intake Supervisor duties as:

- Responsible for intake assessments of juveniles brought into custody.
- Direct supervision of juveniles who are detained, pending a hearing, or transportation to detention.

Ada Guinn, Apache County Probation Services Chief of Staff, provided the following details in response to Board staff's additional inquiries:

- When was this position last held, and was the incumbent a CORP-designated Member? If so, can you provide that individual's name?
 - This is a new position, effective September 5, 2023.
- It was noted that part of Mr. Mayer's responsibilities are associated with the supervision of detention operations and juveniles. Does this position only perform the duties of a CORP-designated position on a part-time basis?
 - The position is responsible for Intake and Respite operations. If a juvenile is ordered detained, Intake arranges supervision and transport to detention. While this does not take 40 hours every week, Intake is on call every day.
- Is the position a badge-carrying officer certified in defensive tactics?
 - This position requires attendance and passing the AOC's defensive tactics academy. It is a badge-carrying position.

Copies of the Program Coordinator and Intake Supervisor position description and the Joinder Agreement were provided to the Board.

The Chair directed the Board Secretary to contact Paul Hancock, Apache County Director of Juvenile Court Services, to obtain an updated position description as well as to gather information regarding the following questions raised by the Board:

- Is the position a Juvenile Detention Officer Supervisor or a Juvenile Probation Officer Supervisor?
- Does this position supervise other Juvenile Detention Officers or Juvenile Probation Officers?
- Are the Teen Centers and Legacy Teen Programs specified in the position description considered Apache County's juvenile detention facilities?

In response to the Board Secretary inquiring about what information was missing from the position description, The Chair replied that the position description should indicate that the position is a badge-carrying officer. Mr. Hancock added that if the position must be defensive tactics certified, that requirement should also be included in the position description.

The Chair tabled the matter until the Board's December 5, 2023, meeting, pending receipt of an updated position description and responses to the clarifying questions presented by the Board.

Approval of Membership:

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

Dominic Estrada	Coconino	9/24/2023
Andruw Burling	Coconino	9/24/2023
Cody Kime	Coconino	9/26/2023
Raven Kitcheyan	Gila	10/15/2023
Marcelo Saenz	Maricopa	9/24/2023
Stephanie Myers	Maricopa	9/24/2023
Nathaniel Petrov	Maricopa	9/24/2023
Carlee Hanratty	Maricopa	9/24/2023
Melissa Grove	Maricopa	9/26/2023
Richard Zichichi	Maricopa	10/1/2023
Kayla King	Maricopa	10/1/2023
Monica Galvan	Maricopa	10/8/2023
Eric Mia	Maricopa	10/8/2023
Mariah Montejano	Maricopa	10/8/2023
Angela Guerrero	Maricopa	10/15/2023
Nicole Devening	Maricopa	10/15/2023
Melcomh Chee	Navajo	6/26/2023
Nichole Cadena	Pima	10/1/2023
Stephen Bullatt	Pinal	9/24/2023
Jennifer Stark	Pinal	9/24/2023
Zachary Janssen	Pinal	9/24/2023
Teresa Payne	Pinal	10/8/2023
Lyssa Benitez	Pinal	10/22/2023
David Gay	Pinal	10/22/2023
Rene Concepcion	Pinal	10/25/2023
Teuta Dema	Pinal	10/22/2023
Tracy Bowers	Yavapai	6/26/2023
Jeffrey Rios	Yavapai	9/24/2023
Matthew Ragle	Yavapai	9/26/2023
Darren Behr	Yavapai	10/1/2023
Timothy Rambo	Yavapai	10/22/2023
Bobby Stewart	Yavapai	10/22/2023
Joseline Castro Meza	Yuma	10/8/2023

MOTION: Jason Hathcock moved to approve the 33 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 Raven Kitcheyan, Marcelo Saenz, Kayla King, Monica Galvan, Nicole Devening, Nichole Cadena, Stephen Bullatt, Zachary Janssen, David Gay, Rene Concepcion, Jeffrey Rios, Timothy Rambo, and Bobby Stewart 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 Mark Smalley and passed unanimously. **CORP 2023-54**

Approval of 2024 Meeting Dates

The CORP Local Board for the Judiciary meeting dates planned for 2024 were put forward for the Board's approval. All meetings are scheduled to begin at 10:00 a.m. on Tuesdays.

January 2nd
February 6th
March 5th
April 2nd
May 7th
June 4th
July 2nd
August 6th
September 3rd
October 1st
November 5th
December 3rd

MOTION: Mark Smalley moved to approve the proposed Board meeting dates for 2024. The motion was seconded by Jason Hathcock and passed unanimously. **CORP 2023-55**

Future Agenda Items:

Staff informed the Board that the following items will likely be placed on the December 5, 2023, meeting agenda:

- Notice of Retiree Return to Work

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 11:10 a.m.

Transcribed November 8, 2023.