

**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, October 4, 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; Mark Smalley; Jennifer Fish; Scott Mabery

Board Members Absent:

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

Call to Order:

Approval of the Minutes:

September 6, 2022 – Public Meeting Minutes

Mr. Smalley noted corrections to page 2 of the September 6, 2022, minutes.

MOTION: Jennifer Fish moved to approve the public minutes of the September 6, 2022, meeting. The motion was seconded and passed unanimously. **CORP 2022-45**

Decision on Request for Review of Pre-Existing Conditions

Member Miguel Ramirez provided the Board with a rebuttal regarding pre-existing conditions noted in a physical examination report completed when Mr. Ramirez began employment with Pinal County as an Adult Probation Officer.

Before accepting employment in Pinal County on July 11, 2022, Mr. Ramirez was employed with Pima County as an Adult Probation Officer from March 19, 2018, to July 8, 2022. Mr. Ramirez also had previous CORP employment dates from November 15, 2015, to December 05, 2017, with Navajo County as an Adult Probation Officer.

Mr. Ramirez requests consideration of his membership with the exclusion of the pre-existing conditions identified on his most recent physical examination report. He claims to have had no breaks in employment while moving from one county employer to another in an AOC CORP-designated position. The rebuttal and all physical examination reports on file for Mr. Ramirez were provided for the Board's review.

Rule D.4 governs Board consideration of employee responses regarding the finding of a pre-existing condition:

4. Finding of Pre-Existing Condition. If the physician's or clinic's report on an Employee with respect to the Employee's pre-membership condition concludes that the Employee has a pre-existing condition:

- a. The Secretary shall notify the Employee that the physician or clinic has reported that the Employee has a pre-existing condition. The Employee shall have 30 days to submit additional documentation or comments to the Secretary before the physician's or clinic's report is placed on an agenda for the Local Board's consideration.
- b. Reports concerning an Employee's pre-existing condition shall be placed on the Meeting agenda for recognition by the Local Board.
- c. The Secretary shall provide the Local Board with any additional documentation or comments submitted by an Employee regarding a physician's or clinic's conclusion that an Employee has a pre-existing condition.
- d. The Local Board shall review the physician's or clinic's report and any additional documentation submitted by the Employee at a Meeting. After review of the relevant documents, the Local Board will take any action the Local Board deems necessary and appropriate.
- e. The Secretary shall file all reports concerning an Employee's pre-existing conditions as a permanent record, as required by A.R.S. § 38-893(0)(6), along with any additional documentation and comments provided by the Employee, and appropriate records of any actions or determinations by the Local Board with respect to same.

The Board Secretary noted that the Board Attorney advised that the completion of a new physical examination report when accepting employment with Pinal County was likely unnecessary because Mr. Ramirez's membership date in the plan is already established.

Mr. Hathcock raised a concern regarding Mr. Ramirez's most recent physical examination report and the physician's selection of the no pre-existing conditions box. The Board Secretary informed the Board that there are instances where a physician will mark the box stating no pre-existing conditions but will then notate conditions in the accompanying text field on the report. The Board Secretary further explained that it is the procedure of previous and current Board staff to notify members of any conditions notated in the pre-existing conditions text field on the physical examination report.

Mr. Hathcock requested clarification on whether the Board should reference the check box on the report or the writing in the text field if there are inconsistencies. Additionally, Mr. Hathcock asked for guidance as to how the Board would proceed if Mr. Ramirez were injured during the weekend dates following his termination with Pima County and the start of his employment with Pinal County.

MOTION: A motion to enter Executive Session to receive legal advice was made by Scott Mabery at 10:06 a.m. The motion was seconded and passed unanimously. **CORP 2022-46**

Public member exited the open session at 10:06 a.m.

MOTION: A motion to return to the open session was made by Mark Smalley at 10:17 a.m.
The motion was seconded and passed unanimously. **CORP 2022-47**

Jason Hathcock moved to acknowledge the rebuttal and maintain it on file with the physical examination report and directed Board staff to send an explanation letter to Mr. Ramirez.
The motion was seconded and passed unanimously. **CORP 2022-48**

Approval of Membership:

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

Colton Edwards	Apache	9/4/2022
Samantha Bennett	Cochise	1/2/2022
Evelyn Burgos	Cochise	10/25/2020
Tanisha Castilaw	Cochise	10/25/2020
Antionette Martinez	Cochise	12/8/2019
Matt Hunkin	Cochise	12/8/2019
Kerry Tyler	Cochise	7/30/2022
Juan Aguilera	Cochise	8/27/2022
Jeffrey Carlson	Gila	3/6/2022
Siarra Johnson	La Paz	9/11/2022
Flor Gonzales	Maricopa	2/16/2021
Nicole Hodge-Ma'o	Maricopa	8/28/2022
JW Jr Dunbar	Maricopa	9/18/2022
Kemberly Holguin	Maricopa	9/18/2022
Jameesa Wallace	Maricopa	9/18/2022
Donna Roehm	Mohave	9/18/2022
Danielle Gary	Navajo	9/18/2022
Raymon Ronquilo	Pima	8/29/2022
Ricardo Espinoza	Pima	8/29/2022
Rosalba Torres	Pima	9/4/2022
Madison Basham	Pima	9/18/2022
Matilde Vargas Santa Cruz	Pima	9/18/2022
Christine Corder	Pima	9/18/2022
Irene Garcia	Pinal	3/7/2022
Miguel Ramirez	Pinal	7/11/2022
Patrick Marrufo	Pinal	8/29/2022
Dillon Richhart	Yavapai	6/20/2022
Wayne McClanahan	Yavapai	9/11/2022
Danielle Madrill	Yuma	9/4/2022
Brenda Acosta	Yuma	9/11/2022
Enrique Marquez	Yuma	9/11/2022

Members Samantha Bennett, Evelyn Burgos, Tanisha Castilaw, Irene Garcia, Antoinette Martinez, Matt Hunkin, Kerry Tyler, Jeffrey Carlson, Flor Gonzalez, and Juan Aguilera were discovered in

the 2022 Local Board membership audit as having not had their membership approved or membership enrollment forms previously provided to the Board.

Mr. Hathcock inquired about Flor Gonzales's tier 2 membership status as her previous employment dates, indicated by Board staff, are 10/17/2018 - 2/16/2022, and tier 3 membership is effective for all members hired after July 1, 2018. The Board Secretary stated that Board staff will review and confirm Ms. Gonzales' tier in the next Local Board meeting.

Mr. Hathcock commented that a majority of the missing membership forms identified by the audit were from Cochise County, and he asked if communication with Cochise needed to occur to ensure we do not miss enrollment forms moving forward. Board staff advised that they have been in touch with Cochise County Human Resources and that instructions to submit new member enrollment forms to the Board were made clear.

Mr. Hathcock also questioned if Miguel Ramirez was intentionally left off the advised motion when acknowledging pre-existing conditions as the Board staff was unsure what the outcome of his request would be. The Board staff confirmed that this was the reason for his exclusion. Mr. Hathcock questioned if Mr. Ramirez's name should be included in the motion, to which the Chair and Board Attorney agreed.

MOTION: Jason Hathcock moved to approve the 31 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 Antoinette Martinez, Matt Hunkin, Kerry Tyler, Jeffrey Carlson, JW Jr Dunbar, Donna Roehm, Ricardo Espinoza, Irene Garcia, Miguel Ramirez, and Dillon Richhart identified a physical or mental condition or injury that existed or occurred before their dates of membership in the plan and also to verify if Flor Gonzales membership tier. The motion was seconded and passed unanimously. **CORP 2022-49**

Membership Audit Update:

The Board Secretary informed the Board of the discrepancies identified by the 2022 Local Board membership audit and advised that the Board staff is working to obtain physical examination reports for four members but has identified and resolved all other discrepancies. The Board Secretary noted that Board staff notified the county Human Resources departments of the four outstanding members that a physical examination report is not on file with the Local Board; similarly, letters were issued to the four members to notify them directly.

Apache

- 2 members missing from our database
 - Requested and received enrollment forms for both and physicals for both
- 8 missing term/retirement dates
- **10 discrepancies in total**

Cochise

- 8 members missing from our database
 - Requested and received enrollment forms, **1 physical pending**
- 16 missing term/retirement dates
- **24 discrepancies in total**

Coconino

- 23 missing term/retirement dates
- **23 discrepancies in total**

Gila

- 1 member missing from our database
 - Requested and received enrollment form and physical
- 4 missing term/retirement dates
- **5 discrepancies in total**

Graham

- 1 member missing from our database
 - Requested and received enrollment form, **physical pending**
- 9 missing term/retirement dates
- **10 discrepancies in total**

Greenlee

- 2 members missing from our database
 - Requested and received enrollment forms, **physicals pending**
- 3 missing term/retirement dates
- **5 discrepancies in total**

La Paz

- 1 member missing from our database
 - Requested and received enrollment form and physical
- 2 missing term/retirement dates
- **3 discrepancies in total**

Maricopa

- 1 member missing from our database
 - Requested and received enrollment form and physical
- 163 missing term/retirement dates
- **164 discrepancies in total**

Mohave

- 17 missing term/retirement dates
- **17 discrepancies in total**

Navajo

- 28 missing term/retirement dates
- **28 discrepancies in total**

Pima

- 99 missing term/retirement dates
- **99 discrepancies in total**

Pinal

- 16 missing term/retirement dates
- **16 discrepancies in total**

Santa Cruz

- 7 missing term/retirement dates
- **7 discrepancies in total**

Yavapai

- 34 missing term/retirement dates
- **34 discrepancies in total**

Yuma

- 35 missing term/retirement dates
- **35 discrepancies in total**

Ms. Fish asked if there was an overarching reason for the high volume of missing termination and retirement dates. The Board Secretary advised that it is an issue compounded by the Local Board not completing an audit for two years and turnover with county Human Resources during that period.

Mr. Hathcock advised that there should be ongoing communication with the county Human Resources departments to notify the Board when terminations and retirements occur. The Board Secretary noted that Board staff are now regularly communicating with county Human Resources to collect this information. Mr. Hathcock also noted that Gila County was not included in the update. Board staff responded that this information would be recorded in the meeting minutes.

Future Agenda Items:

Staff informed the Board that the following items will likely be placed on the November 1, 2022, meeting agenda:

- Report on Retiree Return to Work issues provided by the Board Attorney
- Approval of Death Benefits

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 10:33 a.m.

Transcribed October 4, 2022.