

**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 4, 2019 at 10:00 a.m., Conference Room 109, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

Board Members Present in Conference Room 109: Kevin Kluge, Chair; Jason Hathcock, Mark Smalley; Jennifer Fish

Also Present in Conference Room 109: Cynthia Kelley, Board Attorney; Vanessa Haney, Board Secretary; Alicia Bocardo, Recorder; Applicant #19-01 (by conference call); Yvonne Wong, Phil Hanley

Call to Order:

Approval of the Minutes:

May 7, 2019 – Public Meeting Minutes

MOTION: A motion to approve the public meeting minutes of the May 7, 2019 meeting was made by Mark Smalley. The motion was seconded and passed unanimously; minutes stand approved. **CORP 2019-19**

Status Update: 2019 Board Election

Board member Jason Hathcock’s term will expire on June 30, 2019. Pursuant to A.R.S. §38-893, the Board conducted an election to fill the position effective July 1, 2019.

The Board Secretary stated that the Board office received 198 ballots by the specified deadline. Jason Hathcock was reelected to the Board for the upcoming term. The Board Secretary also advised the Board that both Jason Hathcock and Jennifer Fish signed the Oath of Office on June 4, 2019. Board member Jennifer Fish was reappointed to another four-year term after completing a partial term on June 30, 2019.

Consideration of Disability Applications:

A. Disability Application #19-01 – IME Consideration

The Board received Application #19-01 for Accidental Disability benefits from Arthur L. Waterman on May 1, 2019. The applicant is a Pima County Surveillance Officer who terminated employment June 1, 2019. The applicant is eligible for normal retirement with 21.336 years of service and is therefore only eligible for accidental disability. The applicant identified the disabling conditions as: “multiple injuries from 2014-2018 and degenerative disc issues.”

The applicant was notified via certified letter that the Board would consider the 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 open public meeting.

The applicant's physical exam dated May 16, 2007 was provided. The exam report identifies an "old left shoulder injury" and "asthma" as pre-existing conditions.

The applicant provided medical reports of findings and treatment with the application. The application and medical reports were provided for the Board.

The Chair noted for the record that Mr. Waterman was in attendance by telephone.

The Chair stated that Mr. Waterman's application for accidental disability is a unique case because he is claiming accidental disability through multiple injuries over a period of time whereas previous accidental disability cases that have been presented to the Board have focused on one injury that causes the disability the member applied for.

Board member Jason Hathcock addressed Mr. Waterman to confirm his termination with Pima on the date indicated. Mr. Waterman responded that he did not terminate his employment but rather that he is currently on FMLA. He also informed the Board that the dates of injury were incorrect. He stated that his injury began in 2008 not 2014.

Board member Jason Hathcock asked the applicant that since he is eligible for retirement, if he can apply for normal retirement instead. Mr. Waterman responded that he has no desire to retire and cannot financially. He added that it is not his choice to retire, but rather it is his doctor's and health's implication to do so.

The Chair asked Board attorney Cynthia Kelley on input regarding her experience of how other boards come to a decision with accidental disability with cumulative injuries over a series of years. The Board attorney stated it is her experience that boards narrow down the overall main source of injury and refer to one IME to build a case on rather than to gather examinations on all injuries claimed.

The Chair asked Mr. Waterman what main source of injury was most affecting his health. The applicant replied that his main sources of pain are his feet, neck, lower back, and knees.

Board member Jason Hathcock informed Mr. Waterman that sending him to get Individual Medical Evaluations for each source of pain could take months. Though the Chair suggested it is possible to get an IME for each source of pain, he asked Mr. Waterman to narrow down his source to one area that is most debilitating to build a case for him that would allow for better results and reduced time. Mr. Waterman responded that his main source of pain was from the back injury. He also stated that among the supporting documents that were sent over, a recorded video of the injury that took place was included. The Chair told Mr. Waterman that it would be ideal to have the video sent to the doctor performing the IME as it would serve as support to his back-injury claim. Mr. Waterman left the conference call shortly after.

MOTION: A motion to refer disability case #19-01 for an IME was made by Jason Hathcock. The motion was seconded and passed unanimously. CORP 2019-20

B. Disability Application #19-02 – IME Consideration

The Board received Application #19-02 for Ordinary Disability benefits from Matthew Baack on May 20, 2019. The applicant is a Pima County Adult Probation Officer with 6.626 years of credited service with CORP. He terminated employment on May 17, 2019.

The applicant identified the disabling conditions as: “shattered L1 vertebrae-September 1, 2018.”

The applicant was notified via certified letter that the Board would consider the 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 open public meeting.

The applicant’s physical exam dated October 10, 2012 is provided. The exam report identifies “lumbar degenerative disease” as a pre-existing condition.

The applicant provided medical reports of findings and treatment with the application. The application and medical reports were provided for the Board.

The Chair stated that the main area of concern for the disability application was whether the main source of injury was pre-existing. Board attorney Cynthia Kelley advised that it would be pertinent to inquire whether the injury the applicant is currently claiming is the same injury that was claimed to the Department of Veterans Affairs because Mr. Baack cannot receive benefits through both. The Board attorney added that the current injury noted on the application would have to be a separate injury to what is already being claimed by Veteran Affairs.

The Chair instructed the Board Secretary to add that question to the list when sending it over to the IME doctor.

MOTION: A motion to refer disability case #19-02 for an IME was made by Jason Hathcock. The motion was seconded and passed unanimously. **CORP 2019-21**

Approval of Normal Retirement Benefits:

There were five applications for Normal Retirement benefits submitted for the Board’s approval pursuant to A.R.S. § 38-893 (D).

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts, effective June 1, 2019, was made by Mark Smalley. The motion was seconded and passed unanimously. **CORP 2019-22**

Kathy Bachler	\$ 831.06
Judith Chanay	\$3,281.23
Donna Greene	\$2,475.58; Reverse DROP estimate: \$58,434.42
Constantine Markes	\$2,772.37
Leslie Samuel	\$3,246.19

Approval of Membership:

The Local Board may consider and vote on the approval of the following requests for membership or defer decision to a later date:

Caccimani-Eggers, Carla	Maricopa	4/15/2019
Clark, Lois	Maricopa	4/29/2019
Floriant, Marie	Pima	5/4/2019
Galvan, Luis	Pima	2/25/2019
Glass, Cleophus	Pinal	5/6/2019
Gould, Violet	Maricopa	5/6/2019
Graham, Kori	Maricopa	4/5/2019
Hayes, Emily	Maricopa	5/6/2019
Hoff-Felix, Devon	Yavapai	4/21/2019
Lee, Allyson	Navajo	5/5/2019
Lewis, Heather	Mohave	4/1/2019
McNair, Megan	Yavapai	5/12/2019
Miller, Timothy	Maricopa	5/6/2019
Pallanes, Jennifer	Pima	5/4/2019
Rodriguez, Claudio	Maricopa	4/14/2019
Viscarra, Patsy	Yuma	4/28/2019
Wienckowski, Renee	Mohave	4/22/2019

MOTION: A motion to approve the 17 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 Luis Galvan, Violet Gould, Allyson Lee and Claudio Rodriguez identified a physical or mental condition or injury that existed or occurred before their date of membership in the plan, was made by Jennifer Fish. The motion was seconded and passed unanimously. CORP 2019-23

See Attachment A to these minutes for details of the membership approved at this meeting.

Rule Change-Member Election Nominees:

It had been suggested that language be added to the Rules of Local Board Procedure requiring nominated members to indicate that they are willing to serve before their names are placed on the election ballot.

Board Attorney, Cynthia Kelley reviewed the Rules and applicable statutes and advised:

Local Boards routinely amend their procedures at times when they believe it is necessary for their Board to be effective or operate smoothly. It is contemplated by ARS §38-893(A) that Boards will make the plan effective through their own procedures.

This gives the Board broad authority to establish their own procedures. She stated that many boards represented have amended their procedures, even adding new sections. She advised that a new

section could be added but felt the Board could accomplish what they need by adding a section and changing the numbering under “Composition of the Board”.

The Board Secretary suggested adding the following to Section C: “Election of Board Members. Prior to the term expiration of an elected member, the Board will send nomination ballots to the CORP membership. Nominees must respond in writing whether or not they are willing to serve as a Board member. The nominee with the most votes will be the new CORP Local Board member.”

Board member Jason Hathcock inquired as to whether “in writing” includes email correspondence. The Board Secretary and Board Attorney agreed that it does.

MOTION: A motion to amend the rule change as drafted, was made by Jennifer Fish. The motion was seconded and passed unanimously. CORP 2019-24

Future Agenda Items:

Board member Jason Hathcock informed the Board that a bill, HB2190, has been sent to the governor’s office, but has not been signed. Board member Jason Hathcock added that HB2190 would directly affect the Local Board because it would change the language criteria for accidental disability applications for CORP. The Board will keep updated on the decision made on HB2190.

Board member Jason Hathcock inquired to whether an audit will be taking place this year. The Board Secretary informed the Board that she sent a second request to PSPRS for membership files yesterday. She stated that once she received the list, staff will start the auditing process.

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 10:37 a.m.

Transcribed May 7, 2019