

**MINUTES OF PUBLIC MEETING  
FOR THE CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD  
FOR THE SUPERIOR COURT**

A Public Meeting of the Corrections Officer Retirement Plan Local Board for the Superior Court was convened Wednesday, April 4, 2012, at 10:00 a.m., Conference Room 109, Arizona Supreme Court Building, 1501 West Washington Street, Phoenix, Arizona.

**Members Present:**

Kevin Kluge, Chair; Jason Hathcock; Phil Hanley; Mark Smalley; Rob Lubitz (via conference call)

**Also Present:**

Annette Corallo, Board Secretary; Leticia Chavez, Recorder; Niki O’Keeffe

**Call to Order**

**Approval of the Minutes**

- a. March 7, 2012, Public Meeting Minutes

The Chair called for any corrections or additions to the minutes.

**MOTION: A motion to approve the March 7, 2012 Public Meeting Minutes was made by M. Smalley.** Motion was seconded and passed unanimously; minutes stand approved. **CORP 2012-15**

**Return to Work**

At the February 8<sup>th</sup> meeting the Chair requested that procedures and forms to identify return-to-work retirees be drafted for the Board to review. The Board Secretary developed two forms for the Board’s approval: a screening form to identify return-to-work retirees and a form to notify the Board of a CORP retiree returning to work. The Chair noted that the return-to-work retiree notice to the Board is designed for both direct hires and contractors filling CORP designated positions.

The Chair reported that the new requirements for return-to-work retirees (CORP and ASRS) were discussed with the presiding judges at a meeting last week. He noted that A.R.S. §38-891.01.E. requires an employer of a retired CORP member to submit any reports, data, paperwork or materials that are requested by the Board to implement the return to work statute, including payment of the Alternate Contribution Rate (ACR). There was discussion about employee compliance with completion of the screening form and the burden on Human Resources (HR) departments to obtain the forms for all employees. The Board agreed that it would not be necessary for the Chief Justice to issue an Administrative Order requiring employee compliance, given that authority already exists for the Board to require compliance by employers under A.R.S. §38-891.01.E. Every employee in a CORP designated position on or

after July 21, 2011, will be required by the Board to complete the screening form and, as applicable, the Notice of Retiree Return to Work for the Board's review. Effective July 21, 2011, county employers are to pay the ACR for all CORP retirees who have returned to work in a CORP designated position.

The Chair advised that he will attend the April meetings of the probation administrators to explain these requirements. He will also present to court administrators in June. It was also suggested that information be posted on the CORP website for employee access.

The Chair asked the Board to approve the forms that were drafted for use by the county HR departments.

**MOTION: A motion to approve the forms to screen and capture required information for return to work employees in CORP designated positions was made by J. Hathcock.** Motion was seconded and passed unanimously. **CORP 2012-16**

In reviewing the forms, the Board discussed the following procedures.

Since the ACR went into effect on July 21, 2011, the Board must ensure that county employers identify all retirees who have already returned to work, before or after July 21, 2011, so the ACR can be paid to CORP by each employer. To do so, the Board directed the Board Secretary to send a letter and the return-to-work forms to all Probation Chiefs requiring all active employees in a CORP-designated position to complete the screening form by a specified date. If an employee states they are a return-to-work retiree, the appropriate HR office will submit the completed Notice of Retiree Return to Work form to the Local Board for review. For those who are not return-to-work employees, the screening form is filed in the member's county personnel file.

Going forward, the Board will require that all county HR departments include in their hiring process the completion of the return-to-work forms for any employee being hired or contracted into a CORP-designated position.

**Approval of Normal Retirement** – The Local Board may consider and vote on the approval of Normal Retirement benefits for the following applications or defer decision to a later date:

- a. Gregory H. Delgado
- b. Jesus Diaz
- c. Candelario Marquez, Jr.
- d. Christine C. Wager

The Board Secretary noted, for the record, that retiree Gregory Delgado will be paid retroactively to his effective date of retirement, February 1, 2012.

**MOTION: A motion to approve the payment of Normal Retirement benefits to applicants (a) through (d) was made by P. Hanley.** Motion was seconded and passed unanimously. **CORP 2012-17**

**Taken Out Of Order:** The Chair asked that the following item be taken out of order to facilitate discussion of later items.

**Pre-Existing Conditions: Notification to Members**

PSPRS has advised the Local Board that it must note in the record any members who have a pre-existing condition based on the physical exam submitted. In addition, the Local Board must also notify the member of the identified pre-existing condition and that no disability retirement benefits shall be approved for the pre-existing condition. If not, the Board may jeopardize its ability to consider any pre-existing conditions when acting on applications for disability retirement. To produce these letters, PSPRS has provided a template for the Board to use. These letters are to be generated after the Board acknowledges the pre-existing condition in the record and are to be signed by the Board Chair. To comply with the new process, the Chair requested that an audit of the physical exam files be completed and each active member who currently has an exam on file that indicates a pre-existing condition be brought before the Board at the scheduled June 2012 meeting to be noted for the record. In addition, the Chair directed the Board Secretary to prepare a pre-existing condition letter to any member who has a record of a pre-existing condition on file.

PSPRS has also advised the Board that it is the practice of many Local Boards not to place the name of a new employee on the agenda until a physical exam has been received. The Board agreed to follow this process in the future. In addition, the Board also agreed to approve a new member if a final 60-day letter has been sent to a member notifying that failure to complete the exam constitutes waiver of all rights to disability benefits. To implement these processes, the Chair requested action from the Board so that each new process can be reflected in the minutes.

**MOTION: A motion to approve new board procedure with respect to membership approvals whereby the Board Secretary will (a) place a new employee's name on the Board's agenda for membership approval at the next meeting following receipt of the employee's physical exam report or sending a final 60-day notice to an employee who has not yet completed a physical exam and (b) prepare a letter to a member with any identified pre-existing condition(s) to notify the member that the Board has noted the existence of the pre-existing condition(s) for the record was made by J. Hathcock. Motion was seconded and passed unanimously. CORP 2012-18**

**MOTION: A motion to approve the proposed letter template to be used to notify members of the pre-existing condition(s) identified by their physical exam was made by M. Smalley. Motion was seconded and passed unanimously. CORP 2012-19**

**MOTION: A motion to direct the Board Secretary to audit all member files and to list all members with any pre-existing condition(s) for Board acknowledgement on the record at the June 2012 meeting and, following Board action, send letters notifying such members of the pre-existing condition(s) identified in their physical exam, was made by P. Hanley. Motion was seconded and passed unanimously. CORP 2012-20**

**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. To comply with the newly adopted procedures, the Board voted only to approve those members who have a physical exam on file:

- a. Melissa Lamptey
- b. Emily Levandowski
- c. Steven Steenhand
- d. Amanda Taylor

For the record, Board Member Jason Hathcock noted new member Emily Levandowski has a pre-existing condition. To comply with the new procedures, Ms. Levandowski will be sent a pre-existing condition letter.

**MOTION: A motion to approve the four (4) named employees requesting membership into CORP was made by J. Hathcock.** Motion was seconded and passed unanimously. **CORP 2012-21**

#### **CORP Physical Exam Final Letters**

- a. Michelle Luna-Final Letter

For the record, it was noted that a final physical exam letter was sent to the listed member on March 16, 2012, via certified mail.

#### **CORP Pre-Existing Conditions**

- a. Wendy Lertzman
- b. Keri Madrid

The Board approved membership for the two listed employees at the March 7, 2012, meeting with no exam on file. For the record, physical exams have now been received and indicate each have a pre-existing condition. To comply with the new procedures, a pre-existing condition letter will be sent to the two listed employees.

#### **Physical Exam Form**

The Board Secretary proposed changes to the physical exam form, consisting primarily of typographical corrections. Substantively, the proposed changes ask the examiner to indicate a reason if the pulmonary function test is not performed and to legibly print any pre-existing conditions. The Board Secretary also requested direction from the Board as to items to be reviewed in the physical exam reports on the Board's behalf and recommended the Secretary ensure (a) all questions are answered, (b) pre-existing conditions are noted when applicable, and (c) exam is signed by both the member and the examiner. Upon verifying that the form is fully completed and signed, the Board Secretary will sign and date the form.

**MOTION: A motion to approve the proposed changes to the physical examination form was made by P. Hanley. Motion was seconded and passed unanimously. CORP 2012-22**

**MOTION: A motion was made by R. Lubitz to adopt Board procedure directing the Board Secretary to review physical exam reports to verify that (a) all questions are answered, (b) the examiner has indicated whether there are no pre-existing conditions or that there are noted pre-existing conditions, and any pre-existing conditions are legibly stated, (c) if the examiner has not answered whether there are pre-existing conditions, and/or if the condition(s) are not legibly stated, the Board Secretary has contacted the examiner to obtain the information required to notify the Board and the member of any pre-existing condition(s), and (d) the member and examiner have signed the form. Motion was seconded and passed unanimously. CORP 2012-23**

### **Quarterly Review of Physical Exam Tracking**

The Board Secretary provided for Board review the physical exam tracking list. This list indicates members without a physical exam on file and the dates of contact regarding the lack of a physical exam on file. The Board Secretary also added that once the audit of the physical exam files is complete a revised list will be compiled for Board review.

### **Call to Public**

No members of the public asked to address the Board.

Transcribed April 4, 2012