

**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 Tuesday, May 6, 2014, 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, Rob Lubitz

**Board Members Absent:**

Phil Hanley

**Also Present:**

Annette Corallo, Board Secretary; Leticia Chavez, Recorder; Hannah Auckland, Board Attorney; Applicant #14-01 (via conference call); Court Reporter, Ottmar & Associates

**Call to Order:**

**Approval of the Minutes:**

April 7, 2014, Public Meeting Minutes

**MOTION: A motion to approve the April 7, 2014 Public Meeting Minutes was made by J. Hathcock.** Motion was seconded and passed unanimously; minutes stand approved. **CORP 2014-32**

**Consideration of Disability Application:**

The Board received Application #14-01 for Ordinary Disability Retirement Benefits on April 16, 2014. The applicant is a juvenile detention officer in Pima County, currently on unpaid medical leave but not yet terminated. The applicant was not injured in the course of physical contact or confrontation with a probationer or detainee. The applicant provided medical reports of findings and treatment. The applicant initialed the Waiver of Confidentiality provision, to allow discussion of the medical condition in an open public meeting. The applicant was notified via certified letter that the Board would consider the application at this meeting and of her right to attend. The Board Secretary advised the Board that no medical records were provided from one of the medical providers listed in the application (the neurosurgeon).

The Board Chair asked the applicant if she could recall the back and neck issue listed on her CORP physical exam, which she indicated had occurred at the age of 25. The applicant stated that she had been in a car accident and suffered whiplash, which has since healed and has not caused her any issues since then. The Chair also asked the applicant to clarify what she wanted to list as the disabling condition, as there were multiple conditions listed on the application. The

applicant stated that her primary conditions were her neck, back and osteoarthritis.

The Chair noted there were no medical records prior to January of 2014 and asked the applicant to confirm the date she began seeking treatment. The applicant stated that she did not seek any treatment for her disabling condition(s) before January 2014. Board Member Rob Lubitz asked when the applicant first sought treatment from the neurosurgeon; the applicant stated that her first treatment date was March 17, 2014. Board Member Mark Smalley noted that the medical records indicated the applicant was injured at work and has been on medication for a long time. Mr. Smalley asked if the applicant was on Worker's Compensation, and if she could verify the type of medication she was on and for what condition. The applicant stated that she was not on Worker's Compensation and that the only medication she has taken for a long period of time was her blood pressure medication.

The Chair asked the Board Attorney how the Board would choose a doctor for an applicant with multiple conditions. The Attorney stated that the Board Secretary currently works with Medical Consultants Network (MCN) to procure independent medical evaluations. Once MCN is provided with the disabling conditions they can consult with the Board Secretary to locate a doctor or doctors who can evaluate the applicant.

The Board Secretary advised the Board that requesting complete records from all doctors listed on the application would result in a more accurate independent medical evaluation from the Board's doctor.

**MOTION: A motion to (1) obtain complete records of medical treatment and findings from all providers listed in Application #14-01 and to provide all such records to the doctor who conducts the independent medical evaluation for the Board, and (2) refer Applicant #14-01 for an independent medical evaluation once all medical records have been obtained was made by J. Hathcock.**

Discussion:

Board Member Mark Smalley asked if the Board should be date-specific when requesting medical records. The Board Secretary stated that it would be best not to include dates so that all records could be obtained.

Motion seconded and passed unanimously. **CORP 2014-33**

### **Review of Position Eligibility:**

The Board's recent audit of Local Board membership records identified several employees in Graham County whose membership forms were never sent to the Local Board office at the time of their hiring. Graham County recently sent copies of those employees' membership forms so they can be added to Local Board records and approved for membership.

The Board Assistant flagged the membership form for Cheralee Worrall, whose position is stated on the form as "Nurse for Detention." The Board Assistant recalled the Board sending a letter to a county advising that a nurse for a detention facility is not a CORP-eligible position.

The Board Secretary retrieved a letter from then Board Attorney Michael Anthony to Chief Probation Officer David Despian of ‘Grant’ County (a typographical error – the county was actually Graham County) dated September 4, 2007, from the Board’s historical file on position eligibility determinations. The letter advised Mr. Despian that the position of Supervising Nurse for Detention did not appear to be CORP eligible. Mr. Anthony’s letter was sent pursuant to the Board’s action on July 19, 2007, when the Board determined that several positions, including that of a Nurse for Detention, were not CORP eligible positions.

Mr. Anthony ended the letter by inviting Mr. Despian to submit supplemental information if the facts stated in his letter were inaccurate, but there was nothing in the file to indicate that Graham County submitted more information or that the Board subsequently determined that the detention nurse position is CORP eligible. The Board Secretary reviewed all meeting minutes from 2007 through 2009, and also did not find evidence in the minutes that Graham County requested reconsideration of its decision on the detention nurse eligibility or a subsequent Board reversal of the 2007 determination.

The Board Secretary advised that Ms. Worrall’s CORP membership was effective August 1, 2008, so for the past several years she has been contributing to CORP.

The Board Secretary stated that the Board could either send a letter reiterating the Board’s 2007 determination or request more specific information about the position duties, to be reviewed for an eligibility determination at a future meeting.

The Board Attorney advised that any action taken by the Board at this meeting should be communicated to the employer (Graham County) and that the employer will need to inform the employee. At that point, the employee would have the option of addressing the Board directly.

The Board Secretary also advised the Board that the current Chief Probation Officer, Joshua Halversen, explained in a recent email to the Board Secretary that detention employees “work for the Eastern Arizona Regional Juvenile Detention Facility. Unlike most counties, they have a separate administrator, Mr. Charles Gatwood, and not directly under juvenile probation.” However, Ms. Worrall’s membership form identifies her as an employee of Graham County.

The Board agreed that a new letter drafted by the Board Attorney should be sent to Graham County reiterating the Board’s 2007 determination and that the 2007 letter from then Board Attorney Michael Anthony should be included.

**MOTION: A motion to (1) direct the Board Attorney to send a letter advising Graham County of the Board’s 2007 decision, which found that the position of Nurse for Detention was not a CORP eligible position and to include the 2007 letter as reference, and (2) direct that the Board Attorney’s letter to Graham County should inform that the county is responsible for contacting the appropriate retirement fund and the employee to complete a transfer to the correct retirement system was made by J. Hathcock. Motion was seconded and passed unanimously. CORP 2014-34**

#### **Normal Retirement Benefits:**

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

Williams, Marlencia J.

The Board Secretary noted for the record that the effective retirement date for Ms. Williams was May 1, 2014.

**MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicant in about the following amount, for a CORP effective date of May 1, 2014, was made by R. Lubitz.** Motion was seconded and passed unanimously. **CORP 2014-35**

Marlencia J. Williams:           \$3,149.44

**Notice of Retiree Return to Work:**

A. Wilding, Barbara I. - Pima County

The Board received a Notice of Retiree Return to Work from Pima County for Barbara I. Wilding. The form indicates that Ms. Wilding retired from the Arizona Department of Corrections under CORP effective April 1, 2014, and returned to work for the Pima County Superior Court on April 14, 2014, as an Intermittent Juvenile Detention Officer. The Board agreed that Ms. Wilding does not hold a CORP designated position so her employer is not responsible for paying the CORP alternate contribution rate on her behalf. However, since Ms. Wilding retired from the Arizona Department of Corrections, this Board cannot make a continued pension determination and directed staff to forward Ms. Wilding's Notice of Retiree Return to Work to the Local Board for the Arizona Department of Corrections, to allow that board to determine whether she is eligible to continue to receive a pension.

**MOTION: A Motion that the Board received a Notice of Return to Work for Barbara I. Wilding and finds: (1) the Board Secretary is directed to forward Ms. Wilding's Notice of Retiree Return to Work to the Local Board for the Arizona Department of Corrections, to allow that board to determine whether she is eligible to continue to receive a pension, and (2) Ms. Wilding's employer (Pima County) is not responsible for paying the CORP alternate contribution rate on her behalf was made by R. Lubitz.** Motion was seconded and passed unanimously. **CORP 2014-36**

**CORP Physical Exam Final Letters:**

Derrick J. Knott, Jr.  
James Ornelas  
Michael S. Schreiner  
Cheralee A. Worrall  
Scott Worrall

Certified letters were sent to these members on April 3, 2014, regarding non-receipt of a CORP physical examination after 60 days of receipt of the membership form.

A.R.S. § 38-884.B. provides in part: “Any employee who fails or refuses to submit to the medical examination prescribed in this section is deemed to waive all rights to disability benefits under this article.”

The Board Chair noted, for the record, that physical examination reports for Derrick J. Knott Jr., James Ornelas, Michael S. Schreiner, Cheralee A. Worrall, and Scott Worrall were not received within 60 days of receipt of their membership applications and that final letters requesting an examination were sent to these members via certified mail on April 3, 2014.

**CORP Physical Pre-Existing Conditions:**

The Board Chair noted for the record that physical examination reports for members Larry O. Hayes, Gaubert Daniel Kakou and Rebekah L. Orem identified one or more pre-existing conditions. The Board approved these officers for CORP membership at the April 7, 2014, meeting. Their physical examination reports were received after a 60-day notice was sent to them on February 28, 2014.

**Status Update: Membership Audit**

The Board voted at the August 6, 2013, meeting to conduct an audit of Local Board membership records to ensure the Board’s records are complete.

Since the last update given at the Board’s April 7, 2014 meeting, the Local Board office has resolved an additional 15 discrepancies. All discrepancies for Apache, Greenlee, La Paz, Mohave, Santa Cruz, Yavapai and Yuma counties have been resolved. There was some progress made this month, primarily in identifying employees in a few counties who never had an exam completed at hiring. Staff has continued to send “final notice” (60 day) letters as those employees were identified. Staff is also continuing to work with the counties and the Area Operations Director for Concentra to retrieve pending documents that are, for the most part, those that need to be retrieved from Concentra archives.

**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:

Al Nabi, Anntoinette M.	Maricopa	4/7/2014
Barrett, Douglas R.	Maricopa	3/31/2014
Bell, Clint D.	Maricopa	1/21/2014
Coffer, Robert B.	Maricopa	3/31/2014
Compton, Shawn Mel	Cochise	2/16/2014
Cook, David A.	Maricopa	3/31/2014
Copciac, Amanda	Maricopa	3/31/2014
Cordova, Jessica	Graham	7/13/2009
Decker, John	Maricopa	3/3/2014

Dilley, Jammie	Maricopa	3/31/2014
Dodson, Amber	Maricopa	3/17/2014
Guerra, Timothy	Maricopa	3/31/2014
Hernandez, Armida	Maricopa	3/31/2014
Knott Jr., Derrick J.	Maricopa	12/13/2010
Lauffer, Timothy M.	Maricopa	3/17/2014
Lenett, Erin L.	Pinal	3/3/2014
Levy, Quiana	Maricopa	3/31/2014
Lucero, Robert	Graham	7/1/2013
Melkumov, Diana	Pima	3/24/2014
Ornelas, James	Graham	2/2/2013
Ortiz, Dameon	Maricopa	3/31/2014
Reynolds, Robin L.	Pima	3/9/2014
Romero, Julian V.	Cochise	2/24/2014
Schreiner, Michael S.	Graham	7/13/2009
Silva, Elvira	Maricopa	3/31/2014
Smith, Rachel	Pima	2/24/2014
Swindle, Gayle M.	Maricopa	3/31/2014
Taylor, Carolina	Maricopa	3/31/2014
Traywick, Erik	Pima	3/24/2014
Vincent, Carolyn	Santa Cruz	3/17/2014
Worrall, Scott	Graham	11/20/2010

**MOTION:** A motion 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 applicants Anntoinette M. Al Nabi, Douglas R. Barrett, Clint D. Bell, David A. Cook, Amber Dodson, Timothy Guerra, Erin L. Lenett, Robert Lucero, Dameon Ortiz, Robin L. Reynolds, Gayle M. Swindle, and Erik Traywick identified a physical or mental condition or injury that existed or occurred before the member's date of membership in the plan, was made by M. Smalley. Motion was seconded and passed unanimously. CORP 2014-37

#### **Evaluation of Online Dissemination of Meeting Materials:**

Online dissemination of the Board's meeting materials through a secure website began with the Board's April 7, 2014 meeting. The Board Chair suggested at the April meeting that staff schedule an evaluation of the online dissemination for today's meeting to allow the Board an opportunity to discuss if the online method has worked satisfactory and if the Board has any

concerns or suggestions for improvement. The Board consensus was that the online process has been workable and no concerns with the process were identified to date.

**Call to Public:**

No members of the public addressed the Board.

The meeting was adjourned at 10:50 a.m.

Transcribed April 7, 2014