

**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 Monday, February 8, 2016, 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; Mark Smalley, Rob Lubitz

Board Members Attending via Conference Call:

Jason Hathcock

Board Members Absent:

Danna Quinn

Also Present:

Annette Corallo, Board Secretary; Leticia Chavez, Recorder; Hannah Auckland, Board Attorney; Ottmar & Associates, Court Reporter; Raquel Gloden, Disability Applicant #15-02 , Dalia Mead

Call to Order:

Approval of the Minutes:

January 5, 2016 – Public Meeting Minutes

MOTION: A motion to approve the public meeting minutes of the January 5, 2016 meeting was made by R. Lubitz. Motion was seconded and passed unanimously; minutes stand approved.
CORP 2016-06

Consideration of Disability Application #15-02 – IME Review; Decision on Benefit

The Board received Application #15-02 for Ordinary Disability from Raquel M. Gloden on July 28, 2015.

The Board Secretary advised that the applicant is an Adult Probation Officer Supervisor in Maricopa County. Maricopa County Human Resources confirmed that the applicant is still employed and on unpaid leave, and that the applicant was not injured in the course of physical contact or confrontation with a probationer or detainee.

The applicant identified the disabling conditions as “Depression and ADD/ADHD precipitated by a TBI.” The applicant was notified via certified letter that the Board would consider her application at this meeting and of her right to attend.

The applicant initialed the Waiver of Confidentiality provision, to allow discussion of the medical condition in open public meeting.

The Board Secretary advised that complete medical records were obtained from all of the providers listed in Ms. Gloden's application. On January 19, 2016, the applicant sent additional notes from her counselor's office dated January 19, 2016, and October 5, 2015. Those notes were also provided to the Board for review.

As for pre-existing conditions, the Board Secretary advised that the applicant's physical exam could not be located in the Local Board office. The membership database indicates she had a CORP exam on May 29, 2007, but the report was not in her file and an exhaustive search did not locate it. It is possible, but very unlikely, that a copy will be retrieved from Concentra given the six-year retention period in effect at the time of her exam.

Dr. Gary Prince, Board Certified in Psychiatry, performed an Independent Medical Examination of the applicant on December 28, 2015. A copy of Dr. Prince's IME report was provided to the Board for review. Prior to the appointment with Dr. Prince for the psychiatric IME, the applicant saw Dr. John Beck for a psychological evaluation on December 9, 2015, for evaluation and testing. A copy of Dr. Beck's report was also provided for the Board's review. Dr. Prince reviewed the results of the psychological evaluation and testing before performing the psychiatric IME.

The Board Secretary advised that the Local Board will need to make a determination on eligibility based on the Independent Medical Evaluation. Any motion to approve or disapprove the application should include a reference to the Independent Medical Evaluation upon which the determination is based. The Board can consider any medical evidence that the applicant may want to provide; however, the statutes are clear that a determination of disability shall be based on the IME. Material conflicts in medical evidence must be resolved by findings of the Board. Disability determinations by the State Comp Fund or other workers' compensation bodies are not binding on the Local Board.

The Chair confirmed with Ms. Gloden that she received copies of the documentation that the Board Secretary referenced and asked if she wished to elaborate on any information given to the Board. Ms. Gloden stated that she had some concerns with Dr. Beck's report. In response, the Chair clarified that the Board's decision will be based on Dr. Prince's report, as Dr. Prince is a medical doctor. Ms. Gloden added that her employer had made an effort to find another position for her but was not able to do so.

The Board had no questions for Ms. Gloden. The Chair asked whether any Board members wished to enter Executive Session to receive legal advice.

MOTION: A motion to enter Executive Session to receive legal advice was made by R. Lubitz. Motion was seconded and passed unanimously. **CORP 2016-07**

MOTION: A motion to return to open session was made by R. Lubitz. Motion was seconded and passed unanimously. **CORP 2016-08**

The Board Attorney clarified for Ms. Gloden that the CORP rules suggest that an applicant with a mental condition be sent to a psychologist (Dr. Beck) for review and testing. The psychologist's report is then sent to the IME medical doctor (in this case, Dr. Prince), and the Board must then make its decision based on the report from the medical doctor.

The Chair informed Ms. Gloden that in the IME there is a Form C5-LB-O which requires that the IME doctor answer a series of questions related to the applicant's condition as evaluated against the statutory definitions of CORP Ordinary Disability. Question #2 on that form asks, "In regard to the mental condition, does the condition totally and permanently prevent the employee from engaging in any substantial gainful activity?" Dr. Prince responded "no" in answer to that question. The Chair advised Ms. Gloden that Dr. Prince's answer to that question is binding for the Board's decision. The Chair also stated that within the medical documentation there appeared to be some evidence of employment and asked Ms. Gloden to elaborate on that activity. Ms. Gloden stated that she performs counseling to women in her home regarding sexual health and sells products related to sexual health. However, Ms. Gloden stated that she does not make enough to support herself or her family as this activity is only performed at her own pace and she has only conducted three sessions since October of 2015 due to her condition.

The Board had no further questions for Ms. Gloden.

MOTION: A motion to deny the application for Ordinary Disability Retirement benefits from Applicant #15-02, Raquel M. Gloden, based on the findings of the Independent Medical Evaluation conducted by Dr. Gary Prince for the Local Board, as set forth in his report dated December 28, 2015, and his responses on the Form C5-LB-O dated December 29, 2015, was made by R. Lubitz. Motion was seconded passed unanimously. CORP 2016-09

The Chair advised Ms. Gloden that the Board Secretary would be in contact to inform her of the next steps in the process.

Approval of Normal Retirement Benefits:

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:

John T. Aguilar
Paul E. Castro
Melissa A. Chilgreen
Raymundo M. Cruz
Corey L. Hux
Christopher T. Kerich
Chris Magana
Linda M. Waletzko

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts, effective February 1, 2016, except as noted, was made by J. Hathcock. Motion was seconded and passed unanimously. CORP 2016-10

John T. Aguilar:	\$3,354.08
Paul E. Castro:	\$2,163.18; effective January 1, 2016
Melissa A. Chilgreen:	\$2,214.90
Raymundo M. Cruz:	\$3,255.17; effective January 1, 2016
Corey L. Hux:	\$1,883.68
Christopher T. Kerich:	\$5,437.21; Reverse DROP Estimate: \$172,101.64
Chris Magana:	\$4,016.75
Linda M. Waletzko:	\$3,712.20

Acknowledgment of CORP Physical Pre-Existing Conditions:

The Chair noted, for the record, that the physical examination report for member Jana Chastain identified one or more pre-existing conditions. The Board approved this officer for CORP membership at the January 5, 2016 meeting. Her physical examination report was received after a 60-day notice was sent to her.

Acknowledgement of CORP Physical Exam Final Letters:

The Chair noted, for the record, that physical examination report for Jesus A. Duran was not received within 60 days of receipt of his membership application and that a final letter requesting an examination was sent to him via certified mail on January 26, 2016.

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:

Bain, Sherry	Navajo	3/14/2015
Barragan, Alejandra	Pima	12/28/2015
Bravo, Favian	Pima	12/7/2015
Capas, Cameron	Pima	11/29/2015
Cook, Michelle	Maricopa	12/21/2015
Deck, Robert	Gila	9/21/2015
Duran, Jesus	Maricopa	11/16/2015
Facio-Barriga, Claudia	Maricopa	1/18/2016
Garcia, David	Pima	12/28/2015
Ghysels, Brian	Maricopa	11/2/2015
Lamperti, Jennifer	Maricopa	1/19/2016
Lyons, Natalie	Pima	1/4/2016
Moss, Mykal	Pima	1/4/2016
Paredes, Maria	Pima	12/28/2015
Pembleton, Robert	Maricopa	1/19/2016
Spigner, Uvon	Maricopa	1/19/2016
Walker, William	Yavapai	12/21/2015

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 Sherry Bain, Robert Deck, Brian Ghysels, Natalie Lyons, Mykal Moss and Robert Pembleton 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 2016-11

Status Update – Membership Audit:

Staff has completed an audit of the Board's membership records against an active membership list provided by PSPRS on December 4, 2015. The Board Secretary advised that 10 discrepancies were found and that the counties will be contacted to request missing documentation for the identified officers.

Status Update – Legislation Affecting CORP:

Copies of the bills addressing officer participation in the cancer insurance program (HB 2074) and the extension of the Reverse DROP plan (SB 1160) were provided for the Board's information.

The Board Secretary advised that the SB 1160 will be heard on February 10, 2016 and that HB 2074 was heard on February 4, 2016 and passed by committee. The Board Secretary added that the committee amendments show that job positions that were originally stated in the bill have been removed and were replaced with "Public Safety."

The Board Secretary advised that two other bills, SB1428 and SCR 1019 currently do not include CORP but that there has been discussion to include CORP in the portion that deals with cost of living increases.

Board Member Jason Hathcock stated that he was concerned about HB 2074 only referring to "Public Safety" and not probation staff. The Chair asked the Board Secretary to send the committee amendments for HB 2074 to the Board for review.

Future Agenda Items:

The Board Secretary advised that all medical records for Disability Applicant #15-03, Monique Usher, were received. Evaluation and testing is scheduled for February 9, 2016 with the psychologist, to be followed by an IME by the psychiatrist on February 29, 2016.

When the Board last reviewed records for Disability Applicant #14-01, Randy Garo, the Board asked her to have her MRI done before the Board's scheduled meeting on March 8, 2016. Since the Board's last review, Ms. Garo sent a letter and some additional records, and stated that the MRI is not going to take place. The Board Secretary advised that this matter will be on the Board's March 8, 2016 meeting agenda.

The Board Secretary gave the Board an update with regard to the Reverse DROP training sessions. Two sessions are scheduled for Maricopa County Adult Probation on February 11, 2016 and two sessions are scheduled for that department on February 17, 2016.

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 10:41 a.m.

Transcribed February 8, 2016