

**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, June 2, 2015, 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; Phil Hanley; Rob Lubitz; Mark Smalley; Jason Hathcock

Also Present:

Annette Corallo, Board Secretary; Leticia Chavez, Recorder; Hannah Auckland, Board Attorney; Court Reporter, Ottmar and Associates; Ruth Marblestone, Disability Applicant #15-01 (via conference call)

Call to Order:

Approval of the Minutes:

May 5, 2015, Public Meeting Minutes

MOTION: A motion to approve the May 5, 2015 Public Meeting Minutes was made by J. Hathcock. Motion was seconded and passed unanimously; minutes stand approved. **CORP 2015-33**

Disability

A. Consideration of Disability Application #15-01- IME Consideration

The Board received Application #15-01 for Ordinary Disability from Ruth K. Marblestone on May 14, 2015. The applicant is a Juvenile Probation Officer in Pima County. Pima 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 “Herniated disks at C4-5 and C-6. Advanced Degenerative Disk Disease L3-4 and L4-5.” 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. Ms. Marblestone is attending the meeting via conference call.

The Board Secretary advised that the applicant initialed the Waiver of Confidentiality provision, to allow discussion of the medical condition in open public meeting. The applicant provided treatment records and reports of medical findings from some of the providers listed in her application.

The Board Secretary also advised that a copy of the applicant's physical exam dated October 2, 2012, was provided. A copy of the Board's certified letter dated November 16, 2012, noting a pre-existing condition was also provided. The exam identified a pre-existing condition: "Status post lumbar laminectomy."

A.R.S. § 38-886.01(E) may be a consideration in the Board's determination given the pre-existing condition noted in the applicant's physical exam. The statute provides:

"A member does not qualify for an ordinary disability pension if the local board determines that the member's disability results from any of the following:

1. An injury suffered while engaged in a felonious criminal act or enterprise.
2. Service in the armed forces of the United States that entitles the member to a veteran's disability pension.
3. A physical or mental condition or injury that existed or occurred before the member's date of membership in the plan."

The Chair stated that the medical documentation seems to indicate that the disabling condition is not permanent. The Chair referenced a doctor visit on April 10, 2015, when the doctor indicated that the injury to Ms. Marblestone's back could take three to four months to feel better and six to twelve months to fully heal.

Ms. Marblestone stated that in March of 2015 her doctor thought she could return to work part-time but her Human Resources Department told her that they wanted her to return to work full-time with no restrictions. Ms. Marblestone stated that she was not able to nor does she know how long it will be before she can return to work full time with no restrictions, which is why she has filed an application for Ordinary Disability.

Board member Rob Lubitz stated that the application indicates the nature and cause of the disabling incident was related to a motor vehicle accident. Mr. Lubitz asked if Ms. Marblestone could tell the Board when this accident occurred. Ms. Marblestone stated that she believes the accident occurred on October 25, 2012. Mr. Lubitz advised that the condition diagnosis date per the medical evidence submitted is December 15, 2014. Ms. Marblestone stated that when she was first hired by the county on September 24, 2012. She was involved in a car accident three weeks after her hire date and due to the probationary period for new hires, and that new employees don't have medical leave or vacation time available, she was unable to take time off work and therefore continued to work while receiving treatment from her doctor. However, due to the pain from the spinal injury and an increase in medical treatments, Ms. Marblestone stated that she was unable to work after December 2014.

Board Member Mark Smalley stated that Ms. Marblestone indicated worker's compensation dates and asked if the disabling condition in question was ever a worker's compensation claim. Ms. Marblestone stated that this particular accident was not a worker's compensation claim. Mr. Smalley also noted the pre-existing conditions on Ms. Marblestone's exam and asked her to speak

to those conditions. Ms. Marblestone stated that in February 2008 she was involved in an accident and that particular accident was on the job. She ruptured the L4-L5 disks and had to have surgery. Ms. Marblestone also stated that in 2005, while giving birth, she ruptured the L4-L5 disk for the first time and had to undergo surgery.

Board member Phil Hanley stated that Ms. Marblestone indicated a 2008 job-related motor vehicle accident and asked how the original worker's compensation claim was resolved. Ms. Marblestone stated that at that time she was released with a 7% disability. Board Member Phil Hanley is concerned that the very injury or spot of the spine the Board is considering today is the same injury or part of the spine that was previously injured during childbirth in 2005 and again in the 2008 motor vehicle accident.

The Board Secretary advised that the Board may be missing quite a bit of medical records as many providers were listed on the application. The Local Board Office did receive records from Ms. Marblestone's primary care physician and those records do contain some documentation from other providers, but not records from all the providers listed on the application. The Board Secretary also advised that the Board may want to consider making a request for full medical records from all providers before moving forward with an Independent Medical Evaluation (IME).

The Chair stated that the Board does have several options and he feels that the Board at some point will need to refer Ms. Marblestone to an IME doctor to clarify the pre-existing condition issue and also the permanency of the disabling condition, but before doing so the Board must obtain all medical records from the providers listed on the application so that the IME doctor will have a complete record to review.

MOTION: A motion to defer decision on an independent medical evaluation until full medical records are available for the Board's review was made by P. Hanley.

Discussion:

Board Member Mark Smalley asked if the motion could be amended to include a request for all medical records from 2008 to present so that the Board can compare those to the current medical records on file.

AMENDED MOTION: A motion to defer decision on an independent medical evaluation until full medical records are available for the Board's review and to request all medical records from 2008 to present. Amended motion was seconded and passed unanimously. **CORP 2015-34**

Review of Notice of Retiree Return to Work:

A. Juan D. Marquez -- Pima County

The Board received a Notice of Retiree Return to Work from Pima County for Juan D. Marquez. The form indicates that Mr. Marquez retired from the Pima County Superior Court under CORP effective April 1, 2015, and returned to work for the Pima County Superior Court on May 20, 2015, as an Intermittent Juvenile Detention Officer.

MOTION: A motion that the Board received a Notice of Return to Work for Juan D. Marquez and finds that (1) Mr. Marquez is eligible to continue to receive a CORP pension and (2) Mr. Marquez's employer (Pima County) is not responsible for paying the CORP alternate contribution rate on his behalf was made by M. Smalley. Motion was seconded and passed unanimously. CORP 2015-35

B. Judith A. Simons -- Pima County

The Board received a Notice of Retiree Return to Work from Pima County for Judith A. Simons. The form indicates that Ms. Simons retired from the Pima County Superior Court under CORP effective February 1, 2015, and returned to work for the Pima County Superior Court on January 26, 2015, as an Intermittent Juvenile Probation Officer.

MOTION: A Motion that the Board received a Notice of Return to Work for Judith A. Simons and finds that (1) Ms. Simons is eligible to continue to receive a CORP pension and (2) Ms. Simon'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 2015-36

Discussion/Approval of Electronic Election Requirements:

Staff initiated research on electronic voting for elective Board positions pursuant to the Board's discussion at previous meetings. Staff has identified the following as minimum requirements for a successful electronic election:

1. Availability of email addresses for all officers in every department
2. Reliable transmission of ballot access to all members
3. User-friendly voting process for members, to encourage participation
4. Reliable tally of ballot results

Staff recommends that the Board discuss any additional requirements to be met in order for electronic elections to be feasible and valid. Staff will evaluate any software being considered against the minimum requirements approved by the Board.

Helios Voting was previously recommended by a Board member. So far, staff has the following observations on Helios:

- Software appears to emphasize privacy of votes and verification of results
- Upload of email addresses will require data entry at the Board office after receipt of email addresses from the departments, to use the Helios-recommended format
- In order to vote, members would have to log in using a personal Facebook, Yahoo or Google account
- Creation of a ballot was user-friendly
- Once logged into a personal Google account (for testing purposes), entering a vote was user-friendly
- A live test election should be conducted to assess reliability of results

Board members asked the Board Secretary to continue researching the Helios system to ensure that those who use the voting system can only vote once per individual, not per email or social media account.

The Chair also asked the Board Secretary to update the Board at a future meeting about the continued research of the Helios system, and how the staff would obtain and maintain the individual email addresses for AOC-CORP employees. It was also discussed that the Board Secretary should present the possibility of an electronic election at the next Probation Management meeting, in order to seek input about the feasibility of obtaining email addresses for all officers.

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:

Billy E. Jordan
Tamara E. Kindell-House
Gonzalo E. Navarro

The Board Secretary advised that the effective CORP retirement dates for Billy E. Jordan and Tamara E. Kindell-House is June 1, 2015; Mr. Navarro's effective CORP retirement date was May 1, 2015.

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts, effective May 1, 2015 for Gonzalo E. Navarro and June 1, 2015, for all other applicants, was made by P. Hanley. Motion was seconded and passed unanimously. CORP 2015-37

Billy E. Jordan:	\$2,120.76
Tamara E. Kindell-House:	\$3,657.24
Gonzalo E. Navarro:	\$2,859.29

Status Update: 2015 CORP Election

Board member Jason Hathcock's term will expire on June 30, 2015. Pursuant to A.R.S. §38-893, the Board conducted an election to fill that position on the Board effective July 1, 2015.

The Board office received 155 ballots by the specified deadline. Jason Hathcock was reelected to the Board for the upcoming term.

On May 20, 2015, Chief Justice Bales appointed Danna Quinn, Human Resources Director for the Maricopa County Judicial Branch, and reappointed Rob Lubitz, citizen member, to the Board. The terms of those positions also begin on July 1, 2015.

Status Update: Membership Audit

The Board Secretary advised that the 2014 annual audit the Board authorized at the September 9, 2014 meeting has been completed and of the 27 initial discrepancies only two remain. The discrepancies in Apache and Cochise counties were resolved this month with the receipt of physical exams for those members. Those officers are on the Board's membership approval list for this meeting.

At the Board's May 5, 2015 meeting, the Board requested that staff notify the Maricopa officers that they must repeat their exam with MBI. Certified letters were sent to the officers in Maricopa County on May 14, 2015, requesting that they take another exam because of Concentra's failure to provide copies of their previous exams.

CORP Physical Exam Final Letter:

The Chair noted, for the record, that physical examination reports for Sabrina N. Falquez and Daniel R. Kimes 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 May 20, 2015.

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:

Contreras, Karla	La Paz	3/9/2015
Cox, Kyle	Pinal	4/13/2015
Encinas, Ernest	Maricopa	4/16/2015
Falquez, Sabrina	Gila	2/23/2015
Hernandez, Francisco	Yuma	5/4/2015
Gilligan, Edward	Cochise	8/26/2013
Kimes, Daniel	Coconino	3/2/2015
Molina, Erica	Pima	3/9/2015
Robinson, Stennis	Maricopa	3/30/2015
Rodriguez, Cassandra	Coconino	4/13/2015
Romero, Jesus	Pima	4/6/2015
Schackart, Brandon	Pima	3/23/2015
Timothy, Olivia	Pima	4/20/2015
Upshaw-Crank, Erica	Apache	6/25/2013
Vander Zanden-Iris, Julie	Yuma	2/2/2015
Wakefield, Katlin	Maricopa	3/30/2015

MOTION: A motion to approve the 16 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 Kyle Cox, Ernest Encinas, Erica Molina, Erica Upshaw-Crank and Katlin Wakefield identified a physical or mental condition or injury that existed or occurred before the member's date of membership in the plan by J. Hathcock. Motion was seconded and passed unanimously. CORP 2015-38

Future Agenda Items:

The Board Secretary advised that a future meeting will include Board review of an application from the estate of Mark P. Barthel for the benefits awarded to the estate by the Board on April 6, 2015.

Board Member Jason Hathcock stated that many Maricopa employees had questions regarding the Reverse DROP program and asked if the Board Secretary could provide a training or informational session to answer questions about the Reverse DROP retirement. The Chair stated that the possibility of training sessions will be discussed with the chief probation officers at a Probation Management meeting.

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 11:01 a.m.

Transcribed June 5, 2015