

**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, September 4, 2013, 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; Mark Smalley; Jason Hathcock

Board Members Absent:

Rob Lubitz

Also Present:

Annette Corallo, Board Secretary; Leticia Chavez, Recorder; Michael Anthony, Board Attorney; Hannah Auckland; Court Reporter, Ottmar & Associates

Call to Order

Approval of the Minutes:

- a. August 6, 2013, Public Meeting Minutes

The Chair called for any changes or corrections. The Chair noted on page three, in the motion for membership audit, the word 'the' should be changed to 'that' in regards to the reference to requesting that each county provide a list of active members.

MOTION: A motion to approve the August 6, 2013 Public Meeting Minutes was made by M. Smalley. Motion was seconded and passed unanimously; minutes stand approved. **CORP 2013-42**

Member Request for Waiver to Remain in A.S.R.S.:

- a. Patrick Schmitt, Cochise County

Last month, the Board reviewed a request from the Benefits Coordinator for Cochise County Human Resources, Wendy De La Cruz. Ms. De La Cruz requested the Board review the position of Detention Services Division Director to determine if the position is a designated CORP position pursuant to the Joinder Agreement. After review of the job description, the Joinder Agreement, and relevant statutes, the Board voted to designate the position of Detention Services Division Director as a CORP position.

In response to the Board's decision, the member who holds the Detention Services Division Director position, Patrick Schmitt, submitted a request to the Board to remain in A.S.R.S pursuant to A.R.S. §38-891.F., which states:

F. The local board of the state department of corrections or the local board of the department of juvenile corrections may specify a designated position within the department as a nondesignated position if the position is filled by an employee who has at least five years of credited service under the Arizona state retirement system and who makes a written request to the local board to specify the position as a nondesignated position within ninety days of accepting the position. On the employee leaving the position, the position reverts to a designated position.

Mr. Schmitt provided documentation that he has at least five years of credited service in A.S.R.S. The Board's attorney clarified for the Board that A.R.S. §38-891.F. does not apply to the Local Board for the Superior Court. The Board's attorney also noted that the position in question was posted for recruitment as a CORP designated position when Mr. Schmitt was hired.

After review of the statute and discussing the guidance from the Board Attorney, the Board agreed they do not have the authority to specify a nondesignated position under A.R.S. §38-891.F.

MOTION: A motion to decline to designate Mr. Schmitt's position as a nondesignated position, as the Board does not have authority to specify a nondesignated position under A.R.S. §38-891.F., was made by J. Hathcock. Motion was seconded and passed unanimously. CORP 2013-43

Consideration of Disability Application #13-01 – IME Decision:

The Board received Application #13-01 for Accidental Disability Retirement on August 21, 2013. The Board Secretary reported that this applicant was a Juvenile Detention Officer in Yavapai County, who was injured in the course of responding to a confrontational situation with a detainee on December 3, 2012. The application was filed by the member after the disabling incident and within one year of the applicant's termination. Yavapai County Human Resources confirmed that the applicant was terminated on June 14, 2013. The Board Secretary advised the Board that the application did not identify the medical condition that is the basis for disability benefits, which could present a challenge for the Board when trying to identify a medical specialist most qualified to perform an Independent Medical Evaluation (IME). The Board Secretary also noted that the applicant's physical examination identified TMJ as a pre-existing condition and, from the medical reports provided by the applicant, it appears to be a factor in the applicant's current medical condition. The applicant also did not provide any medical records from some of the medical providers listed in the application.

On August 28, 2013, the applicant submitted a letter identifying the medical condition that is the basis of the application for Accidental Disability benefits and an additional medical record. The Board Attorney suggested the Board consider using the IME procedure required for Public Safety members with that medical condition.

The Board agreed the applicant generally met the Accidental Disability requirements for scheduling an IME but felt they need complete medical records before an IME is scheduled. The Board Secretary advised the Board that the applicant did sign the waiver of confidentiality, which would allow the Board Secretary to contact all doctors directly to obtain all medical records and provide those records to the IME doctor. The Chair suggested that, to avoid unnecessary delay, the Board could direct the Board Secretary to contact the medical providers to collect all medical records and schedule Applicant #13-01 for an IME contingent upon the receipt of all medical records.

MOTION: A motion to obtain complete medical records of medical treatment and findings from all providers listed in Application #13-01 and to provide all such records to the doctor who conducts the Independent Medical Evaluation for the Board was made by J. Hathcock. Motion was seconded and passed unanimously. **CORP 2013-44**

MOTION: A motion to refer Applicant #13-01 for an Independent Medical Evaluation was made by J. Hathcock. Motion was seconded and passed unanimously. **CORP 2013-45**

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:

- a. Edward M. Federico
- b. Keith R. Kanzler (R-DROP)
- c. Eduardo A. Nunez (R-DROP)
- d. Richard G. Walker

The Board Secretary noted for the record that the effective retirement date for all applicants was September 1, 2013.

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts was made by M. Smalley. Motion was seconded and passed unanimously. **CORP 2013-46**

Edward M. Federico:	\$2,229.23
Keith R. Kanzler:	\$2,822.48 (R-DROP Estimate: \$19,830.31)
Eduardo A. Nunez:	\$2,818.18 (R-DROP Estimate: \$120,560.66)
Richard G. Walker:	\$2,221.24

Contract for Attorney Services:

The Board attorneys have advised that Hannah Auckland left the Carson Messinger law firm and began working with a new firm effective July 15, 2013. The attorneys proposed to continue providing services to the Board in the same capacity and at the rates set forth in the current contract in a subcontract arrangement. The Chair requested this item be tabled until the next scheduled meeting so staff can review the terms of the contract with the AOC Legal Department.

Notice of Retiree Return to Work:

- a. Pamela M. Hamlett

The Board received a Notice of Return to Work from Pima County for Pamela M. Hamlett. The form indicated that Ms. Hamlett retired under CORP effective December 1, 2012, and returned to work for the Pima County Superior Court on August 12, 2013, as a part-time, intermittent Project Coordinator. The part-time, intermittent position is not a CORP designated position. While Ms. Hamlett returned to work less than 12 months after retirement, she is not employed in a CORP designated position as defined by the Joinder Agreement, so she is eligible to continue to receive a CORP pension.

MOTION: A motion that the Board received a Notice of Return to Work for Pamela M. Hamlett as a part-time, intermittent Project Coordinator in Pima County, and finds that (1) Ms. Hamlett is eligible to continue to receive a pension and, (2) Ms. Hamlett’s employer (Pima County) is not responsible for paying an alternate contribution rate on her behalf was made by P. Hanley. Motion was seconded and passed unanimously. CORP 2013-47

- b. Martha N. Mays

The Board received a Notice of Return to Work from Maricopa County for Martha N. Mays. The form indicated that Ms. Mays retired under CORP effective December 1, 2008, and returned to work for the Maricopa County Superior Court on July 22, 2013, as a full-time Adult Probation Officer. The Board noted that Ms. Mays’ employment occurred at least 12 months after retirement, so she is eligible to continue to receive a CORP pension.

MOTION: A motion that the Board received a Notice of Return to Work for Martha N. Mays and finds that (1) Ms. Mays is eligible to continue to receive a pension and, (2) Ms. Mays’ employer (Maricopa County) is responsible for paying an alternate contribution rate on her behalf was made by M. Smalley. Motion was seconded and passed unanimously. CORP 2013-48

CORP Physical Exam Final Letters:

The Board noted, for the record, that physical examination reports for Shelly R. DeMoss, Craig W. Furlong, and David Leckington 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 August 22, 2013.

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:

- | | | | |
|----|-----------------|---------|-----------|
| a. | Geraldyn Aragon | Yavapai | 7/8/2012 |
| b. | Todd Barrett | Yavapai | 3/31/2013 |

c.	Theresa Boelts	Yavapai	7/26/2010
d.	Heather Cappelli	Yavapai	5/9/2012
e.	Amanda Deane	Yavapai	8/20/2012
f.	Shelly DeMoss	Yavapai	3/17/2013
g.	Melanie Ebert	Yavapai	12/10/2012
h.	Craig Furlong	Yavapai	4/28/2013
i.	Jeffrey Glover	Yavapai	7/8/2012
j.	Christopher Herrington	Maricopa	8/2/2013
k.	Daniel Hughart	Yavapai	7/8/2012
l.	Kevin Kumi	Maricopa	7/22/2013
m.	David Leckington	Yavapai	4/29/2012
n.	Kolby Martin	Coconino	7/15/2013
o.	Lindsay Mills	Yavapai	7/26/2010
p.	Thomas Potterf	Yavapai	4/28/2013
q.	Frances Romero	Yavapai	7/21/2013
r.	Andrew Schreffler	Yavapai	10/9/2012
s.	Annette Travis	Yavapai	4/4/2010
t.	Kimberli Watson	Maricopa	9/3/2013
u.	Joseph West	Maricopa	7/22/2013
v.	Valerie Whitman	Yavapai	3/17/2013

The Board noted for the record that the physical examinations for applicants Geralyn Aragon, Theresa Boelts, Amanda Deane, Jeffrey Glover, Daniel Hughart, Kolby Martin, Lindsay Mills, Thomas Potterf, Frances Romero, Andrew Schreffler, Annette Travis, and Valerie Whitman identified a physical or mental condition or injury that existed or occurred before the member's date of membership in the plan.

MOTION: A motion to approve the 22 named employees requesting membership into CORP was made by P. Hanley. Motion was seconded and passed unanimously. CORP 2013-49

Call to Public:

No members of the public addressed the Board.

The meeting was adjourned at 10:43 a.m.

Transcribed September 4, 2013