

The Corrections Officer Retirement Board of Pima County, Arizona met in session on September 5, 2018. The meeting was held in the 1st floor conference room at 130 W. Congress, Tucson, AZ.

VOTING MEMBERS PRESENT: Keith Bagwell
Leo Duffner
John Fink
Michael Escobar

OTHERS PRESENT: David A. McEvoy, Board Attorney
Jaime Carpenter, Board Secretary
Renee Mattas, Disability Retiree
Rafael Michel, Disability Retiree

ABSENT: Mary Scott

The meeting was called to order at 9:11 a.m. by Mr. Bagwell.

Item 1 on the agenda was a Roll Call. Attendance, as listed above.

Item 2 on the agenda was the Pledge of Allegiance.

Item 3 on the agenda was the approval of minutes from the board meeting held 08/01/18. Mr. Duffner moved to approve the minutes as submitted. Mr. Escobar seconded the motion and it carried unanimously.

Item 4 on the agenda was the discussion and possible action regarding the requested legal opinion from the Arizona Attorney General's Office, Pima County Attorney's Office and legal counsel from other CORP Boards regarding ARS §38-881(1). Mr. McEvoy updated the board that he was waiting to hear from Mr. Andrew Flagg, Chief Civil Deputy for the Pima County Attorney's Office, who was waiting for approval to officially request that the Arizona Attorney General issue a legal opinion regarding A.R.S. §38-881(1). Mr. Fink inquired about the status of Mr. McEvoy talking with other local board's legal counsel. The secretary advised that she had provided a couple different CORP Board's legal counsel contacts, but Mr. McEvoy preferred to wait for the Pima County Attorney and subsequently, the Arizona Attorney's Generals Opinion. Mr. Fink asked that Mr. McEvoy go ahead and contact some of them; excluding any that may require a fee, for discussion at the next board meeting.

Item 5 on the agenda was the discussion and possible action regarding the disability benefits for Ms. Renee Mattas. After the discussion of agenda item 4, the board discussed the potential for the legal process to take several months and despite the fact that Ms. Mattas will reach the normal retirement eligibility requirement, in January 2019, the board still needed to obtain a legal opinion and clarification on the statute. Mr. Duffner moved to table the item to the next meeting. Mr. Escobar seconded the motion and it carried unanimously.

Item 6 on the agenda was the discussion and possible action regarding the disability benefits for Rafael Michel, Jr. It was at this time that the board secretary called Mr. Michel, so that he could attend, telephonically. The secretary advised the board that she obtained an electronic list of all job classifications within Pima County. However, she was unable to obtain a list of job classifications specific to the Pima County Sheriff's Department. The secretary provided the job descriptions to Dr. Raymond Schumacher with a request to review and/or amend his previous report. Dr. Schumacher asked for the specific criteria, questions and standards for a disability retirement for his review. The secretary discussed with the board a template provided by CORP, to local board secretaries outlining a questionnaire and sample letter for the independent medical evaluations. It outlines the questions posed for an independent medical evaluation, which reads, in part, "Does Mr. Smith have a physical or mental condition which totally or permanently prevents him from performing a reasonable range of duties within the employee's job classification?". On a previous occasion, the board secretary discussed the questionnaire and sample letter with Mr. McEvoy. Mr. McEvoy advised that the letter still does not address statute, which reads, in part, "Accidental disability" means a physical or mental condition that the local board finds totally and permanently prevents an employee from performing a reasonable range of duties within the employee's department...". That information and Mr. McEvoy's response, was sent to Dr. Schumacher, who advised that he is not willing to review and potentially amend his report(s) until the questions posed to him are clear and concise and the legal opinion has been rendered. It was at this time that Mr. Michel discussed his concerns with the board. He advised the because of his disability, he can no longer do the work of a corrections officer, which is what he was hired and trained to do. He advised that there is no other job replaces a CO. Mr. Fink said that this is not a case of the board against Mr. Michel, but that the board had an obligation to get clarification on the statute. The item was tabled to the next meeting pending statute clarification.

Item 7 on the agenda was the approval of CORP Enrollment Forms (Defined Contribution Plan), effective 08/02/18 for the following members: Ernesto Aguirre Ortega, Abel Araujo Ramirez, Gregorio Arambula Jr., Katlyn Ardrey, Richard Barela (noted pre-existing condition), Hector Damian, Christopher Goode, Gilbert Hernandez Jr. (noted pre-existing condition), Daniel Herrera, Miguel Herrera (noted pre-existing condition), Daniel Hughes, Miguel Millan, Gavin Moseley, Benjamin Philpott, Jose Romero and Fabian Verdugo. Mr. Duffner moved to approve the enrollment forms. Mr. Escobar seconded the motion and it carried unanimously.

Item 8 on the agenda was the Application for Separation – Refund for Jeremy Ford, Brandon Gonzales, Miguel Herrera, Samuel Herrera, Daniel Hughes, Anthony Pruet and Fabian Verdugo. Mr. Duffner moved to approve the applications. Mr. Escobar seconded the motion and it carried unanimously.

Item 9 on the agenda was the Application for Normal Retirement for Quinson Edwards, with 22.95 years of service and an effective date of 09/01/18. Mr. Duffner moved to approve the application. Mr. Escobar seconded the motion and it carried unanimously.

Item 10 on the agenda was a review of pending legislation and discussion as needed. There was none.

Item 11 on the agenda was a review of correspondence with the Corrections Officer Retirement Plan. There was none.

Item 12 on the agenda was other board business. Mr. McEvoy handed out and discussed various case law that could have an effect on PSPRS and CORP disability retirements. Specifically, he reviewed WILLS vs. Pima County Public Safety Personnel Retirement Board; SLOSS vs. the Industrial Commission of Arizona, Arizona Department of Public Safety and the State Compensation Fund; BUSH vs. the Industrial Commission of Arizona and the Pima County Board of Supervisors; FOX vs. Alascom Inc. (in the Supreme Court Of Alaska; and HOSEA vs. the City of Phoenix Fire Pension Board.

Item 13 on the agenda was a call to the public. It was at this time that Mr. Duffner inquired about physical security at our board meetings. Mr. Bagwell said he would look into the security used for the Board of Supervisors meetings and follow-up at the next CORP board meeting.

Thereafter, upon motion duly made, seconded and unanimously approved, the meeting adjourned at 10:00 a.m.

Jaime K. Carpenter, Secretary