

PIMA COUNTY PUBLIC SAFETY PERSONNEL RETIREMENT BOARD

THE PUBLIC SAFETY RETIREMENT BOARD OF PIMA COUNTY, ARIZONA MET IN SESSION ON THE 1ST FLOOR CONFERENCE ROOM, 130 W. CONGRESS, TUCSON, ARIZONA AT 8:30 A.M MARCH 5TH, 2014.

VOTING MEMEBERS PRESENT:

Ms. Jennifer Cabrera
Ms. Georgia Brousseau
Mr. Leo Duffner
Lt. Gary Anderson
Sgt. Pat McGhee

VOTING MEMBERS ABSENT:

OTHERS PRESENT:

Attorney: David McEvoy
Secretary: Robin Bengé
Court Reporter: Melissa Hart
Others: Robert Kimmins

Ms. Cabrera chairman for the board convened the meeting at 8:31 am.

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 approval of the minutes from the board meeting on 02/05/14. Ms. Brousseau waived the reading of the minutes and moved to approve the minutes as submitted, Sgt. McGhee seconded the motion. Motion passed unanimously.

Item 4 on the agenda was the discussion and possible action regarding the Application for Accidental Disability Retirement for Robert Kimmins. Dr. Raymond Schumacher performed an independent medical evaluation on Mr. Kimmins on February 26th, 2014. Dr. Schumacher submitted a 6 page report to the board of his findings.

There followed a brief discussion of the doctor's 6 page report dated February 26th, 2014. Based upon the doctor's report the following findings of fact were established:

1. This is a physical condition, supported by medical objective findings, which is simply incompatible with the handling of potentially combative criminal suspects or arrestees. There is substantial pain with use or contact of the affected left lower extremity, a symptom which is entirely plausible and supported by objective findings recognizable as signs of this devastating

conditions. There is no end in sight, unfortunately, to Mr. Kimmins condition. I am therefore forced to state that because of this physical condition, there is excessive risk for direct participation in any activity that requires the physical handling of potentially combative criminal suspects or arrestees. If the employing law enforcement agency cannot accommodate restriction against such activity, as a matter of reasonable accommodation regarding activities considered to be essential to the occupation, then it is clear that Mr. Kimmins, because of this physical condition, is totally and permanently prevented from performing a reasonable range of duties within his employment department.

2. Mr. Kimmins asserts, and the concept appears to be generally supported in his medical records, that a low back condition with radiculopathy was caused by both an earlier occupational injury and again by another occupational injury in October of 2012. This examiner finds no evidence in the available medical records, which extend back to the year 2000, that any of Mr. Kimmin's current complaints arose from a non-occupational injury or from a condition that existed before the year 2000. Therefore, if his account is correct, and if one relies upon his history given today and that appearing in the available medical records, then I would be unable to conclude that his condition was present when he tells me he started working as a deputy sheriff 26 years ago.
3. This examiner's findings in this regard are essentially no different from findings in response to question number two above. The medical evidence presented to me is indicative of a cause-and-effect relationship at the level of reasonable medical probability between this man's symptoms and an occupational injury in the course of his employment as a deputy sheriff. If no contradictory evidence is presented to me, then I would conclude that the disabling physical condition described in response to question number one above was caused, as a matter of reasonable medical probability, by an injury incurred in the performance of Mr. Kimmins's duties as a Pima County Deputy Sheriff.
4. Also read into the record by the secretary were Dr. Schumacher's response's to the question in form P5-LB-A

Ms. Brousseau moved to adopt the findings of fact as set forth in paragraphs 1, 2, 3 and 4 above. Sgt. McGhee seconded the motion. Motion passed unanimously.

Based upon the findings of fact just adopted, Lt. Anderson moved that Mr. Kimmins's Accidental Disability Application be accepted and approved, Ms. Brousseau seconded the motion. Motion passed unanimously.

Based up the approval of the application Sgt. McGhee moved to make the effective date 1/1/14, seconded by Lt. Anderson. Motion passed unanimously.

Item 5 on the agenda was the discussion and possible action regarding the Application for Membership for Andrew Fletcher with an effective date of 1/13/14. Andrew Fletcher completed his pre-employment physical and the information was presented to the board. Sgt. McGhee moved to approve the application with noted pre-existing conditions. Ms. Brousseau seconded the motion. Motion passed unanimously.

Item 6 on the agenda was the Application for Deferred Retirement Option Plan (DROP) for Kelly Anderson with 20.027 years of credited service with an effective date of 3/1/14. Mr. Duffner moved to approve the application, seconded by Sgt. McGhee. Motion passed unanimously.

Item 7 on the agenda was the Termination and retirement at the end of the DROP for Thomas Doubrava and Randall Ledy with an effective date of 03/01/104. Sgt. McGhee made the motion to accept the applications, seconded by Lt. Anderson. Motion passed unanimously.

Item 8 on the agenda was the application to Transfer Service Credits Between PSPRS Employers for Andrew Fletcher. A pre-employment physical has been received and item 4 on this agenda has resolved. Lt. Anderson moved to approve the application, Sgt. McGhee seconded the motion. Motion passed unanimously.

Item 9 on the agenda was the Application to Transfer or Redeem Service credits Between Arizona Retirement Plans for Danilo Chan. Sgt. McGhee made the motion to approve the application, seconded by Lt. Anderson. Motion passed unanimously.

Item 10 on the agenda was the Application for Separation Refund for Christa Salica. Sgt. McGhee made the motion to approve the application, seconded by Lt. Anderson. Motion passed unanimously.

Item 11 was the submission of one invoice for payment from Dr. Ball. Ms. Brousseau moved to approve the payment, seconded by Sgt. McGhee. Motion passed unanimously.

Item 12 was the submission of one invoice for payment from Dr. Schumacher. Ms. Brousseau moved to approve the payment, seconded by Sgt. McGhee. Motion passed unanimously.

Item 13 was the Change of Beneficiary for Michael Johnson as set forth in their respective designation and as read into the record.

Item 14 was the review of pending legislation and discussion as needed. A handout printed from the PSPRS website was distributed to the board members regarding 2014 proposed legislation.

Item 15 was the review of correspondence from the system and other board business. There was brief discussion of the "Fields" ruling and that all members of PCSD had been informed of the fact that documents had been taken by a former employee of PSPRS. Also informed the board that Melody Boudreau and Mary Dolciame purchased service time and that Rebecca Tilman transferred her time to ASRS.

Item 16 was the call to the public. None responded.

Mr. Duffner moved to adjourn the meeting, seconded by Sgt. McGhee. Motion passed unanimously. The meeting was adjourned at 8:59 a.m.


Robin A. Bengge, Secretary