

PUBLIC MEETING MINUTES FOR CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD ARIZONA DEPARTMENT OF CORRECTIONS



March 7, 2024



DRAFT

A public meeting of the Corrections Officer Retirement Plan Local Board for the Arizona Department of Corrections Rehabilitation and Reentry (ADCRR) was convened **Thursday, March 7, 2024, at 10:00 a.m.** at the **Arizona Department of Corrections, 1831 West Jefferson, Phoenix, Arizona, 85007**, in the Training Room, on the 2nd floor.

The Board may discuss/vote on items at any time, the Board may enter into Executive Session pursuant to A.R.S. § 38-431.03 (A) (2) to obtain legal advice and pursuant to A.R.S. § 38-431.03 (A) (3) to discuss details of a confidential nature.

Present at the meeting were the following individuals:

Sean Malone, Acting Chairman	Judy Frigo, Board Member (Conferenced in)
Randall Lowe, Board Member	Kyle Cummings, Assistant Attorney General
Sandra Moreno, Board Secretary, Retirement	Karen Ray, Board Secretary, Retirement Specialist
Guests	

I. CALL TO ORDER – CORP Local Board Meeting called to order by Sean Malone at 10:00 a.m.

ROLL CALL TAKEN

1. The individuals listed in the above table were present.

II. APPROVAL OF MINUTES

1. Approval of Public Meeting Minutes for February 1, 2024.

MOTION 03-07-01	
Motion:	Approval of February 1, 2024, Public Meeting Minutes
Moved by:	Judy Frigo
Seconded by:	Randall Lowe
Discussion:	
In Favor:	Frigo – aye, Lowe – aye, Malone – aye,
Motion:	Passed

III. REQUEST TO REMAIN IN ASRS/CORP:

The following applications have been filed and are presented for Local Board consideration:

1. **Jordana Phipps-Arnett** is requesting to remain in ASRS; she has 10.77 years of service. She accepted a CORP position as a Correctional Education Program Teacher, effective February 12, 2024.

MOTION 03-07-02	
Motion:	Approval of request by Jordana Phipps Amett to remain in ASRS.
Moved by:	Judy Frigo
Seconded by:	Randall Lowe
Discussion:	
In Favor:	Frigo – aye, Lowe – aye, Malone – aye,
Motion:	Passed

2. **Daniel Forbes** is requesting to remain in CORP; he has 16.090 years of service. He promoted to an ASRS position as a Construction Project Manager, effective February 17, 2024.

MOTION 03-07-03	
Motion:	Approval of request by Daniel Forbes to remain in CORP.
Moved by:	Judy Frigo
Seconded by:	Randall Lowe
Discussion:	
In Favor:	Frigo – aye, Lowe- aye, Malone – aye,
Motion:	Passed

IV. DISABILITY RETIREMENTS:

The following applications have been filled and are presented for the Local Board consideration:

1. **Juan Ramos:** IME review for Ordinary Disability Pension.

Discussion on this agenda item:

Board Member Frigo stated that she has a motion, but also noted that PSPRS had an issue with the fact that there was a conflict in the original IME. Board Member Frigo stated that the IME conflict was that: the IME Said there is no evidence of Crohn's Disease.

Board Member Frigo further stated that the IME doctor had a conference with Dr. Swaroop and that they both came to the conclusion that the records do not support a diagnosis of Crohn's Disease Board Member Frigo further stated that the IME discussed how there are concerns of summit bowel, and that the claimant's GI, Dr. Kapoor, was contacted and was in medical agreement. Board Member Frigo further stated that the conflict was that one doctor thought the results said Crohn's disease but after Dr. Cunningham did the IME while consulting with the previous doctor, they have all agreed that there was no Crohn's disease, and the IME stated that he was permanently disabled.

Board Member Frigo concluded by saying that the CORP Board had voted to grant ordinary disability, and that PSPRS now wanted the CORP Board to “opine” on why the CORP Board had granted it.

Acting Chairman Malone stated that there is a Polycythemia Vera diagnosis and Crohn’s disease diagnosis, and the IME stated that the Polycythemia Vera diagnosis is accurate.

Board Member Frigo agreed with Acting Chairman Malone that the Polycythemia Vera diagnosis was accurate, but not the Crohn’s disease diagnosis. Acting Chairman Malone agreed that the Crohn’s disease diagnosis was not accurate.

Acting Chairman Malone asked whether the CORP Board could recommend that the applicant resubmit the disability application for just the Polycythemia Vera. Acting Chairman Malone further stated that “It’s a blood disease.”

Board Member Frigo stated that it is a cancer.

Acting Chairman Malone noted that the IME states that the Polycythemia Vera is a valid issue, and repeats his question about whether the applicant can resubmit the application “under the Vera issue and not the Crohn’s,” and he then asked whether the applicant would be sent to another IME.

Board Member Frigo stated that she doesn’t know why the application would have to be resubmitted. Board Member Frigo further stated that the conflict “says Crohn’s and it’s not Crohn’s but the IME result from Dr. Cunningham states that he is not able to go back to work. He had a 40 pound weight loss, he is down to nothing now. The polycythemia is a leukemia, it’s cancer.”

Acting Chairman Malone stated that based on the other diagnosis the CORP Board approved the disability application, and not based on the Crohn’s.

Board Member Frigo agreed, and noted that “bottom line” “the applicant is disabled.

Acting Chairman Malone agreed.

Assistant Attorney General Cummings noted that Acting Chairman Malone had asked if it was possible to have the application process start over. AAG Cummings explained that in this case it wouldn’t be necessary to start the process over, as the CORP Board has laid out a clear record that the CORP Board’s approval of the disability application is not based on a diagnosis of Crohn’s disease, but rather is based on the finding of a permanent and total disability from the other medical diagnosis.

Board Member Lowe noted that the issues such as fatigue and the weight loss seems to go to the “blood issue.” And not the other issue.

Board Secretary Ray noted that in the disability application, the applicant had listed both the Polycythemia Vera and “Crohn’s disease of large intestine with complications” as the nature and cause of disability.

Board Member Frigo made a motion, as stated below.

MOTION 03-07-03	
Motion:	Motion to clarify that we are approving the permanent disability for Mr. Ramos based on the Polycythemia which is the chronic leukemia cancer, not the Crohn's disease.
Moved by:	Judy Frigo
Seconded by:	Randall Lowe
Discussion:	
In Favor:	Frigo – aye, Lowe – aye, Malone – aye
Motion:	Passed

V. RETURN TO WORK RETIREE REQUESTING TO RETAIN PENSION

Discussion and possible action on requests to retain pensions:

- Henry Gonzales** retired from CORP effective November 30, 2012. He is returning to work in a CORP position as a Correctional Officer II, effective January 22, 2024. Mr. Gonzales is requesting to retain his CORP pension. An Alternate Contribution Rate is required.

MOTION 03-07-04	
Motion:	Motion for Henry Gonzales to continue to receive his CORP pension.
Moved by:	Judy Frigo
Seconded by:	Randall Lowe
Discussion:	
In Favor:	Frigo – aye, Lowe – aye, Malone – aye
Motion:	Passed

- Randy Hubbard** retired from CORP effective April 29, 2022. He returned to work in an ASRS position as an Industrial Program Specialist, effective May 16, 2022. He transferred to a CORP position as a Correctional Industries Production Specialist, effective February 17, 2024. Mr. Hubbard is requesting to retain his CORP pension. An Alternate Contribution Rate is required.

MOTION 03-07-05	
Motion:	Motion for Randy Hubbard to continue to receive his CORP pension.
Moved by:	Judy Frigo
Seconded by:	Randall Lowe
Discussion:	
In Favor:	Frigo – aye, Lowe – aye, Malone – aye
Motion:	Passed

- Travis Paulsen** retired from CORP effective October 28, 2022. He is returning to work in a CORP position as a Correctional Officer II, effective March 25, 2024. Mr. Paulsen is requesting to retain his CORP pension. An Alternate Contribution Rate is required.

MOTION 03-07-06	
Motion:	Motion for Travis Paulsen to continue to receive his CORP pension.
Moved by:	Judy Frigo
Seconded by:	Randall Lowe
Discussion:	
In Favor:	Frigo – aye, Lowe – aye, Malone – aye
Motion:	Passed

VI. General Discussion:

1. Next Board Meeting will be on Thursday, April 4, 2024.

Board Member Frigo stated that she would not be in attendance for this upcoming Board Meeting. Acting Chairman Malone and Board Member Lowe stated that they would be in attendance.

2. Requests from Board Members to have specific items placed on a future meeting agenda for the Board to discuss topics related to the March 6, 2024, PSPRS Annual Employer-Local Board Conference.

AAG Cummings stated that he asked the Board Secretary to place this item on the agenda just in case there were any topics that came up from the conference that the board wanted to discuss, so that these topics can be scheduled for the next meeting.

Acting Chairman Malone stated that he had not attended the Conference.

Board Member Lowe stated that it was a good Conference, covering a lot of topics.

VII. CALL TO PUBLIC

No public comment.

Acting Chairman Malone adjourned the meeting at 10:10 A.M.

Transcribed on **March 11, 2024**

Sandra Moreno, Board Secretary, Pension Specialist