

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



May 4, 2023



A public meeting of the Corrections Officer Retirement Plan Local Board for the Arizona Department of Corrections Rehabilitation and Reentry (ADCRR) was convened **Thursday, May 4, 2023, 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:

Mario Chavez, Board Chairman	Judy Frigo, Board Member (Conferenced in)
Lori Stickley, Board Member	Kyle Cummings, Assistant Attorney General
Sandra Moreno, Board Secretary, Retirement Specialist	Karen Ray, Board Secretary, Retirement Specialist
Guests	
Kelly Smith	Connie Collins
Danya Huffstuttler	

**I. CALL TO ORDER – CORP Local Board Meeting called to order by Mario Chavez 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 April 6, 2023.

MOTION 05-04-01	
Motion:	Approval of April 6, 2023, Public Meeting Minutes
Moved by:	Judy Frigo
Seconded by:	Lori Stickley
Discussion:	
In Favor:	Frigo – aye, Stickley – aye, Chavez – aye
Motion:	Passed

III. REQUEST TO REMAIN IN ASRS/CORP:

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

1. **Deliz Nunez** is requesting to remain in ASRS; she has 5.327 years of service. She laterally transferred to a CORP position as a Correctional Education Program Teacher effective April 15, 2023.

MOTION 05-04-02	
Motion:	Approval of request by Deliz Nunez to remain in ASRS.
Moved by:	Judy Frigo
Seconded by:	Lori Stickley
Discussion:	
In Favor:	Frigo – aye, Stickley – aye, Chavez – aye
Motion:	Passed

IV. DISABILITY RETIREMENTS:

The following disability retirement application matters have been filed and are presented for Local Board consideration:

1. **Billy Wilson:** Rehearing on the February 2, 2023, approval for Ordinary Disability Pension per request by PSPRS.

MOTION 05-04-03	
Motion:	Vote to approve for Ordinary Disability pension.
Moved by:	Judy Frigo
Seconded by:	Lori Stickley
Discussion:	Board Member Frigo made a Motion for Billy Wilson’s ordinary disability pension application to be approved based on how “the IME doctor did address pre-existing conditions in his report and mentions that the member has longstanding seizure disorder in childhood asthma, and under discussion notes, the IME doctor also indicates that the member has a pre-existing illness of obstructive pulmonary disease, however, it was made worse by the onset of COVID and complications that came from COVID.” Board Member Frigo further stated that thus, the doctor addressed the pre-existing conditions, and the doctor emphasized that those pre-existing conditions were made worse by COVID. Assistant Attorney General Cummings suggested that the Local Board indicate on the record whether the disability resulted from a pre-existing condition; Board Member Frigo stated that the pre-existing conditions did not have anything to do with what eventually caused his deterioration, which was the COVID and all the elements that came with the COVID afterwards.
In Favor:	Frigo – aye, Malone – aye, Stickley – aye, Chavez – aye
Motion:	Passed

2. **Connie Collins:** Rehearing on the December 1, 2022, denial for Ordinary Disability Pension, per request by Connie Collins.

Connie Collins asked if she could give her presentation to the Local Board. Assistant Attorney General Cummings explained that the Local Board has the discretion to proceed in an informal manner in such hearings, and they could hear from Ms. Collins when they deemed appropriate. Chairman Chavez stated that Ms. Collins could proceed at present.

Connie Collins spoke to the Local Board, explaining the findings of various doctors concerning her hearing issues. Ms. Collins further explained the dangers she faces on the job due to her hearing issues, how reasonable accommodations could not be made for her hearing issues, and how she is unable to participate in mandatory job training due to her hearing issues. Ms. Collins finished by requesting that her application for a disability pension be granted.

MOTION 05-04-04	
Motion:	Motion for the Local Board to enter into Executive Session
Moved by:	Judy Frigo
Seconded by:	Lori Stickley
Discussion:	Assistant Attorney General Cummings asked whether the Local Board is moving into Executive Session to obtain legal advice. Chairman Chavez indicated that yes, the Local Board is entering Executive Session for legal advice.
In Favor:	Frigo – aye, Stickley – aye, Chavez – aye
Motion:	Passed

The Local Board entered Executive Session at 10:20 a.m.

The Local Board exited Executive Session at 10:34 a.m.

MOTION 05-04-05	
Motion:	Vote to send a letter to IME Dr. Douglas Zavos, to: ask for clarification of his November 14, 2022, IME report wherein he stated Connie Collins is not totally and permanently disabled; and to ask for clarification to the verbiage that Dr. Zavos used in the IME report, stating that Ms. Collins is not totally and permanently prevented from performing a reasonable range of duties, as long as reasonable accommodations are provided; and to ask for clarification on whether Ms. Collins is, or is not, totally and permanently disabled.
Moved by:	Judy Frigo
Seconded by:	Lori Stickley
Discussion:	
In Favor:	Frigo – aye, Stickley – aye, Chavez – aye
Motion:	Passed – Letter to be sent to Dr. Zavos for clarification

V. RETURN TO WORK RETIREES WITH AN ASSIGNMENT CHANGE REQUESTING TO RETAIN PENSION:

The following request was presented for Local Board consideration:

1. **Tara Diaz** retired from CORP effective December 29, 2012. She returned to work in an ASRS position as a Bureau Support Administrator. She was promoted to another ASRS position as a Contract Beds Operations Administrator effective October 4, 2014. She was promoted to another ASRS position as Regional Operations Administrator effective August 04, 2018. She was promoted to a CORP position as Assistant Director effective July 13, 2019, to January 10, 2020. She accepted a CORP position as a Deputy Director effective February 21, 2023. Ms. Diaz is requesting to retain her CORP pension. An Alternate Contribution Rate is required.

MOTION 05-04-06	
Motion:	Motion for Tara Diaz to continue to receive her CORP pension and that an alternate contribution rate will be required by the Department.
Moved by:	Judy Frigo
Seconded by:	Lori Stickley
Discussion:	
In Favor:	Frigo – aye, Stickley – aye, Chavez – aye
Motion:	Passed

V. GENERAL DISCUSSION:

1. AAG Cummings explained to the Board Members that PSPRS is requesting a rehearing of the Local CORP Board’s decision to approve Kanday Matzdorff’s ordinary disability pension. PSPRS provided multiple reasons for this rehearing request, including that there appeared to be a contradiction in the IME Doctor’s finding that the injury occurred prior to CORP membership while also finding that there was no pre-existing condition or injury contributing to the claimed disability. Instructions and approval from the Local Board are sought on whether to seek clarification from the IME Doctor regarding his findings.

MOTION 05-04-07	
Motion:	Vote to contact the IME Doctor regarding his findings for clarification regarding the Doctor’s statements that the injury occurred prior to CORP membership and that there was no pre-existing condition or injury.
Moved by:	Judy Frigo
Seconded by:	Lori Stickley
Discussion:	
In Favor:	Frigo – aye, Stickley – aye, Chavez – aye
Motion:	Passed – Seek IME clarification

2. Chairman Chavez stated the next Board Meeting will be Thursday, June 1, 2023. Chairman Chavez, Board Members Frigo and Stickley stated they will be in attendance.

VI. CALL TO PUBLIC

Connie Collins asked if there would be a decision at the June 1 Local Board Meeting regarding her disability pension application. Board Secretary Moreno stated that it would depend on how long it took to receive a response from the IME Doctor.

Chairman Chavez adjourned the meeting at 10:40 A.M.

Transcribed on **May 8, 2023**

Karen Ray, Board Secretary, Pension Specialist