

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

January 4, 2018

A public meeting of the Corrections Officer Retirement Plan Local Board for the Arizona Department of Corrections was convened **Thursday January 4, 2018 10:00 a.m.** at the **Arizona Department of Corrections, 1601 West Jefferson, Phoenix, Arizona, 85007.**

Present at the meeting were the following individuals:

Michael Smarik, Board Chair (Absent)	Judy Frigo, Board Member
Kevin Curran, Board Member (Absent)	Tim Cox, Board Member
Dionne Martinez, Board Member	Pamela Linnins, Board Attorney
Mary Turner, Board Secretary	
Guests	
Brian Clymer	Gerald Fox

I. CALL TO ORDER – Called to order the CORP Local Board meeting by **Tim Cox** at **10:05 a.m., Thursday January 4, 2018.**

II. APPROVAL OF MINUTES –

MOTION 1-18-01	
Motion:	Approve the Public Session Minutes from the December 7, 2017 meeting.
Moved by:	K. Curran
Seconded by:	D. Martinez
Discussion:	No changes or edits requested
In Favor:	Unanimous
Motion:	Passed

III. NORMAL RETIREMENTS – The following applications have been filed and are presented for Local Board consideration:

a. Retirements

- 1) Ed Bartlett
- 2) Edna Beltran
- 3) George Christakos
- 4) Armando Corona
- 5) Clinton Ferrell
- 6) Armando Gonzalez
- 7) Ramon Gonzalez
- 8) Charlotte Hankins
- 9) Brandon Keomaka
- 10) Nicholas Pasquariello
- 11) Jimmy Rains
- 12) Conrado Salaiz
- 13) Sharif Shalaby
- 14) Roger Sutton
- 15) Gary VanWinkle
- 16) Alfred Vasquez
- 17) Ernest Vega
- 18) Glen Weimer
- 19) Thomas West

b. Deferred Annuity

- 1) None

c. Rescind Retirement

- 1) None

MOTION 1-18-02	
Motion:	Approve Normal Retirements III.a.1 through 19.
Moved by:	K. Curran
Seconded by:	D. Martinez
Discussion:	Board has received all documentation for all applicants
In Favor:	Unanimous
Motion:	Passed

IV. SURVIVOR BENEFITS – The following applications have been filed and are presented for Local Board consideration:

- a. Steven Arvallo (Guardian Nathan and Janette)
- b. Charles Edwards (Edythe)
- c. Huey Morris (Ruth)
- d. Herbert Padilla (Olivia)
- e. Paul Penn (Jelly)
- f. Oscar Yonnie (Ernestina)

MOTION 1-18-03	
Motion:	Approve Survivor Benefits IV. a through f, pending receipt of all documents.
Moved by:	K. Curran
Seconded by:	D. Martinez
Discussion:	Board has received all documentation for c. only.
In Favor:	Unanimous
Motion:	Passed

V. DEATH BENEFITS - --The following applications have been filed and are presented for Local Board consideration:

a. Christopher Ramos (Carmina)

MOTION 1-18-04	
Motion:	Approve Death Benefits V. a, pending receipt of all documents.
Moved by:	K. Curran
Seconded by:	D. Martinez
Discussion:	Board has not received all documentation for a., yet.
In Favor:	Unanimous
Motion:	Passed

VI. REQUESTS TO REMAIN IN ASRS/CORP

a. Rodreco Kepney – Request to remain in CORP.

MOTION 1-18-05	
Motion:	Approve Request to Remain in CORP VI. a.
Moved by:	K. Curran
Seconded by:	D. Martinez
Discussion:	Mr. Kepney has over 12 years of service in CORP and began working in an ASRS designated position as a Disciplinary Appeals Officer on January 2, 2018.
In Favor:	Unanimous
Motion:	Passed

VII. DISABILITY RETIREMENTS –

- a. Armando Salazar (Accidental Disability) – Discussion and appropriate action regarding the application for Ordinary Disability.**

MOTION 1-18-06	
Motion:	Move out of public session and into executive session to discuss legal matters with the Board’s attorney. 10:10a.m.
Moved by:	K. Curran
Seconded by:	D. Martinez
Discussion:	None
In Favor:	Unanimous
Motion:	Passed

Return from Executive Session at 10:38 a.m

MOTION 1-18-07	
Motion:	Send Armando Salazar for an IME.
Moved by:	K. Curran
Seconded by:	D. Martinez
Discussion:	<ul style="list-style-type: none"> • Brian Clymer claimed that his client, Armando Salazar, was brutally assaulted by a number of inmates and he felt that Mr. Salazar met the definition of Accidental Disability because he suffers from Post Traumatic Shock Disorder and he had a hip replacement. • Mr. Clymer indicated that Mr. Salazar’s work comp case was closed in September, 2017 and that work comp indicated that Mr. Salazar had a permanent disability. • Mr. Clymer indicated that Mr. Salazar was terminated from the Arizona Department of Corrections in September, 2017 as a result of his assault. Mary Turner indicated that when she last checked, Mr. Salazar was still an active employee with the agency. • Brian Clymer was asked if his client, Armando Salazar, had exhausted all of his avenues of employment including reasonable accommodation. Mr. Clymer indicated that Mr. Salazar can’t return to his position and he thought that accidental disability dealt with a reasonable range of duties within the employee’s position. Review of the statute showed definition to include reasonable range of duties within the employee’s department. A number of positions were offered as examples of such reasonable accommodation. • Mr. Clymer was asked if he was aware that Mr. Salazar had suffered a vehicular accident prior to his assault and if there were pre-existing conditions as a result of that accident. Mr. Clymer indicated that he believed that he and the Board had copies of all of those records. • Mr. Clymer was asked if he was aware that Mr. Salazar had a

	blood or urine test that showed an illegal substance in his body. Mr. Clymer replied that he hadn't seen that page in his documents and wasn't sure that he had a copy. Mary Turner told Mr. Clymer that the page was included in the documents sent to him on the computer disc that he had requested.
In Favor:	Unanimous
Motion:	Passed

VIII. GENERAL DISCUSSION

a. Return to work

- 1) **Genevieve Posedly** – Retired on December 23, 2016 from a CORP position. Ms. Posedly was rehired as a Correctional Records Clerk 2, which is an ASRS designated position on December 26, 2017.
- 2) **Daniella Stemple** – Retired on November 13, 2017 from a CORP position. Ms. Stemple was rehired as an Administrative Assistant 2, which is an ASRS designated position on December 4, 2017.

- b. **New Position** – Correctional Officer Trainee, AUN06807, Grade 12. ADC's management team recommends this position be included in CORP.

MOTION 1-18-08	
Motion:	Include Correctional Officer Trainee, AUN06807, Grade 12, as a CORP designated position.
Moved by:	K. Curran
Seconded by:	D. Martinez
Discussion:	None
In Favor:	Unanimous
Motion:	Passed

IX. CALL TO PUBLIC

Gerald Fox – Thanked the Board for its service. He claimed to have learned a lot from his observation of the meeting. He told the Board that he would appreciate it if it was “more lenient” and made it so that positions could be considered as CORP or ASRS. Mr. Fox had more than 10 years of service in ASRS when he began working as a CEPT in a CORP designated position with the Arizona Department of Corrections. He chose to not request a waiver at the time of his hire and he now has over 20 years of service in CORP. Mr. Fox explained that he wanted to stop paying into CORP and begin contributing into ASRS while still occupying his CORP designated position. Mr. Fox has been told repeatedly that he cannot do what he would like to do. The Board explained that it couldn't change Arizona Revised Statutes. The Board's attorney explained that some of the decisions made with regard to retirements and contributions were a result of federal laws and that the IRS laws had to be upheld, as well.

MOTION 1-18-09	
Motion:	To adjourn the meeting.
Moved by:	K. Curran
Seconded by:	D. Martinez
Discussion:	None
In Favor:	Unanimous
Motion:	Passed

Meeting adjourned at **11:08** a.m.
Transcribed on **5th day of January, 2018.**

Mary D Turner – Local Board Secretary