

DRAFT



MINUTES

**PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM
LOCAL FIRE & POLICE BOARDS
GLENDALE REGIONAL PUBLIC SAFETY TRAINING CENTER
11550 W. GLENDALE AVE.
1st FLOOR CONFERENCE ROOM 103
GLENDALE, ARIZONA 85307**

OCTOBER 25, 2023

9:30 A.M.

1. CALL TO ORDER THE LOCAL POLICE BOARD

Chair Charles Erickson called the meeting to order at 9:35 a.m.

2. ROLL CALL

Present:

Mayor & Board Member Jerry Weiers
City Manager & Board Member Kevin Phelps
Board Member & Chair Charles Erickson
Board Member Mitchell Ervin, Police Officer

Absent:

Board Member Justin Harris, Police Officer

Staff Present:

Jim Brown, Board Secretary & Director of Human Resources & Risk Mgmt.
Vicki Moss, Assistant Director of Human Resources
Mike Hamblin, Assistant City Attorney
Charlotte Beadles, HR Benefits Analyst

Other Attendees:

Board Attorney Cynthia Kelley
Michael Griffith, spouse of Patsy Griffith
Patsy Griffith (via telephone conferencing)
Daniel Fikejs, spouse of Stephanie Fikejs

3. CITIZEN COMMENTS

There were no citizens present.

4. APPROVAL OF THE MINUTES

The Board approved the Public Safety Personnel Retirement System - Local Police Board Minutes of September 27, 2023.

Motioned by Board Member Mitchell Ervin, seconded by Board Member Kevin Phelps
AYE:

Mayor Jerry Weiers
Board Member Mitchell Ervin
Board Member Charles Erickson
Board Member Kevin Phelps

Other:

Board Member Justin Harris (ABSENT)

Passed

1. Public Safety Personnel Retirement System - Local Police Board Minutes of September 27, 2023.

5. NEW BUSINESS

There is no new business for open session.

6. EXECUTIVE SESSION

Upon a public majority vote of a quorum of the Local Police Board, the Board may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

The Board voted to go into executive session at 9:37 a.m.

All attendees that are not Board members or supporting staff exited the conference room prior to executive session.

Motioned by Board Member Kevin Phelps, seconded by Board Member Mitchell Ervin

AYE:

Mayor Jerry Weiers
Board Member Mitchell Ervin
Board Member Charles Erickson
Board Member Kevin Phelps

Other:

Board Member Justin Harris (ABSENT)

Passed

(i) discussion or consideration of records exempt by law from public inspection (A.R.S. § 38-431.03(A)(2));

(ii) discussion or consultation for legal advice with the city's attorneys (A.R.S. § 38-431.03(A)(3));

- A. Board to review and discuss the Application for Accidental Disability Retirement, along with medical records and the Independent Medical Evaluation report, submitted by Police Officer Patsy Griffith
- B. Board to review and discuss the Application for Accidental Disability Retirement, along with medical records and the Independent Medical Evaluation report, submitted by former Police Officer James Saylor
- C. Board to review and discuss the Application for Accidental Disability Retirement, along with medical records and the Independent Medical Evaluation report,

submitted by Police Officer Stephanie Fikejs
D. Board to review and discuss the Application for Temporary Disability Retirement submitted by former Police Officer Lucero Ruiz

7. ADJOURN EXECUTIVE SESSION AND RECONVENE IN OPEN SESSION

The Board adjourned executive session and reconvened in open session at 10:09 a.m.

8. CONSIDERATION AND POSSIBLE VOTE ON EXECUTIVE SESSION ITEMS

A. Consideration and possible vote on the Application for Accidental Disability Retirement submitted by Police Officer Patsy Griffith

The Board reviewed the IME report from Dr. Kirkorsky dated 02/27/2023 and the additional records provided by the applicant's legal counsel. The Board voted to table the Accidental Disability application for Patsy Griffith and send the additional records to Dr. Kirkorsky which contained information regarding the applicant's treatment and exposure to work related trauma and ask Dr. Kirkorsky if this additional information changes his opinion on the questions of permanency and whether the injury or condition is work related.

Motioned by Board Member Mitchell Ervin, seconded by Board Member Kevin Phelps

AYE:

Mayor Jerry Weiers
Board Member Mitchell Ervin
Board Member Charles Erickson
Board Member Kevin Phelps

Other:

Board Member Justin Harris (ABSENT)

Passed

B. Consideration and possible vote on the Application for Accidental Disability Retirement submitted by former Police Officer James Saylor

The Board reviewed James Saylor's Independent Medical Evaluation performed by Dr. Kirkosky on September 13, 2023.

Based on the Independent Medical Examination performed by Dr. Kirkorsky on September 13, 2023, and his related report, the Board motioned to **DENY** James Saylor an accidental disability benefit because the IME found that his condition is not permanent, and that the injury or condition did not occur during the performance of the applicant's duties as a police officer.

Motioned by Board Member Mitchell Ervin, seconded by Board Member Kevin Phelps

AYE:

Mayor Jerry Weiers
Board Member Mitchell Ervin
Board Member Charles Erickson
Board Member Kevin Phelps

Other:

Board Member Justin Harris (ABSENT)

Passed

Board Secretary Jim Brown stated that there are eight (8) statutory questions that need to be discussed and answered by the Local Board in regard to the Application for Accidental Disability Retirement submitted by former Police Officer James Saylor. Mr. Brown read each question and the Board answered each question.

1. Did the employee file the application after the disabling incident, or within one (1) year of ceasing to be an employee?

The Board unanimously agreed that the answer is 'yes'.

2. Did, or will, the employee terminate by reason of disability?

The Board unanimously agreed that the answer is 'no'.

3. Did employment terminate based on a disciplinary issue?

The Board unanimously agreed that the answer is 'no'.

4. If the member's period of DROP has ended, if applicable, did (or will) the employee terminate by reason of disability?

Mr. Brown stated, and the Board agreed, that this question is not applicable to this applicant.

5. Is the employee still working a position within their job classification that the Local Board considers a reasonable range of duties?

The Board unanimously agreed that the answer is 'no'.

6. Has the employee refused a job within their job classification that the Local Board considers a reasonable range of duties position?

The Board unanimously agreed that the answer is 'no'.

7. Did the injury or condition occur prior to the current PSPRS membership date?

The Board unanimously agreed that the answer is 'no'.

8. Was the injury or condition the result of an event incurred during the performance of the employee's duty?

The Board unanimously agreed that the answer is 'no'.

Mr. Brown stated that there are also 3 (three) statutory questions that must be considered and voted on by the Board. Mr. Brown read the following questions:

1. Does Mr. Saylor have a physical or mental condition which totally and permanently prevents him from performing a reasonable range of duties within his job classification? (A.R.S. §38-842.34)

The Board voted 'no'.

2. Was the disabling condition or injury incurred in the performance of Mr. Saylor duty as a Police Officer? (A.R.S. §38-842.1)

The Board voted 'no'.

3. Does Mr. Saylor's disability result from a physical or mental condition or injury that existed or occurred prior to the Claimant's date of membership into the PSPRS? (A.R.S. §38-844.D.3)

The Board voted 'no'.

C. Consideration and possible vote on the Application for Accidental Disability Retirement submitted by Police Officer Stephanie Fikejs

The Board reviewed the Independent Medical Examination report dated March 27, 2023 and the addendum dated October 17, 2023 for Stephanie Fikejs, performed by Dr. Kirkosky.

The Board motioned to **approve** the accidental disability benefit for Stephanie Fikejs based on a finding that the injury totally and permanently prevents her from performing a reasonable range of duties within her job classification and that the injury occurred while performing her duties as a police officer. The Board has considered the conflicts in the medical records, answered by Dr. Kikorsky and voted to approve the Application for Accidental Disability after considering the conflicts.

Motioned by Board Member Kevin Phelps, seconded by Board Member Mitchell Ervin

AYE:

Mayor Jerry Weiers
Board Member Mitchell Ervin
Board Member Charles Erickson
Board Member Kevin Phelps

Other:

Board Member Justin Harris (ABSENT)

Passed

Board Secretary Jim Brown stated that there are eight (8) statutory questions that need to be discussed and answered by the Local Board in regard to the Application for Accidental Disability Retirement submitted by Police Officer Stephanie Fikejs. Mr. Brown read each question and the Board answered each question.

1. Did the employee file the application after the disabling incident, or within one (1) year of ceasing to be an employee?

The Board unanimously agreed that the answer is 'yes'.

2. Did, or will, the employee terminate by reason of disability

The Board unanimously agreed that the answer is 'yes'.

3. Did employment terminate based on a disciplinary issue?

The Board unanimously agreed that the answer is 'no'.

4. If the member's period of DROP has ended, if applicable, did (or will) the employee terminate by reason of disability?

Mr. Brown stated, and the Board agreed, that this question is not applicable to this applicant.

5. Is the employee still working a position within their job classification that the Local Board considers a reasonable range of duties?

The Board unanimously agreed that the answer is 'no'.

6. Has the employee refused a job within their job classification that the Local Board considers a reasonable range of duties position?

The Board unanimously agreed that the answer is 'no'.

7. Did the injury or condition occur prior to the current PSPRS membership date?

The Board unanimously agreed that the answer is 'no'.

8. Was the injury or condition the result of an event incurred during the performance of the employee's duty?

The Board unanimously agreed that the answer is 'yes'.

Mr. Brown stated that there are also 3 (three) statutory questions that must be considered and voted on by the Board. Mr. Brown read the following questions:

1. Does Ms. Fikejs have a physical or mental condition which totally and permanently prevents him from performing a reasonable range of duties within his job classification? (A.R.S. §38-842.34)

The Board voted 'yes'.

2. Was the disabling condition or injury incurred in the performance of Ms. Fikejs's duty as a Police Officer? (A.R.S. §38-842.1)

The Board voted 'yes'.

3. Does Ms. Fikejs's disability result from a physical or mental condition or injury that existed or occurred prior to the Claimant's date of membership into the PSPRS? (A.R.S. §38-844.D.3)

The Board voted 'no'.

D. Consideration and possible vote on the Application for Temporary Disability Retirement submitted by former Police Officer Lucero Ruiz

Based on the circumstances surrounding the Temporary Disability application and benefits for Lucero Ruiz, the Board made a motion to direct PSPRS to begin monthly Temporary Disability payments to the Lucero Ruiz beginning October 31, 2023. The motion is made because of the delay of the final review and approval of Ms. Ruiz's disability benefit. Ms. Ruiz terminated her employment on October 22, 2022 and submitted her application for a disability on April 17, 2023. Her case was first heard at the May 2023 meeting and the application was tabled until the July 2023 meeting where the Board voted to send her for an IME. The Board found Ms. Ruiz to be totally and temporarily disabled at the September 2023 meeting.

In order to allow Ms. Ruiz, the opportunity to seek additional treatment and apply for an Accidental Disability, if she chooses to do so, her Temporary Disability payments need to begin the month after the Board approved her benefit, otherwise she will be deprived of the opportunity. The start date for her monthly disability payments should be October 31, 2023, the month after her approval for a Temporary Disability benefit.

Motioned by Board Member Kevin Phelps, seconded by Board Member Mitchell Ervin

AYE:

Mayor Jerry Weiers
Board Member Mitchell Ervin
Board Member Charles Erickson
Board Member Kevin Phelps

Other:

Board Member Justin Harris (ABSENT)

Passed

10. BOARD COMMENTS AND SUGGESTIONS

There were no Board comments or suggestions

11. NEXT MEETING

The next regular meeting of the Public Safety Personnel Retirement System Local Police Board will be held on November 15, 2023 at 9:30 a.m., at the Glendale Regional Public Safety Training Center (GRPSTC) in the 1st Floor Conference Room 103, located at 11550 W. Glendale Ave., Glendale, Arizona, 85307.

12. ADJOURN THE LOCAL POLICE BOARD MEETING

Chair Erickson adjourned the meeting at 10:21 a.m

The Public Safety Personnel Retirement System Local Fire & Police Boards meeting minutes of _____, 2023 were submitted and approved this ___ day of _____, 2023.

Jim Brown
Recording Secretary