

Fire Public Safety Personnel Retirement Board

Goodyear City Hall, Room 117

190 North Litchfield Road

Goodyear, AZ 85338



Thursday, February 25, 2021

8:00 a.m.

Meeting Minutes

CALL TO ORDER

Chairman Kaino called the meeting to order at 8:04 a.m.

ROLL CALL

Present: Chairman Laura Kaino; Vice Chair Michael Stewart; Board Member Patrick Doyle; Board Member Jay Mathias; Board Member Liam Tierney

Staff Board Attorney Lesli Sorensen; Board Secretary Darcie McCracken; Human Resources

Present: Director Lyman Locket; Total Compensation Administrator Jeanni Ruddy

Attendees: Pamela Griffin, Court Reporter, Michael Bort, Applicant

PUBLIC COMMENTS

There were no public comments.

BUSINESS

1. Approve the Minutes

MOTION BY Board Member Jay Mathias, SECONDED BY Board Member Patrick Doyle to APPROVE the draft minutes of the September 24, 2020 Fire Public Safety Personnel Retirement Board meeting. The motion carried by the following vote:

AYE: Chairman Laura Kaino, Vice Chair Michael Stewart, Board Member Patrick Doyle, Board Member Jay Mathias, Board Member Liam Tierney

2. Review, consider, and possible action on the application and medical records for Accidental Disability - Michael Bort

Chair Kaino introduced the item and clarified that Michael Bort, who was in attendance, agreed to hear the item in Open Session, and asked if the Board had questions. The Board asked about the injury to the applicant's femur and if there was a correlation to the current injury. Mr. Bort was in attendance and stated that prior to his injury he was very active and was in close to his black belt in martial arts, ran marathons. He added that it took a year and a half to recover to come back to take his black belt exam. Mr. Bort said that the femur break was not connected to the hip. Mr. Bort agreed that he didn't seek treatment until December and was asked to explain. He said he was very active and thought that he was sore from the activity and an increase in weight. He said that he was off the pain medications from a shoulder injury and believed he was feeling things more but wanted to verify he wasn't

covering up a fracture. He added that he had even gone back to Cross Fit prior to visiting the doctor in December. Chair Kaino asked if the City's injury form was completed at the time of the current injury on 6/29/16, and specifically asked about the Supervisor's report of industrial injury. Mr. Bort said that he did complete the form the day of the injury.

Chair Kaino reviewed the timeline and that the applicant had been cleared to duty. She added that it appeared that after the hip replacement is when the issues began. Mr. Bort agreed and spoke about the issues he had with Copperpoint, the city's workman's compensation administrator including time lapses between the time of being assigned a treatment such as physical therapy and being scheduled for the therapy.

Chair Kaino confirmed he was released to duty with restrictions in March 2020. Mr. Bort confirmed he was released with weight restrictions. Chair Kaino confirmed that he has been on light duty for about a year and in June 2020, it appears that it was the first indication that he may not be able to continue his duties. Mr. Bort agreed.

Chair Kaino asked about the ADA form that was completed in January 2021. Human Resources Director Lockett said that once the 180 days of light duty have been exhausted, it is a trigger for the ADA form to be completed to allow the employee to remain employed and return to their job with reasonable accommodations. Accommodations were not able to be provided. Mr. Bort stated that he did not request any accommodations.

Chair Kaino confirmed that in the paperwork the doctor indicated that it was a permanent injury and that Mr. Bort had plateaued in his recovery. Mr. Bort confirmed and that due to the location of the injury he can't serve from any heights.

Chair Kaino asked about any other injuries. Mr. Bort responded that there were several injuries but only one or two that stood out. He explained that he had a wrist injury and a separate a finger injury.

The Board voted to hold an Executive Session and convened at 8:26 a.m.

Board Member Stewart left the meeting at 8:30 a.m.

Chair Kaino reconvened the Board meeting at 8:44 a.m.

Mr. Bort thanked the Board for their time and asked if he would be able to make a statement at a later time. Board Attorney Sorensen explained to Mr. Bort that the action by the Board was normal and that Mr. Bort would be contacted for the IME and would also have the ability to address the Board at a later time.

MOTION BY Board Member Patrick Doyle, SECONDED BY Board Member Jay Mathias to send Michael Bort for an Independent Medical Examination to further investigate the disability application. The motion carried as follows:

AYE: Chairman Laura Kaino, Board Member Patrick Doyle, Board Member Jay Mathias,
Board Member Liam Tierney

Other: Vice Chair Michael Stewart (Excused)

EXECUTIVE SESSION

Per ARS §38-431.03, upon a public majority vote of the members constituting a quorum, the

Goodyear Fire Public Safety Personnel Retirement Board may hold an executive session for any item on the agenda.

MOTION BY Board Member Patrick Doyle, SECONDED BY Board Member Liam Tierney to CONVENE an Executive Session. The motion carried as follows:

AYE: Chairman Laura Kaino, Vice Chair Michael Stewart, Board Member Patrick Doyle, Board Member Jay Mathias, Board Member Liam Tierney

[Times noted above.]

SEPARATIONS

3. Separation of Michael Murphy - January 26, 2021

The Board acknowledged the separation of Michael Murphy as of January 26, 2021.

4. Separation of Joshua Rains - September 28, 2020

The Board acknowledged the separation of Joshua Rains as of September 28, 2020.

INFORMATION ITEMS

There were no information items.

NEXT MEETING

The next meeting of the Fire Public Safety Personnel Retirement Board is tentatively scheduled for March 25, 2021.

ADJOURNMENT

There being no further business to discuss, Chairman Kaino adjourned the meeting at 8:47 a.m.

Darcie McCracken, Board Secretary

Laura Kaino, Chairman

Date: _____