

Police Public Safety Personnel Retirement Board

Goodyear City Hall, Room 230
190 North Litchfield Road
Goodyear, AZ 85338



Thursday, September 23, 2021

8:00 a.m.

Meeting Minutes

CALL TO ORDER

Chairman Laura Kaino called the meeting to order at 8:03 a.m.

ROLL CALL

Present: Chairman Laura Kaino; Vice Chair Michael Stewart; Boardmember Jay Mathias;
Boardmember Joe Perry

Absent: Boardmember Eric Webster

Staff Acting Board Secretary Jasmine Pernicano; Board Attorney Lesli Sorensen

Present:

Attendees: Human Resources Director Lyman Locket, Total Compensation Administrator
Jeanni Ruddy, Deputy City Clerk Laura Jara

MOTION BY Boardmember Jay Mathias, **SECONDED BY** Boardmember Joe Perry
to EXCUSE Boardmember Eric Webster from the meeting. The motion carried by the
following vote:

AYE: Chairman Laura Kaino, Vice Chair Michael Stewart, Boardmember Jay Mathias,
Boardmember Joe Perry

Other: Boardmember Eric Webster (Excused)

Passed - Unanimously

PUBLIC COMMENTS

There were no public comments.

BUSINESS

1. Approval of the Minutes

MOTION BY Boardmember Jay Mathias, **SECONDED BY** Boardmember Joe
Perry to APPROVE the draft minutes from the Police Public Safety Personnel Retirement
Board Regular Meeting of August 26, 2021. The motion carried by the following vote:

AYE: Chairman Laura Kaino, Vice Chair Michael Stewart, Boardmember Jay Mathias, Boardmember Joe Perry

Other: Boardmember Eric Webster (Excused)

Passed - Unanimously

2. Review, consider and possible action on the application and medical records for entry into the Public Safety Personnel Retirement System

- Kevin Allen
- Lindsay Bond
- Micah McElrath
- Robert Przybylowski (continued from August 26, 2021)

MOTION BY Boardmember Jay Mathias, **SECONDED BY** Vice Chair Michael Stewart to ACCEPT the applications for Kevin Allen, Lindsay Bond, Micah McElrath and Robert Przybylowski for entry into the Public Safety Personnel Retirement System as Goodyear employees with pre-existing conditions as noted. The motion carried by the following vote:

AYE: Chairman Laura Kaino, Vice Chair Michael Stewart, Boardmember Jay Mathias, Boardmember Joe Perry

Other: Boardmember Eric Webster (Excused)

Passed - Unanimously

3. Review and acknowledge the hiring of Michael McFadden in a non-Public Safety Personnel Retirement System position.

Pursuant to A.R.S. § 38-849, the Board reviewed the employment status of Michael McFadden, who was awarded a disability by the Board. The Board discussed that Mr. McFadden is in a non-Public Safety Personnel Retirement System position. Human Resources Director Lyman Locket confirmed that Mr. McFadden was re-assigned to his current position. The Board found that A.R.S. § 38-849(E)(3)(c) applies. The Board further noted that the alternate contribution rate does not apply because Mr. McFadden is in a position that is not ordinarily filled by a PSPRS-eligible employee.

4. Supplemental Rehearing and Possible Action on the Application for Accidental Disability - Alison Braughton (continued from November 5, 2020)

Chairman Kaino explained the purpose of the re-hearing and gave a brief overview of the case to the Board. She explained that the hearing was continued from the November 5, 2020 meeting to allow the applicant time to provide additional records. Chairman Kaino added that the applicant's representative, Thomas Griffin, was present at the meeting and that Ms. Braughton was present via teleconference.

Chairman Kaino stated that Ms. Braughton did not waive her right to confidentiality so any additional conversation regarding medical records should not take place in open session.

MOTION BY Boardmember Joe Perry, **SECONDED BY** Vice Chair Michael Stewart to CONVENE on Executive Session. The motion carried by the following vote:

AYE: Chairman Laura Kaino, Vice Chair Michael Stewart, Boardmember Jay Mathias, Boardmember Joe Perry

Other: Boardmember Eric Webster (Excused)

Passed - Unanimously

The Board entered into Executive Session at 8:11 a.m.

Boardmember Eric Webster joined the meeting via teleconference at 8:34 a.m.

Allison Braughton and her representative, Thomas Griffin, left the meeting and the Board reconvened in Executive Session to obtain legal advice at 9:13 a.m.

The Board took a short break and reconvened into open session at 9:43 a.m.

MOTION BY Boardmember Jay Mathias, **SECONDED BY** Vice Chair Michael Stewart to UPHOLD the denial of Allison Braughton's accidental disability application because the record before the Board does not contain evidence to support the claim that the disabling condition was incurred in the performance of her duties or that she terminated employment by reason of accidental disability.

The Board has carefully reviewed this matter multiple times and is troubled by several aspects of the application:

1. An April 17, 2019 Fit For Duty Exam, conducted by a doctor who specializes in Ms. Braughton's condition, cleared Ms. Braughton back to duty. The primary finding was that Ms. Braughton did not get along with her supervisor and that they shouldn't work together, and that external, non-workplace stressors were a significant factor.
2. Ms. Braughton participated in an initial Intake with Amy White on June 14, 2019. On August 22, 2019, White issued an opinion stating Ms. Braughton is permanently disabled. At this point Ms. Braughton had been in treatment for approximately two months and had not attempted many of the standard treatments for her condition.
3. Throughout Ms. Braughton's records, she indicates that external, non-workplace factors were of significant concern to her and her condition.
4. It appears Ms. Braughton was taking medications for years, unrelated to her condition, that were unreported to her employer.
5. The two incidents Ms. Braughton explains caused her condition do not appear to the Board to be out of the norm or extraordinary for a police officer.
6. The two incidents occurred in 2006 and 2015. Ms. Braughton voluntarily terminated from a former employer for approximately 5 years to raise her family, apparently without any occurrence of her condition. Ms. Braughton was hired into her current employer in late 2012/early 2013 and passed her pre-employment screenings, including one that specifically addressed issues relating to her condition. Ms. Braughton has not alleged any other incidents occurred during her current employment that contributed to her condition. The Board has difficulty understanding why Ms. Braughton returned to employment as a police officer if the two incidents caused her condition well before her decision to seek employment with Goodyear and the apparent onset of her condition.
7. Ms. Braughton's records indicate that she was highly concerned about the internal

affairs investigations and the potential for losing her job. The Board has received training that undergoing internal investigations or the fear that a person may lose their job does not meet the diagnosis criteria for her condition.

8. Ms. Braughton failed to disclose a potential pre-existing condition, which may have resulted in ineligibility for a disability benefit. Ms. Braughton states this failure was not intentional and denies it is a pre-existing condition.

The Board sympathizes with Ms. Braughton and hopes that she is able to seek treatment and recover from her condition. However, the totality of the record indicates that Ms. Braughton was experiencing external, non-workplace stressors that caused behavioral problems and issues that rose to the level of multiple internal affairs investigations related to workplace and non-workplace incidents. The records indicate to the Board that when Ms. Braughton was faced with these mounting investigation pressures, she found a professional that diagnosed her with a permanent condition after only two months of treatment, and attempted to relate it back to her employment as a police officer. The Board does not find this diagnosis to be credible. The Board believes that the record as a whole does not support an award of a disability pension.

Based on the extensive record before the Board, the Board finds that, more likely than not, Ms. Braughton's condition was not incurred in the performance of her duties because the medical records and responses to the written questions indicate that external factors caused and contributed to her condition. Further, Ms. Braughton was the subject of approximately nine internal affairs investigations in the two years leading up to her termination of employment, more than one of which would have resulted in her termination. The Board finds that, more likely than not, disability was not a factor in Ms. Braughton's termination.

The Board finds, based on the preponderance of the evidence, that appointing a medical board and sending Ms. Braughton to an Independent Medical Evaluation would be futile as she does not meet the minimum statutory criteria for an award of an accidental disability pension.

AYE: Chairman Laura Kaino, Vice Chair Michael Stewart, Boardmember Jay Mathias,
Boardmember Joe Perry, Boardmember Eric Webster

Passed - Unanimously

EXECUTIVE SESSION

Per ARS §38-431.03, upon a public majority vote of the members constituting a quorum, the Goodyear Police Public Safety Personnel Retirement Board may hold an executive session for any item on the agenda.

[See times noted above.]

SEPARATIONS

The Board acknowledged the following separations.

5. Ryan Kajihiro - September 3, 2021

INFORMATION ITEMS

There were none.

NEXT MEETING

The next meeting of the Police Public Safety Personnel Retirement Board is tentatively scheduled for October 28, 2021.

ADJOURNMENT

There being no further business to discuss, Chairman Kaino adjourned the meeting at 9:53 a.m.

Respectfully Submitted by:

Darcie McCracken, Board Secretary

Laura Kaino, Chairman

Date:_____