

Fire Public Safety Personnel Retirement Board

Goodyear City Hall - La Jolla Vista Conference Room (2nd floor)
1900 N. Civic Square
Goodyear, AZ 85395



Thursday, December 21, 2023

Immediately following the
Police PSPRB
that began at 8:00 a.m.

Meeting Minutes

CALL TO ORDER

Chair Kaino called the Fire Public Safety Personnel Retirement Board meeting to order at 8:41 a.m.

ROLL CALL

Present: Chair Laura Kaino; Vice Chair Michael Stewart; Boardmember Patrick Doyle; Boardmember Jay Mathias; Boardmember Liam Tierney

Staff Board Secretary Darcie McCracken; Board Attorney Lesli Sorensen

Present:

Attendees: Chanda Washington, Benefits Analyst; Jovanna Roman, Court Reporter, Griffin International

PUBLIC COMMENTS

There were no public comments.

BUSINESS

1. APPROVAL OF MINUTES

Approve the draft minutes of the October 5, 2023 Fire Public Safety Personnel Retirement Board Meeting.

MOTION BY Boardmember Patrick Doyle, **SECONDED BY** Vice Chair Michael Stewart to APPROVE the minutes of the October 5, 2023 Fire Public Safety Personnel Retirement Board meeting. The motion carried as follows:

AYE: Chair Laura Kaino, Vice Chair Michael Stewart, Boardmember Patrick Doyle, Boardmember Jay Mathias, Boardmember Liam Tierney

Passed - Unanimously

2. Review, consideration and possible action on the application and medical records for Disability - Kenneth Heng. (last reviewed on August 24, 2023)

The Board entered into Executive Session at 8:43 a.m.

Chair Kaino reconvened the Fire Public Safety Personnel Retirement Board at 8:52 a.m.

Chair Kaino reviewed the history of the application for disability stating that Mr. Heng filed his application for accidental disability April 1, 2022 with the Board meeting on May 4, 2022, and June 23, 2022, with both meetings resulting in a request for additional records. The Board met on October 27, 2022 and sent Mr. Heng for an Independent Medical Examination with Dr. Farber which was conducted on November 30, 2022. Dr. Farber concluded that the "2012 military injury and surgery performed at that time is the primary cause for the claimant's severe left knee medial compartment arthritis..." Chair Kaino continued that at the December 8, 2022 meeting, the applicant's counsel requested clarification which the Board agreed to do and subsequently an addendum was issued by Dr. Farber clarifying his earlier report and stated "the knee arthroplasty...which was performed as a result of chronic and degenerative left knee osteoarthritis that was not incurred in the performance of his work duties."

Chair Kaino added that Dr. Farber stated that "based upon a reasonable degree of medical certainty, the most significant causes of the claimant's knee arthritis which led to the need for knee arthroplasty surgery were a combination of age-related, chronic, and degenerative changes that were seen in 2012 and accelerated by his obese body habitus, the 2012 military injury, and the 2012 left knee arthroscopic surgery." She continued that the reports were provided to Mr. Heng's counsel on February 22, 2023 and on March 17, 2023, the attorney indicated that Mr. Heng intended to change his application type to "ordinary." Chair Kaino said that Mr. Heng was provided the document to change his application type on March 21, 2023, however, no revised application was ever received and on May 11, 2023, Mr. Heng's new counsel filed a motion to continue this matter.

Chair Kaino continued that Mr. Heng's counsel provided two additional documents and requested the Board set a hearing on the matter. She added that the Board met on August 24, 2023 and reviewed the provided information, including a third, unsigned letter and that Mr. Heng's counsel requested the Board submit the information to Dr. Farber for additional review to which the Board agreed. Chair Kaino said that on September 13, 2023, Dr. Farber issued a second addendum stating that "the additional medical records provided for my review do not alter any of the opinions previously expressed in the reports dated November 30, 2022 and February 19, 2023." Chair Kaino added that after multiple attempts to schedule Mr. Heng's matter before the Board, the Board notified his counsel that Mr. Heng's matter would be heard today.

MOTION BY Boardmember Jay Mathias, **SECONDED BY** Vice Chair Michael Stewart to DENY the application for disability as the Board sent the applicant for an Independent Medical Examination on November 30, 2022 and had additional records and correspondence reviewed on February 19, 2023 and September 13, 2023 which found that the current disability was not incurred in the performance of his duties and is secondary to a knee arthroplasty procedure that was indicated to treat chronic, degenerative and pre-existing left knee osteoarthritis. Additionally, the left knee osteoarthritis is secondary to age-related degenerative changes and was previously identified prior to undergoing surgery in 2012 for the military injury. The motion carried as follows:

AYE: Chair Laura Kaino, Vice Chair Michael Stewart, Boardmember Patrick Doyle,
Boardmember Jay Mathias, Boardmember Liam Tierney

Passed - Unanimously

Chair Kaino reviewed the application and answered the following questions:

1. Did the employee file the application after the disabling incident, or within one year of ceasing to be an employee? YES
2. Did (or will) the employee terminate by reason of a disability? YES
3. Did employment terminate based on a disciplinary issue? NO
4. If the member's period of DROP has ended, if applicable, did (or will) the employee terminate by a reason of disability? N/A
5. Is the employee still working a position within their job classification that the Local Board considers a reasonable range of duties? NO
6. Has the employee refused a position within their job classification that the Local Board considered a reasonable range of duties? NO
7. Did the injury or condition occur prior to the current PSPRS membership date? NO
8. Was the injury or condition the result of an event incurred during the performance of the employee's duty? NO

3. Review, discuss and provide possible direction regarding PSPRS e-mail newsletter sign-up for new Fire recruits.

After some discussion, the Board asked that members be added to the PSPRS email newsletter.

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.

[See times noted above under Item #2.]

MOTION BY Boardmember Jay Mathias, **SECONDED BY** Boardmember Liam Tierney to CONVENE an Executive Session. The motion carried as follows:

AYE: Chair Laura Kaino, Vice Chair Michael Stewart, Boardmember Patrick Doyle,
Boardmember Jay Mathias, Boardmember Liam Tierney

Passed - Unanimously

SEPARATIONS

4. Jack (Craig) Artrip - retired from DROP 11/27/2023

The Board acknowledged the separation.

INFORMATION ITEMS

Board Secretary Darcie McCracken spoke about the PSPRS conference in March and advised she would be checking with the Board after the first of the year to see who wished to attend.

Chair Kaino asked that the psychiatric evaluations have a form similar to the Police pre-hire examinations for the Board to review.

Board Attorney Sorensen reminded the Board of a prior discussion for a future meeting to review those members on disability. Benefits Analyst Chanda Washington said she would get the list.

NEXT MEETING

The next meeting of the Fire Public Safety Personnel Retirement Board is tentatively scheduled for February 22, 2024 at 8:00 a.m.

ADJOURNMENT

There being no further business to discuss, Chairman Kaino adjourned the meeting at 9:07 a.m.

Respectfully Submitted by:

Darcie McCracken, Board Secretary

Laura Kaino, Chairman

Date:_____