
**Minutes
Tempe Police Public Safety Personnel
Retirement System Board
October 2, 2014**

Minutes of the Tempe Police Public Safety Personnel Retirement System Board meeting, held on Thursday, September 4, 2014, 3:00 p.m., Tempe City Hall, third floor conference room, 31 E. 5th Street, Tempe, Arizona.

Board Members Present:

Mark W. Mitchell, Mayor
Kelly McMenemy
Jeff Millen
Dr. Russell Schoeneman

Legal Counsel Present:

Cynthia Kelley

Attended Telephonically:

Joe Brosius

City Staff Present:

Renie Broderick, Internal Services Director
Chris Hansen, Risk Manager
Wendy Messina, Human Resources Program Coordinator
Melanie Stoddard, Executive Assistant to Human Resources

Chair Mitchell called the meeting to order at 3:06 p.m.

ITEM I – Consideration of Meeting Minutes

Motion by Russell Schoeneman to approve the executive session minutes and board meeting minutes of September 4, 2014; second by Jeff Millen. Motion passed unanimously on a voice vote 5-0.

ITEM II - Public Appearances

There were no public appearances.

ITEM III - Motion to Adjourn to Executive Session, if necessary

No action taken.

ITEM IV - New Member(s)

There were no new applications.

ITEM V – Rehearing – Reemployment Determination Following Retirement Pursuant to A.R.S. §38-849

Chair Mitchell opened the rehearing regarding the Board's September 4 approval of reemployment determination following retirement for **Jennifer Baniszewski**. Board Secretary, Renie Broderick, forwarded the minutes approving Ms. Baniszewski's return to work application, the School Resource Police Officer and Police Officer Job Descriptions to the Public Safety Personnel Retirement System for processing after the September Board meeting. Chair Mitchell said the Board received a response from the State Public Safety Retirement System dated September 18, 2014 requesting that the Board conduct a rehearing on the reemployment of Jennifer Baniszewski. Chair Mitchell called on Ms. Broderick to explain the letter and Board procedures.

Ms. Broderick stated that purpose of this rehearing is to get direction from the Board. The Board may wish to set a motion to affirm or rescind Ms. Baniszewski's reemployment application. Ms. Broderick called the fund office and spoke to Paralegal, Michelle Pechan. The Board Secretary must forward these rehearing minutes to the State Public Safety

Retirement System for processing by October 15, 2014 or Ms. Baniszeswki's pension payments will be suspended. Ms. Broderick received a verbal confirmation from Assistant Police Chief, Angel Carbajal, stating that Ms. Baniszeswki does not wish to return to work for the City under these circumstances. Legal Counsel, Cynthia Kelley, stated that since Ms. Baniszeswki did not submit a written withdrawal of her application, the Board must conduct a formal vote affirming or rescinding the Board's previous decision approving Ms. Baniszeswki's request to return to work.

Motion by Kelly McMenemy to rescind Jennifer Baniszeswki's application for reemployment; second by Russell Schoeneman. Motion passed unanimously on a voice vote 5-0.

ITEM VI – Hearing for Accidental Disability Benefits

Chair Mitchell opened the hearing for the accidental disability benefit application of **Pamela K. Morris**; initial hearing held on July 8, 2014. The Board received the Independent Medical Exam (IME) report from Dr. Marc I. Dinowitz, M.D. Attorney, Dale Norris stated that he and Ms. Morris were present to answer questions from the Board.

Boardmember, Russell Schoeneman, asked for clarification regarding Dr. Dinowitz's letter stating that the patient was offered surgery by Dr. Beauchene, but refused. Mr. Schoeneman asked Ms. Morris where the doctor got that information. Ms. Morris responded that she had no idea. Ms. Morris indicated that she was offered a stellate ganglion block, which she refused, but was not offered surgical options. Chair Mitchell asked if there was a contradiction. Mr. Schoeneman answered, no.

Boardmember, Kelley McMenemy, asked if Ms. Morris is approved for disability, but is able to find treatment in the future, does the Board have the ability to re-evaluate. Legal Counsel, Cynthia Kelley, responded in the affirmative. Ms. Kelley said re-evaluations are mandatory on catastrophic disabilities, but not on accidental disabilities. If a re-evaluation was done, it could not be scheduled now, but perhaps in a year, or more. Ms. Kelley said re-evaluations are not automatic, are not typical, and are expensive. Chair Mitchell asked why the Board would re-evaluate if it is not a normal procedure. Mr. Norris said applicants can ask to be re-evaluated. He further stated that Ms. Morris does not want to leave her job. Hypothetically, if Ms. Morris were to return to work, she could come back to the Board to ask for her pension payments to stop and return to full duty. Human Resources Program Coordinator, Wendy Messina, said there would need to be a job for Ms. Morris to return to, she would not be rehired automatically.

Board Secretary, Renie Broderick asked the Local Board to respond to the following questions found in the Public Safety Personnel Retirement System Accidental Disability Questionnaire:

- 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 a reason of disability? *YES*
- 3) Did employment terminate based on a disciplinary issue? *NO*
- 4) If the member's period of Deferred Retiree Option Plan (DROP) has ended, if applicable, did (or will) the employee terminate by a reason of disability? *NO*
- 5) Is the employee still working a position within their job classification that the Local Board considers a reasonable range of duties position? *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? *YES*

Motion by Jeff Millen to approve disability benefits for Pamela Morris; second by Russ Schoeneman. Motion passed unanimously on a voice vote 5-0.

ITEM VII – Deceased Member Acknowledgement, Clayton Sims

There was no discussion.

ITEM VIII - Public Safety Pension Press Release

Chair Mitchell noted that the pension fund has gained approximately \$1 Billion dollars.

ITEM IX - The PSPRS Local Board Newsletter, Volume 7, Issue 1

There was no discussion.

ITEM X - Future Meeting Date

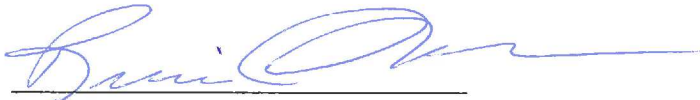
November 6, 2014

ITEM XI - Future Agenda Items

There was no discussion.

Adjournment

Motion by Kelly McMenemy to adjourn; second by Russell Schoeneman. Motion passed unanimously on a voice vote 5-0. The meeting adjourned at 3:22 p.m.



Renie Broderick
Local Board Secretary