

**MEETING MINUTES OF THE  
POLICE PUBLIC SAFETY PERSONNEL RETIREMENT BOARD  
October 13, 2015 @ 5:04 p.m.**

**AVONDALE CIVIC CENTER  
MOJAVE CONFERENCE ROOM  
11465 W. CIVIC CENTER DRIVE  
AVONDALE, ARIZONA**

**AGENDA**

The meeting was called to order at approximately 5:04 p.m. by Secretary Kathy Reyes.

**Roll Call**

Abbe Yacoben, President  
Kathy Reyes, Board Secretary  
Jonathon Martin, Board Member  
Matthew O'Halloran, Board Member  
Betty Lynch, Board Member  
Lisa Amos, Board Member

**Also Present**

Jeffrey McGrath  
David L. Niederdeppe, Esq.

**Call to Public**

None.

President Yacoben read the language on executive sessions to the Board.

- 1. Approve Police Public Safety Personnel Retirement Board Minutes of the meeting held on July 9, 2015.**

President Yacoben invited a motion to approve the Police Public Safety Retirement Board Minutes for the July 9, 2015 meeting. Board Member Lynch made a motion. A Board Member noted that the name Jeffrey McGrath was not spelled correctly in the minutes. Board Member Amos seconded the motion. The motion passed unanimously.

- 2. The Police Public Safety Personnel Retirement Board will meet to consider approving Lieutenant Michael Sgrillo entering the DROP (Deferred Retirement Option Program) effective October 11, 2015.**

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President Yacoben called for a motion. Board Member O'Halloran asked if the Board had the worksheets that show eligibility. President Yacoben responded no, the worksheets are not available.

Secretary Reyes stated that Lt. Sgrillo does meet the eligibility definitions at this point and because October 11th is the end of a pay period, those final numbers are still being confirmed by the Public Safety Retirement System pending the last contribution being made this pay cycle.

A Board Member noted the worksheets have always been available to the Board previously. Secretary Reyes stated she would bring the item forward in the future if the Board would like that. However, it is her understanding that it is not a statutory requirement that the Board have the worksheets available. Nonetheless, she will be more than happy to provide the worksheets to the Board at the next meeting. If the Board would prefer to table this item until the worksheets are available, that would be fine. She added that no money is being paid out and the Board is just to approve Mr. McGrath's entry into the DROP program.

Atty. Niederdeppe stated he sees Boards approve applications and then the applicant comes back and disagrees with the numbers. Therefore, the Board would be better off having a concrete number of years of service in place and approve that as part of the process so the Board can say we have looked at the application as a local board and think the individual is eligible.

President Yacoben asked if the Board would like to make a motion to table the item. The Board Members wanted further discussion.

A Board Member asked if the Board tabled the item to the next meeting, would it do harm to Lt. Sgrillo.

Secretary Reyes stated that Public Safety does not like to accept a DROP application until the Board has met, but because the Board was doing it on an end of pay period basis, she cannot calculate, nor does she have the means to calculate, the additional deduction.

A Board Member asked for clarification that the issue is the number of years of credited service to be eligible to enter the DROP. Secretary Reyes stated she could get that information to the Board. She had confirmed the numbers by verifying his hire date and can provide the worksheets to the Board tomorrow.

A Board Member recalled that with Chief Parkin's DROP entry, the Board had received the worksheet with a dollar amount and there was a note that said this is an estimate and the final calculation may be slightly off. Secretary Reyes stated she would be happy to

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provide that information to the Board. She added she does not provide estimates because in the past it had caused problems because when it says estimate, Public Safety takes it as the dollar number.

Atty. Niederdeppe stated this issue had come up before where the member was \$50.00 off and it made a difference.

Secretary Reyes stated in this case the dollar amount was off by \$35.00 and that had caused some challenges; thus, she now waits for her numbers to go to Public Safety for confirmation.

Board Member Amos asked if anything detrimental to the applicant would occur if the Board tabled the item. Secretary Reyes stated waiting would not make a difference in the DROP because the decision is not over money being paid.

A Board Member clarified that Lt. Sgrillo's DROP date would still be October 11, 2015, which Secretary Reyes confirmed.

A Board Member stated if there are no objections from the other Board Members, he would like to table the item.

Board Member Amos asked if it was the years of service that allows people to go into the DROP. Atty. Niederdeppe stated he believes the years of service requirement changed in 2012. Prior to 2012, a member was required to have 20 years of service with any Public Safety employer. From the date the member enters the DROP, the member can remain in the DROP for five years. After that cut off date, an employee will need 25 years of service to be eligible for the DROP.

Secretary Reyes stated that depending on the hire date, there will be a tier difference as well. The two tiers dictate if the employer and the employee pays contributions, or just the employer and the employee does not, which determines the tier level. Going forward, she will bring the worksheets to the Board.

President Yacoben invited a motion to table the item. A Board Member moved to table the item. Board Member Lynch seconded the motion. The motion passed unanimously.

**EXECUTIVE SESSION**

Pursuant to ARS §38-431.03(A) (1), (2), (3) and (4), the Police Pension Board may vote to convene in executive session to discuss or consider personnel matters, confidential records exempt by law from public inspection, and/or to consult with the Board's attorney for legal advice and to consider the Board's position and to instruct the Board's attorney

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regarding its position in contemplated litigation regarding any item on the agenda. The Board will take action in open session.

The Board reconvened open session.

**3. Consideration of Accidental Disability Application of Jeffrey McGrath. Discussion and possible Board action.**

President Yacoben asked Mr. McGrath why he left employment with the City of Avondale in 2010. Mr. McGrath stated he was put out on evaluation for an incident he had where he had to go through counseling and he has been out ever since with a diagnosis of posttraumatic stress due to the loss of a child and anxiety issues.

A Board Member asked if the posttraumatic stress and anxiety had anything to do with the ankle injury in 2007. Mr. McGrath stated no.

A Board Member asked if prior to leaving employment in May of 2010, was Mr. McGrath on full duty. Mr. McGrath replied he was on the road in full duty capacity prior to leaving employment in 2010.

President Yacoben invited Mr. McGrath to address the Board. Mr. McGrath stated that he was unable to obtain the original doctor's records. His ankle injury has been an ongoing issue since the 2007 incident, and as time progressed the pain got worse and he has never been able to fully run. So he was in full duty capacity, but still unable to fully run, and the injury resulted in complete ankle reconstruction surgery.

President Yacoben invited a motion on the Accidental Disability application of Mr. McGrath. A Board Member called for a vote on the application.

President Yacoben asked for legal advice. Atty. Niederdeppe advised the Board to take action on the application by either approving the application, denying the application, or tabling the application. He recommended a roll call vote.

**Roll Call Vote**

President Abbe Yacoben	Nay
Jonathon Martin	Nay
Matthew O'Halloran	Nay
Betty Lynch	Nay
Lisa Amos	Nay

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A Board Member asked if the Board should discuss their reasonings for the vote. Atty. Niederdeppe stated that would be entirely appropriate.

A Board Member asked if there was an independent medical examination available for the Board to review. Atty. Niederdeppe explained the Board is to determine whether or not there is sufficient evidence to warrant sending the medical records to an IME. The three key questions are: 1) Was Mr. McGrath a member of the Public Safety System at the time of the application for accidental disability? 2) Did the injury leave Mr. McGrath permanently incapable of performing the duties of a police officer? 3) Is the application drawn directly from an incident that occurred on duty? The evidence cannot conclusively prove that the disability stems from an on-duty injury. Mr. McGrath was injured in 2007, rehabbed, and returned to work for two years. He left employment in 2010 for an entirely different issue. His withdrawal from employment was not based on the ankle injury. Since 2010 Mr. McGrath has not returned to work and has not been a member of the PSPRS system and has not paid into it.

Mr. McGrath stated he has been an active member of the Public Safety system and is still employed by the City of Avondale. The City of Avondale has not allowed him to return back to work.

**4. Future Agenda Items.**

There were no future agenda items.

**5. ADJOURNMENT**

President Yacoben invited a motion to adjourn. Board Member Lynch motioned to adjourn. A Board Member seconded the motion. The motion passed unanimously.

Respectfully submitted,

Kathy Reyes  
Acting Local Board Secretary

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**Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos dias habiles antes de la junta.**