



SUN LAKES FIRE DISTRICT

PROCEDURES OF THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS) PENSION BOARD

Under the Authority of A.R.S. §38-847, the Sun Lakes Fire District (District) Pension Board (Board), a local board formulated under the Arizona Public Safety Personnel Retirement System (PSPRS) with respect to Sun Lakes Fire sworn firefighting employees, adopt the following procedures for the presentation and resolution of System claims and issues:

1. Composition. Pursuant to statute, the Board is a separate board, composed of the Chairperson of the District Board of Directors, or his/her designee, two members elected by secret ballot by PSPRS members of the District, and two citizens who are appointed by the Chairperson of the District Board of Directors with the approval of the District Board of Directors.
 - a. The Human Resources Manager shall serve as the Board Secretary.
2. Chairperson. The Chairperson of the District Board of Directors, or his/her designee, shall serve as Chairperson of the Board. The Chairperson may, in his/her absence, designate an alternate to act as Chairperson. In the absence of the Chairperson or the Chairperson's designee, an acting Chairperson shall be elected by a majority vote of the Board.
3. Quorum. A quorum for the purpose of doing any business by either the Board shall be three members.
4. Meetings. Meetings are held on an as needed basis, but can be held at any time upon the call of the Chairperson or the Secretary to the Board. The Board will meet at least twice a year. Meetings are held in the District Fire Administration at 25020 S. Alma School Rd. or such other location as may be designated from time to time. An agenda shall be provided by the Board Secretary to Board members in advance of any meeting. Notice of all meetings of the Boards shall be given, and all meetings and any executive sessions shall be conducted, in conformance with Arizona's open meeting law, A.R.S. §38-431 et seq. A majority vote of Board members present and eligible to vote shall govern any action taken, provided that the consent of three Board members is required for lawful action by the Board. Board members not present in person may attend by telephone or other electronic means permitting meaningful participation.

The Board Secretary shall cause appropriate minutes to be taken of Board meetings, and an electronic recording may be made of meetings to facilitate preparation of such minutes. The Board Secretary will provide action minutes to the public as required by Arizona's open meeting law. The Board Secretary will provide minutes to the Fund Manager.

5. Documentation. Files containing public and confidential documents presented to the Boards shall be maintained by the Board Secretary. Files containing public and confidential documents pertaining to plan membership for each member shall be maintained by the District Human Resources office.
6. Pension Estimates. Payroll estimate requests for qualifying PSPRS members must be submitted to the Local Board Secretary. PSPRS members may request no more than 2 estimate requests in a 12 month period and must be within 1 year of retirement eligibility.
7. Pre-existing Conditions/Initial Membership. Arrangements with physicians or clinics to conduct pre-membership medical examinations will be made by the District Human Resources office and results will be forwarded to the Local Board Secretary. The Board Secretary will review and report these results to the Local Board for action. The Board Secretary will maintain the pre-existing conditions report for future reference by the Local Board.

No member shall qualify for an accidental, catastrophic or ordinary disability pension if the Local Board determines the member's disability resulted from a physical condition or injury, which existed or occurred prior to the member's date of membership in PSPRS.

8. Presentation of Member Claims and Issues. Claims must be submitted on application or documentation approved by the Local Board. Members can contact the District's Human Resources office for application packets. The Board Secretary shall have discretion to initially determine whether a member claim/issue or information so presented is to be treated by the Board as routine or as non-routine.
9. Routine Claims and Issues. Submission of routine claims such as normal pension applications, Deferred Retirement Option Plan (DROP) participation, and DROP retirement, shall be placed on the agenda for the next regularly scheduled meeting, but no later than 90 days after receipt of the claim, unless the claimant requests or agrees to a later date. Routine claims shall be submitted to the Board for summary approval.
10. DROP Applications. Applications for DROP participation must be filed 30 days prior the requested participation date.
11. Non-Routine Matters – Disability Benefit Applications. The claimant shall submit a properly completed application for any of the disability pensions authorized by law. Supporting medical documentation shall be submitted by the claimant or obtained from the District's Human Resources office. The Board Secretary will ascertain whether the applicant has provided sufficient supporting documentation. If not, the Board Secretary shall request such documentation and may provide information to the applicant in how to compile the appropriate documentation. A confidential packet of medical information shall be prepared for distribution to Board members. The matter shall be placed on the agenda for the next regularly scheduled Local Board meeting, but no later than 90 days after receipt of application, unless claimant requests or agrees to a later date.

The Board Secretary will provide meeting notification to a claimant in advance of the meeting at which the Board will consider the matter. The notice will include the date, time and location of the Board meeting.

- A. Disability applications must be filed with the Board Secretary at least 30 days prior to the first Local Board meeting in which their application is to be considered. At the time of application the Board Secretary will review with the applicant the process to be followed by the Board in hearing his/her case.
 - B. The Board shall review and discuss any confidential medical records in executive session only, unless the applicant waives the confidentiality requirement with respect to any confidential medical records by completing a confidentiality waiver.
 - C. At the initial hearing on a disability benefit application, the board shall ascertain whether the medical and other documentation submitted is sufficient for the Board to conclude that the statutory prerequisites for the benefits claimed can be satisfied by the applicant. If not, the Board may deny the application or continue hearing on the matter to a date and time when any additional documentation requested by the Board or its members is available. If so, the Board shall direct that an independent medical examiner be appointed to conduct the examination of the applicant directed by the law and to report to the Board the results of that examination. The independent medical examiner for this purpose shall be composed of a Board approved physician other than a regular employee or contractee of the District.
 - D. If an independent medical examiner is appointed by the Local Board, the Board shall reconvene hearing on the matter at the first scheduled meeting after receipt of the report, permitting its distribution, unless the applicant requests otherwise.
 - E. There shall be no limit on the Board's ability to accept and review relevant medical evidence, but Board action on a disability benefit application shall be based on medical evidence by the independent medical examiner appointed by the Board. The Board shall resolve material conflicts in medical evidence. If needed, the Board may employ additional physicians or medical professionals to report on the matter. (A.R.S. §38-859C).
 - F. If the applicant is not present during Board action, the Board Secretary shall notify the applicant within 20 days.
 - G. Upon denial of a disability benefit application, the Board Secretary shall notify the applicant of the decision of the Board, the reasons for the decision of the Board, and the rights of the applicant under the System statute to request reconsideration.
 - H. The Board Secretary shall notify the Fund Manager via certified mail, no later than 20 days after decisions are rendered by the Local Board. (A.R.S. §388-847G)
 - I. If the disability applicant retains legal counsel, communication to and from the claimant shall be done through claimant's legal counsel.
 - J. Should the Board determine that an applicant is not eligible for an Accidental Disability, but is eligible for a Temporary Disability benefit the applicant can make the change request verbally during the course of a board meeting, to be followed up with written notification within 24 hours of the meeting in which the change was requested.
12. Non-Routine Matters – Other. As such other non-routine matters arise, which call for Board action, the Board Secretary shall place them on a Board Agenda. The Board may take action based on the information presented to it or may defer the matter to a future meeting to request additional information it deems necessary for appropriate action.

13. Re-Examination. The Board must undertake a periodic re-examination of catastrophic disability benefit recipients before they would have reached 25 years of service had they remained in employment. Additionally, the Board is empowered to undertake a re-examination of recipients of other disability benefits before their Normal Retirement Date, but not more often than once in a calendar year (A.R.S. §38-844 E-G). Benefit recipients selected for re-examination shall submit to an independent medical exam. The medical report will be reviewed by the Board at the next scheduled Board meeting after receipt of the report and the Board will take action as needed.

Re-examinations shall be completed for temporary disability benefit recipients within 12 months of commencement of benefits. When at all possible, the same independent medical examiner that performed the initial evaluation shall perform the follow-up evaluation. The medical report will be reviewed by the Board at the next scheduled Board meeting after receipt of the report and take action as needed.

14. Finality. Any action by a majority vote of the members of the Board which is not inconsistent with the provisions of the System statute shall be final, conclusive and binding upon all persons affected thereby, unless a timely application for rehearing or appeal is filed as provided in A.R.S. §38-847G.

15. Rehearing. A claimant or the fund manager may apply for rehearing before the local board within 60 days of notification of the Local Board's original action. An application for rehearing shall be filed in writing and submitted to the local board secretary. (A.R.S. §38-847H)

- A. Preparation of Preliminary Record. Upon receipt of a proper application for rehearing, the Board Secretary shall provide either minutes and may provide a verbatim transcript of any previous proceeding of the Board in connection with the matter and prepare a packet consisting of all documents and other tangible items of evidence made available to the Board with respect to the underlying issues. The rehearing packet shall be made available to Board members and shall be provided to all others who are party to the rehearing. This packet of materials shall constitute the preliminary record for the rehearing.
- B. Scheduling of Rehearing. The Board Secretary shall schedule the rehearing for the next scheduled meeting of the Board or such other date and time as may be determined, but no more than 90 days after receipt of notification unless agreed to by all parties involved. (A.R.S. §38-847D(3)) The Board Secretary shall notify the claimant and the Fund Manager of the date, time and location of the rehearing.
- C. Board Action on Rehearing. At the conclusion of any rehearing, the Board may vote to uphold its earlier action, or may vote to rescind or modify such action. The Board Secretary shall notify the claimant and the Fund Manager of the action and reasons of the Board.
- D. Finality. The Board action, pursuant to law, on rehearing shall be considered final, conclusive and binding on all persons affected thereby, subject only to judicial review contemplated by the System statute. (A.R.S. §38-847D(3))

16. Board Authority. All proceedings with respect to non-routine matters shall be conducted in an informal manner by the Board Chairperson. At any proceeding with respect to a non-routine matter, a party or the party's representative(s) will be permitted a reasonable amount of time to present evidence and/or argument to the Board. Any proceeding may be continued by the Board for purposes of gathering additional information or for other proper purposes.
17. These Procedures of the Sun Lakes Fire District Local Pension Board may be amended or revoked, and may be suspended in the interest of prompt and efficient implementation of the system, by majority vote of the members of the appropriate Board. They shall be construed in a manner consistent with the System statute.

The undersigned Chairperson and Secretary of the Sun Lakes Fire District Local Pension Board certify that the foregoing Procedures were duly adopted by the Local Board at a meeting duly called and held on the date specified below.

Michael Seller, Local Board Chairperson

Barbara Smith, Local Board Secretary

Dated

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