



Meeting Minutes

Fire Public Safety Personnel Retirement Board

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Friday, May 15, 2015

8:00 AM

Goodyear City Hall, Room 204  
190 N. Litchfield Rd.  
Goodyear, AZ 85338

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1. **CALL TO ORDER**

Chairman Stipp called the Fire Public Safety Personnel Retirement Board Meeting to order at 8:06 a.m.

2. **ROLL CALL**

**Present:** 4 - Chairman Stipp, Boardmember Doyle, Boardmember Hernandez and Boardmember Mathias

**Excused:** 1 - Boardmember Stewart

**Motion by Boardmember Mathias, SECONDED by Boardmember Doyle, to EXCUSE Boardmember Stewart from the meeting. The motion carried by the following vote:**

**Ayes:** 4 - Chairman Stipp, Boardmember Doyle, Boardmember Hernandez and Boardmember Mathias

**Excused:** 1 - Boardmember Stewart

Staff Present: Maureen Scott-City Clerk, William Bishop-Fire Battalion Chief, Rocky Piazza-Fire Engineer, Tim Wayne-Deputy Fire Chief

Legal Counsel Present: Cindy Kelley with Ryan, Rapp and Underwood

3. **APPROVE MINUTES**

[MINUTES](#) Approve draft minutes of the Fire Public Safety Retirement Board Meeting  
[38-2015](#) held on April 22, 2015.

**MOTION by Boardmember Doyle, SECONDED by Boardmember Hernandez, to APPROVE the draft minutes of the Fire Public Safety Retirement Board Meeting held on April 22, 2015. The motion carried by the following vote:**

**Ayes:** 4 - Chairman Stipp, Boardmember Doyle, Boardmember Hernandez and Boardmember Mathias

**Excused:** 1 - Boardmember Stewart

**4. CITIZENS COMMENTS/ APPEARANCES FROM THE FLOOR**

None

**5. BUSINESS**

**5.1. BOARD, UPON ROLL CALL VOTE, MAY CONVENE AN EXECUTIVE SESSION AS POSTED FOR THE FOLLOWING:**

Pursuant to A.R.S. §38-431.03(2),(3) and (4) the Fire 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 regarding its position in contemplated litigation regarding item 5.4. The Board will take action on these items in open session.

**MOTION by Boardmember Hernandez, SECONDED by Boardmember Doyle, to CONVENE into the first Executive Session at 8:08 a.m. The motion carried by the following vote:**

**Ayes:** 4 - Chairman Stipp, Boardmember Doyle, Boardmember Hernandez and Boardmember Mathias

**Excused:** 1 - Boardmember Stewart

**5.2. Adjournment of Executive Session**

Chairman Stipp adjourned the first Executive Session at 8:37 a.m.

**5.3. Reconvening of Board Meeting**

Chairman Stipp reconvened the Board Meeting at 8:37 a.m.

William Bishop explained his health related issues. He said he couldn't trace it to one thing. In December 2012, he began attending a pain clinic and has been seen by a Chiropractor, several medical doctors, and a physical therapist. He chose that route to see if he could get better. The doctor asked if it was work related, and Bishop said he didn't know. After the first six months of being treated, the doctor said it was work related and that it is micro trauma from repetitive motion. Bishop asked the doctors what they thought caused the injury. Bishop said the doctors reviewed the two MRI's he had performed and they came to the consensus that it was caused by work related activities. The MRI's were done in November 2012 and December 2014.

Bishop said he recently completed Workman's Compensation paperwork. He said he didn't file anything earlier with Workman's Compensation because he didn't think there was anything he could do. He was trying to get better. He was told surgery was an option but there was no

guarantee that it would work. However, the doctor wasn't recommending it. There was a slim chance of surgery making a difference. He has been trying some other treatments. The doctors basically are telling him that they can't fix it. He is telling the truth concerning his injury as he knows it and based on what the doctors have told him.

**Board Questions:**

**\*Have you submitted Workman's Compensation Paperwork prior to last month?** Bishop said no.

**Why does the Workman's Compensation Incident Report have an injury date of March 2, 2015?** Bishop said that is the date he was put on light duty since he no longer could do the job. December 2012 is when he first noticed there was a problem. March 2nd could be the second time that he was put on light duty. All of the documentation he submitted last month for the Workman's Compensation Incident Report shows Dec. 2012.

**When did you see the orthopedic surgeon?** Bishop said Estrella Parkway Medical Center referred him to Palm Valley Pain Consultants because he wasn't getting any better and to see if there was anything they can do. Bishop said he didn't see the orthopedic surgeon but saw someone in his medical group last month for a surgery consult. They really didn't want to do the surgery based on the MRI. He doesn't have the doctor's notes from the initial visit with the orthopedic surgeon. The doctors don't really want to do surgery. So they are trying another treatment plan.

Bishop said he has been on light duty. He did try to go back on shift work but by the end of the shift, it became debilitating. The first time he went on light duty he didn't know why he was injured. He didn't put all of this together until the doctor told him what was happening.

Bishop said since submitting the Workman's Compensation paperwork last month, he has not heard back to say if he has a claim or not. He has not had any treatment through Workman's Compensation.

**Why didn't you file a Workman's Compensation Incident Report in 2013?** Bishop said he was trying to remain at work and get better.

**\*Why did you decide now to file accidental disability?** Bishop said this is as good as it is going to get. It is time to do something. If he thought the surgery would be successful he would do that. He is trying to remain fully functional.

Chairman Stipp stated that the Board decisions are based on if the applicant is unable to perform the duties of the job and is the injury work related? This needs to be confirmed with evidence that it occurred on the job. The Board needs to make a determination before they can send the applicant for an Independent Medical Evaluation. There is not a lot of leeway. No one is doubting there is a physical injury; the question is the injury work related? In the past,

for other cases, we have had Workman's Compensation documentation and this information is missing.

**BOARD, UPON ROLL CALL VOTE, MAY CONVENE AN EXECUTIVE SESSION AS POSTED FOR THE FOLLOWING:**

**Pursuant to A.R.S. §38-431.03(2),(3) and (4) the Fire 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 regarding its position in contemplated litigation regarding item 5.4. The Board will take action on these items in open session.**

**MOTION by Boardmember Hernandez, SECONDED by Boardmember Mathias, to CONVENE into the second Executive Session at 9:05 a.m. The motion carried by the following vote:**

**Ayes:** 4 - Chairman Stipp, Boardmember Doyle, Boardmember Hernandez and Boardmember Mathias

**Excused:** 1 - Boardmember Stewart

**Adjournment of Executive Session**

Chairman Stipp adjourned the second Executive Session at 9:18 a.m.

**Reconvening of Board Meeting**

Chairman Stipp reconvened the Board Meeting at 9:18 a.m.

**5.4. A. Fire Board will consider rehearing for the Accidental Disability Application for William Bishop.**

**B. Fire Board will review and may take action on the Accidental Disability Application for William Bishop.**

**Board Discussion:**

\*The Fire Board spent a great deal of time on this case and has been discussed extensively.

\*The April 22, 2015 Board Meeting was reviewed stating the initial reasons of the Accidental Disability Application denial. There were three bullet points.

1. Lack of appropriate medical documentation as noted by Statute Pursuant to A.R.S. § 38-847(F), the City of Goodyear Public Safety Personnel Retirement Police and Fire Boards have established Rules of Board Procedure. Section F(1)(a) of those procedures requires that an applicant provide written medical evidence to support an application for

an accidental disability.

2. Lack of evidence showing injury being work related.

3. We have been provided documentation from Estrella Parkway Medical Center, but not from the treating doctor.

\*There is still lack of evidence that the injury is work related. There is no documentation showing a single cause of injury. This happened over time. Where and how did it happen?

\*The Board's Duty is to look out for Public Safety member's interest. This job has an amount of physical danger that comes with it and catastrophic injuries can happen. There can be an acceptable range of injury. There is nothing showing a single cause of injury. It appears it has happened over a period of time. It could have happened while working as a firefighter but there is no information to know exactly when or where it happened and if it is work related.

\*There is no doubt that you have been treated and are trying to get better.

\*This is a tough position. It is the responsibility of the injured to report injuries and then there could be a benchmark on when it happened which would have started the process.

Kelly explained that there is legal precedent. She referred to the Wills Case in Pima County. The injury has to be a substantial contributing cause to be an accidental disability. The evidence must show that the injury from the job must be a substantial contributing cause of the disability. It has to be more than a contributing factor.

**MOTION by Boardmember Doyle, SECONDED by Boardmember Hernandez, to DENY the Accidental Disability Application for William Bishop. The motion carried by the following vote:**

**Ayes:** 4 - Chairman Stipp, Boardmember Doyle, Boardmember Hernandez and Boardmember Mathias

**Excused:** 1 - Boardmember Stewart

**6. INFORMATION ITEMS**

None

**7. ADJOURNMENT**

There being no further business to discuss, Chairman Stipp adjourned the Fire Public Safety Retirement Board Meeting at 9:30 a.m.

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Maureen Scott, Secretary

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Bill Stipp, Chairman

CERTIFICATION OF MINUTES

I hereby certify that the minutes are a true and correct copy of the minutes of the Special Meeting of the Fire Public Safety Personnel Retirement Board of the City of Goodyear, Arizona, held on 05/15/2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2015

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Maureen Scott, Secretary  
Public Safety Personnel Fire Retirement Board