

**AMENDED AND RESTATED
RULES AND PROCEDURES OF THE LOCAL BOARDS OF THE
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS) FOR THE
CITY OF CHANDLER FIRE DEPARTMENT AND POLICE DEPARTMENT**

Pursuant to A.R.S. § 38-847, the following Rules and Procedures are hereby adopted:

PREAMBLE

The members of, and independent legal counsel for, the Local Boards of the Public Safety Personnel Retirement System, hereby affirm with their signatures below, that they have read the update of the PSPRS Model Rules adopted December 22, 2021. In compliance with HB 2381, the PSPRS Model Rules are attached and shall be incorporated herein by reference, now and with future updates as they occur. It is further the Board members' intention to update these Rules in compliance with HB 2381. However, where these Rules address procedures not covered by the Model Rules, and/or provide greater structure or clarity for conduct of investigations, hearings or rehearings, than the Model Rules, these Amended and Restated Rules are deemed necessary and shall control.

I. FORMATION AND GOVERNANCE

1. *Board Composition.* Pursuant to statute, the Public Safety Personnel Retirement System (PSPRS) Local Boards for the City of Chandler Fire Department (CFD) and City of Chandler Police Department (CPD) shall be composed as follows: (i) the Mayor, or the Mayor's designee, approved by the City Council; (ii) two members elected to each Board by secret ballot of the PSPRS members of Chandler Fire Department (Fire Board) or Chandler Police Department (Police Board); and (iii) two citizens, one of whom shall be the Chairperson of the Merit System Board, or the Chair's designee. The citizens are appointed

by the Mayor, with the approval of the City Council, and shall serve on both Boards.

Any PSPRS members who are eligible to serve may request to be placed on the election ballot for the Board of their respective Department within the 14-day period following the announcement by the Board Secretary of an upcoming election and the opportunity to opt in. The available elective positions will be filled with the one or two candidates, as applicable, who received the highest number of votes cast in the election.

If an elected member becomes a beneficiary of the System, leaves the employ of his or her respective Department, or terminates his or her Board service for any reason prior to expiration of the current term, a vacancy is automatically declared. The Boards' policy is to fill such vacancies as expeditiously and cost effectively as possible using this procedure and Special Board meetings as may be necessary. An elected vacancy shall be filled by a new special election unless the Board finds extraordinary circumstances to exercise its discretion to select the recipient(s) of the next highest number of votes in an election within the last 12 months. In the event that both elected members become ineligible at the same time a new special election shall be held. Whether vacancies are filled by promotion or a new special election, the new member(s) shall only fill the remainder of the unexpired term(s) to maintain the required statutory staggering of Board terms.

Effective January 1, 2022, the Boards shall engage independent legal counsel who is not an employee of or contracted with the City, CFD or CPD, as employer(s), or any employee organization or member, and who will owe a duty of loyalty only to the Board(s). Also effective January 1, 2022, any changes in Board members, and/or service of the Local Board Secretary, Assistant Secretary, or independent legal counsel, shall be reported to the

System Administrator within ten days of the change.

2. The Chairperson shall be the Mayor or approved designee of the Mayor. The Board may select a Vice-Chair upon majority vote. During the inability of the Chairperson to serve, either by the Chair's temporary designation or vote of the Board, the Vice Chairperson shall assume all powers and responsibilities of the Chair, as outlined in Sections 7, 33 through 41, or as may otherwise be provided by law. The Secretary shall be either the Human Resources Director or a City employee nominated by the Human Resources Director, preferably with Human Resources, Finance, Retirement, or Benefits experience, and shall be approved by a majority of the members of the Board. The Board may also designate an Assistant Secretary by majority vote. The Secretary may delegate some or all of the Secretary's duties to the Assistant Secretary on a short-term or ongoing basis.

3. A quorum for the purpose of conducting any business by the Board shall be three members. At least three members must be physically present at a meeting or hearing to conduct Board business. All votes for Board action shall be by a majority of those present and qualified to vote on the matter. It is preferred, but not required, that any quorum and sustaining vote will include at least one elected member.

4. Regular monthly meetings shall be posted in the City's public notice area and held at the location identified in the meeting notice. The preferred meeting times will be at 8:45 a.m. (Fire Board) and 9:00 a.m. (or immediately following the conclusion of the Fire Board meeting) (Police Board) on the first Wednesday of each month unless a holiday or schedule conflict requires an alternative meeting date and/or time. The Boards may also

meet at other dates, times, or places as may be called pursuant to Section 5 below and as set forth in the Notice(s) of Meeting. Any meeting may be continued to a later date, on proper notice, in the absence of a quorum.

5. Special meetings may be held at any time, following proper notice to the public as required by law, upon the call of the Chairperson or any two members of the Board.

6. No fewer than three business days before the date of a meeting or hearing, the Secretary or Assistant Secretary shall give each member of the Board notice and post the public notice of the meeting. The Board's agenda may include a consent agenda, for approval with a single vote, of multiple items of a less discretionary nature or items that do not require further discussion such as approval of meeting minutes, or documents issued between meetings in compliance with time deadlines, to confirm votes taken in previous Open Session meetings. A single Board member may request in Open Session that any item be removed from the consent agenda for amendment, discussion, and separate vote. If item(s) are removed, the remaining items can be approved in a group by Open Session vote, according to law. Any member, claimant, applicant, or beneficiary whose application or request for determination is on the agenda shall be given personal notice of the meeting or hearing in any manner deemed appropriate by the Board. A Board member who is not notified of a meeting or who has not received the required three (3) days' notice shall be deemed to consent to all action taken by the Board at said meeting unless a written protest is filed with the Secretary or Assistant Secretary within ten (10) days after the date that the minutes of the meeting are mailed or otherwise given to the member. If such a protest is

duly filed, the action protested shall be re-opened for consideration and vote at the next regular meeting. Any notice may be given by placing a copy thereof in the U.S. Mail, postpaid, addressed to the address maintained in the files of the local Board.

7. The Chairperson shall preside at all meetings, hearings and rehearings and shall rule on evidentiary issues that arise during hearings and rehearings, as described by these Rules. The Chairperson shall also have authority to sign certificates and other documents required by or incidental to the operation of PSPRS, fulfillment of the Board's statutory responsibilities, or as required by law.

8. The Secretary or Assistant Secretary shall prepare and keep minutes of each meeting. In consultation with Local Board counsel, the Secretary or Assistant Secretary shall have authority to prepare, execute, and file with the PSPRS Board of Trustees such certificates or other documents as may be necessary in, and incidental to, the operation of PSPRS, fulfillment of the Board's statutory responsibilities, or required by law, including all members' enrollment forms, disability or line of duty death benefit applications, or other documents as may be necessary in, and incidental to, the PSPRS plan management.

Effective January 1, 2022, and pursuant to A.R.S. § 38-847.04 (A) and A.R.S. § 38-847.03 (A) respectively, within ten days after receiving a completed retirement, DROP, or survivor application, or a disability or a line of duty death benefits application from a member or beneficiary, those documents shall be transmitted to the PSPRS Administrator. If a disability or line of duty death application is not complete on receipt pursuant to these Rules, or if other deficiencies in meeting applicable eligibility criteria are known at the time of submission, the application shall be accepted for transmittal by the Board Secretary, but

that information may be reported to the PSPRS Administrator. Board action shall be required after transmission, only on applications for system membership, disability or line of duty death benefits, or requests for opinions on questions of whether benefits are consistent with and allowable under the System, all of which shall continue to be subject to investigation and hearing or rehearing as set forth in Sections 11, 14 – 21, and 33 – 41 of these Rules.

9. Adequate records necessary to the proper operation of PSPRS, fulfillment of the Board's statutory responsibilities, or required by law shall be maintained by the Secretary or Assistant Secretary, or the City's Human Resources staff in such form and manner as the Board prescribes. Employer records may be used to avoid duplication, where permitted by law.

Consistently with A.R.S. § 38-847 (R) as amended, and effective January 1, 2022, the City, CFD or CPD as employer, and the Local Board(s), shall submit any reports, data, paperwork, or other materials, requested by the System Board of Trustees, or PSPRS Administrator on their behalf, for any reason, including post-action review under A.R.S. § 38-847.03 (B, C), Local Board action or inaction, or to investigate a complaint regarding the Local Board(s). If notified of a compliance issue following investigation or audit, the Local Board(s) shall have sixty days to take corrective action, and Local Board staff are authorized to work with the PSPRS Administrator and/or the employer(s) as may be needed.

10. Board members, whether elected or appointed, shall serve staggered four-year terms. To ensure this for elected Board members, one PSPRS Member of each Department will be chosen for a four-year term on the Board in an election to be held in

the Department every two years. By Board vote of November 6, 2019, the successful completion of probationary service with the employee's Department shall be required for both ballot eligibility and for Board service. All Board members are expected to exercise their discretion and authority consistent with the requirements of applicable Arizona law, including PSPRS provisions, Conflict of Interest avoidance, fiduciary responsibilities, and the Open Meeting Law as set forth in the Board member agreement. Failure to comply with the terms of the Board member agreement or unexcused absences for two regularly scheduled meetings in the same year may be cause for removal by a vote of the majority of the Board. Effective January 1, 2022, within one hundred eighty days after election or appointment, any Local Board Secretary, Assistant Local Board Secretary, or new Board member shall complete Local Board training as prescribed by the Board of Trustees, including Open Meeting Laws, Ethics, Legal Review and Fiduciary Responsibilities and Duties. Training for Board members shall also be offered by independent Local Board counsel on an as needed basis.

11. The Board shall have authority to fully investigate all requests for disability or line of duty death benefits, all questions regarding System eligibility, or any requests for opinions on questions of whether benefits are consistent with and allowable under the System under Arizona law, including all retiree return to work issues, and may rule on any application, question, or request, with or without an evidentiary hearing, during a properly noticed meeting. Effective January 1, 2022, the Board will not order medical records or conduct any secondary investigation(s) regarding pre-existing condition determinations; however, the Board may conduct follow-up consultation(s) with its Medical Board examiner

to clarify opinions on pre-existing conditions. If there is a conflict in the available medical evidence, or for other reasons within its discretion, when the Board determines an evidentiary hearing would be of benefit, the Board may schedule such a hearing upon proper notice to the member, claimant, applicant, beneficiary, and the public. The City, CFD or CPD as employer, may participate as a party in any hearing or rehearing before the Board and may be represented by counsel. The Board shall be represented by counsel at any hearing, which will follow the same procedures applicable to rehearing set forth in Sections 32 through 41 below. The member, claimant, applicant, beneficiary, and/or the employer shall be permitted to address the Board and may be subject to questioning by Board members or the attorney(s) for the Board, City as employer, or PSPRS Board of Trustees at any meeting at which a determination of disability or line of duty death benefit eligibility, System membership, and/or questions of whether benefits are consistent with and allowable under the System, may be made. Upon application for line of duty death benefits, surviving spouses, guardians, and eligible children shall be permitted to address the Board and may be also subject to questioning by Board members or the attorney(s) for the Board, City as employer, or PSPRS Board of Trustees.

12. Unless an exception or difference is specifically noted, these Rules apply to both Local Boards in the same manner. Where the singular term "Board" is used in a Rule, the Rule applies to either Board individually. These Rules and Procedures may be changed, amended, or revoked by majority vote of the members of the respective Boards.

II. PROCESSING OF NEW HIRES

13. As soon as possible after hire or promotion to a PSPRS-eligible position, the

Secretary or the City's HR staff shall distribute membership forms to the newly covered employee(s) and/or ensure that online forms are completed.

14. After receipt of completed membership forms, the Board Secretary may, at the Board's direction, screen each applicant's Medical Board/pre-existing condition (PEC) evaluation report from the medical and psychological evaluator(s) of the Department. The Secretary may provide the medical reports to counsel for screening to identify whether the medical and psychological evaluator(s) have indicated that any applicant has a condition which required a Category A or B medical review in compliance with the NFPA 1582 medical requirements (Fire) or a Category II medical review for compliance with the Arizona Peace Officer Standards and Training (AZ POST) medical requirements (Police). The Medical Board/PEC evaluation reports may include, but are not limited to, the following: all completed patient history forms; doctors' reports/dictation describing the physical exam performed; the pre-existing condition (PEC) declaration form, and any supporting dictation or notes. If no pre-existing condition has been identified by the physician, the employee shall be placed on the next agenda for a membership vote. If a pre-existing condition is declared, and/or the report requires follow up with the doctor to clarify the opinion, the Secretary shall provide notice to the member as required by PSPRS Model Rules § (D) (5), and after the 30-day period for comment expires, place the matter on the agenda, including in the Board packet any records or comment the member may have provided during the notice period.

15. The Board, at the next regularly scheduled meeting, or at a special meeting if appropriate, shall review the application(s) for new membership in PSPRS for System

eligibility pursuant to the applicable statutory definitions. Pursuant to Local Board vote of November 6, 2019, recruits in training, whether in the Fire Academy or Police Academy, and/or required field training during the one-year probationary period, shall be deemed to satisfy the definition of "employee" contained in A.R.S. § 38-842 (27), effective the date of their hire into a PSPRS-covered position with Chandler Fire Department or Police Department for Tier I and II members and effective the 91st day following the date of hire for Tier III members. Pursuant to Local Board vote of November 6, 2019, out of state lateral police hires shall be treated as recruits in training before the date of receipt of their Arizona POST certification to satisfy the definition of "employee" contained in A.R.S. § 38-842 (27), effective the date of their hire. The date of hire shall be the PSPRS membership date for Tier I and II members; for Tier III members, the 91st day following the date of hire shall be the PSPRS membership date.

16. Effective January 1, 2022, the Board hereby incorporates Section D of the PSPRS Model Uniform Rules as adopted on December 22, 2021, and shall provide 30-days' notice to the new hire, as set forth in Section D (5), upon receipt of a Medical Board report or Pre-Existing Condition (PEC) form, which declares any pre-existing condition(s). If the Medical Board/PEC opinion is unclear, the Board may request a supplemental report or follow-up consultation for clarification. However, effective January 1, 2022, the Board will not order medical records or conduct any secondary investigation(s), regarding pre-existing condition determinations. If an applicant has a physical or mental condition or injury that existed or occurred prior to the date of membership in PSPRS, but is otherwise eligible for membership, the Board shall approve membership noting any preexisting physical or

mental condition or injury for which accidental or ordinary disability benefits may be excluded. The Secretary shall notify the applicant of the Board's decision as indicated in Section 30 below. The Board shall consider the Medical Board examination report/PEC form authorized under A.R.S. § 38-847 (D) (9), § 38-859, and Model Rules § (D) and may do so in a Confidential Medical Executive Session. Votes to declare pre-existing conditions shall be taken in Open Session as required by law. Such determinations and declarations shall be made on an individual case-by-case basis with as much specificity as possible as to the particular condition(s) found while exercising due care to avoid identifying those specific condition(s) or any other confidential medical information in the Open Session or on the record.

Pursuant to Local Board vote of January 4, 2023, and effective as of January 1, 2023, for any new lateral hires with service credits to transfer from another PSPRS employer, pre-existing conditions will be determined as of the date of initial System membership with that previous employer, as long as there is no break in service, usually defined as less than two tours or no more than 21 days between service with the prior credited employer and the City start date. As to all other new hires, and pursuant to Local Board vote of November 6, 2019, it is presumed that the City start date in a PSPRS-eligible position will control for the determination of pre-existing conditions. If necessary to clarify medical issues, and at the Board's sole discretion, applicants may be invited to attend Confidential Medical Executive Sessions. An elected Board member who is the direct supervisor of a potential recruit, lateral hire, or benefit applicant at the time of Board review shall not review that employee's medical reports or participate in the discussion or vote involving the employee.

17. If the Board denies PSPRS membership or approves membership with an exclusion based on a preexisting condition, the Board Secretary shall notify the applicant of the Board's decision as provided in Section 31 below, and consistent with PSPRS Model Rules §§ (A) (4,6), (C) (5) (g), and (D). On its own motion, the Board may review and re-determine its prior decision(s) on any matter within its jurisdiction according to law, including disability, PSPRS membership, line of duty death benefits, and requests for opinions on questions of whether benefits are consistent with and allowable under the System, including all retiree return to work issues. The Board shall notify any member, claimant, applicant, or beneficiary of any meeting at which it will review a prior decision affecting him or her.

18. The Board's review of psychological evaluations as part of its pre-existing condition determination will be limited to portions of the report directly related to any existing mental conditions or injuries identified by the psychological evaluator. For psychological evaluations, the Board shall confirm such an evaluation has been conducted as part of the pre-hire process, and note the existence of any existing mental conditions or injuries identified in the report by the evaluator. The report may be used in the future, in its entirety, to make determinations on whether a disability claim arises from a pre-existing condition, whether or not specifically identified by the pre-hire psychological evaluator. The report shall be maintained by the Board Secretary in a confidential manner in a secured environment for up to five years after the employee's separation from City employment and the Local Board shall have access to those records as may be needed to evaluate disability application(s) according to law.

III. PROCESSING OF DISABILITY PENSION APPLICATIONS AND LINE OF DUTY DEATH BENEFITS

19. All applications for any type of disability pension or line of duty death benefits shall be timely submitted to the Local Board Secretary with supporting documentation of certificates of birth, death, and marriage, as appropriate. Effective January 1, 2022, and consistently with section 8 above, within ten days after receiving a disability or a line of duty death benefits application from a member or beneficiary, those documents shall be transmitted to the PSPRS Administrator, whether Board action has been taken or not.

20. Any type of disability pension application shall be supported with medical report(s) and examinations as required by A.R.S. § 38-847 (D) (9) and § 38-859, and Model Rules § F, establishing all eligibility requirements of A.R.S. § 38-844, and the definitions contained in A.R.S. § 38-842, for the particular disability type for which the applicant has applied. Any line of duty death benefits application shall be supported with medical report(s) and any other factual documentation to establish all eligibility requirements of A.R.S. § 38-846 (D) and Model Rules § (G). Any disability or line of duty death application shall not be considered complete for purposes of Board review and action unless and until all necessary supporting medical or other factual documentation has been received by the Board Secretary, and regardless of the Local Board's compliance with A.R.S. § 38-847.03 (A). The applicant shall fully cooperate with the record and background information gathering process as required by the Board. The Board's inability to obtain medical records from another government department or agency shall not preclude the Board's consideration of

an application if the applicant has been fully cooperative and has diligently pursued all available opportunities to facilitate the release of the records. The City's Benefits or HR Staff may assist the members with their applications, including provision of information such as years of service and rates of pay. In addition, any application for a work-related disability pension shall include evidence that the Applicant has diligently pursued in good faith any remedies available to him with the Industrial Commission of Arizona. Applicants for any work-related disability pension shall provide copies of the Worker's Report of Injury and medical records furnished to the Industrial Commission and any case-determinative pleadings and medicals, or judicial decision(s) from the workers' compensation matter.

21. A disability or PSPRS system Applicant or beneficiary may be subject to an Independent Medical Evaluation or Medical Board pursuant to A.R.S. § 38-847 (D) (9) and § 38-859 (A, C), composed of a designated physician or clinic other than the employer's regular employee or contracted clinic. Consistent with A.R.S. § 38-859, the Medical Board or evaluator will be asked to make written findings regarding eligibility for the disability type as defined by A.R.S. § 38-844, and the definitions contained in A.R.S. § 38-842, and whether pursuant to A.R.S. § 38-844 (D) (3), and as defined by Sections 14 and 16 above, a pre-existing mental or physical condition or injury precludes PSPRS or benefit eligibility. In considering any application for a disability pension, the Board shall also consider the eligibility requirements of A.R.S. § 38-844 (D) (1-3), and any applicant for PSPRS membership or any disability pension shall sign a medical release so that proper investigation of eligibility can occur. Any failure to cooperate with the Board's medical investigation and/or to participate in a Medical Board examination pursuant to §38-847 (D)

(9) and at the request of the Board for eligibility purposes shall result in a denial of benefits pursuant to A.R.S. § 38-844 (E) and § 38-859.

22. The Secretary shall, at the direction of the Board but not more frequently than once a year and prior to the normal retirement date of any disability pensioner, notify such pensioner to report for examination by the physician designated by the Board. If required, other physicians may be employed to report on special cases. The provisions for medical investigation of pension applications contained in Section 21 shall apply. For purposes of such evaluation, the recipient of any disability pension shall sign a medical release and may be requested to provide medical records or other medical documentation of the disability so that proper investigation of continuing eligibility can occur. Any failure to cooperate with the Board's medical investigation and/or to participate in the medical examination at the request of the Board shall result in a termination of benefits pursuant to A.R.S. § 38-844 (E) and § 38-859. The Board, upon receipt of the physician's report, shall review the appropriateness of any such disability award in accordance with A.R.S. § 38-844 (E), including consultation with the Human Resources Director, or designee, and the recipient's Department regarding whether such report demonstrates the recipient's ability to engage in a reasonable range of duties within that Department.

23. A review of disability pension claims shall be conducted by the Board each year in such form as the Board may require, to obtain appropriate evidence allowing it to fulfill its statutory obligations. The annual reviews will preferably take place at the Board meetings in October but are subject to rescheduling at the Board's discretion. Voting on whether to conduct follow up medical examinations shall take place in Open Session as

required by law. Such determinations shall be made on a case-by-case basis using factors consistent with the processes for handling confidential medical information outlined in Section 16 and for review outlined in Section 17. In exercising its discretion for such votes, the Board shall review each case objectively and may consider, but is not limited to, the following factors: the nature of the previous disability; the likelihood of current recovery; the previous permanent limitations applicable to the disability; the impact of the disability on Departmental service; the length of time since the disability began; the complexity and/or expense of a proper medical investigation and/or Medical Board exam; the current Departmental personnel structure and needs; the potential for rehire; and any other information relevant to the application of A.R.S. § 38-844 (E). Pensioners may be requested to cooperate with further investigation and/or participate in a medical examination, as described in Section(s) 21 and 22 above, and/or a hearing as described in Section(s) 32 through 41 below.

24. Any member/beneficiary of the Public Safety Personnel Retirement System who fails to comply with the provisions of applicable Arizona law and/or these Rules and Procedures shall be deemed to be ineligible for the award of any benefits or the continuation of any benefits already awarded.

IV. MEDICAL EXAMINATION OF RECOVERY BY MEMBER WITH ORDINARY OR ACCIDENTAL DISABILITY

25. When the Board determines that a member qualifies for an ordinary or accidental disability retirement pension and the member/beneficiary will not reach normal retirement date within one year of the initial determination, the Board shall determine

whether and when to request a medical examination pursuant to A.R.S. § 38-844 (E), § 38-847(D)(9), and §38-859 and Model Rules § (H), and consistent with Section(s) 21 to 23 above.

26. The Board shall request the Medical Board or evaluator performing the medical or psychological examination to address any relevant issue including specifically whether the member/beneficiary has sufficiently recovered to be able to engage in a reasonable range of duties within the member's Department.

27. The Board shall consider the matter at a regularly scheduled meeting upon proper notice to the member/beneficiary and the public. Pursuant to A.R.S. § 38-844 (E), if the Board determines that the member/beneficiary has recovered sufficiently to be able to engage in a reasonable range of duties within the member/beneficiary's Department, the Board shall so notify the member/beneficiary and the Department. If the Department makes an offer of employment to the member/beneficiary, which is declined by the member/beneficiary, benefits shall be terminated.

28. If the Board determines that the member/beneficiary has not recovered, the Board shall determine whether and when to request another medical examination pursuant to A.R.S. § 38-844 (E), § 38-847 (D) (9) and § 38-859, and consistent with Section(s) 21 to 23 above.

29. Sixty months after the award of a catastrophic disability pension (CDP), the Board shall reevaluate the member/beneficiary. If the member still qualifies for the CDP, s/he is entitled to receive the pension at the reduced amount prescribed in § 38-845 (E). At or after the sixty-month review, the catastrophic disability shall be considered to have

ceased and a CDP terminates if the Board determines that the member/beneficiary has sufficiently recovered and is able to engage in gainful employment based on a medical examination as provided in Section 21. However, after the sixty-month review, the Board's medical examination pursuant to Section 21 above shall not be required more frequently than once in a calendar year and made consistently with Section(s) 21 to 23 above. The medical review after the sixty-month period does not apply after the date the catastrophic disability pensioner would have attained twenty-five years of service assuming the pensioner remained a member of the system. The Board shall also terminate a catastrophic disability pension if the member/beneficiary refuses to undergo any medical examination requested by the Board. A member/beneficiary whose catastrophic disability pension is terminated may apply for and if eligible is entitled to receive an accidental disability pension as provided in A.R.S. §§ 38-844, 38-845, and as set forth in Sections 11 and 19 - 28.

V. NOTIFICATION TO MEMBER OF BOARD'S DECISION OF DETERMINATION OR ELIGIBILITY

30. When the Board approves applications for PSPRS membership, disability pensions, and line of duty death benefits, the affected member, claimant, applicant, or beneficiary and the employer and PSPRS Board of Trustees shall receive notification of the Board's original determination either by attending the meeting at which the action was taken, by certified mail, or by receiving benefits from PSPRS pursuant to the Board's original action. Effective January 1, 2022, the PSPRS Board of Trustees may be served by email in lieu of certified mail. The notification shall advise the affected member, claimant,

applicant, or beneficiary and the PSPRS Board of Trustees, through counsel if represented, of the statutory right to request, or for the Board of Trustees, require, a rehearing on the original determination within 60 days after receipt of notification, pursuant to A.R.S. § 38-847 (G), (H). Such notification, and minutes of the meeting or hearing, should include the Board's decision on the issue or application presented, specific findings supporting the decision with reference to the evidence relied upon by the Board, and if necessary, how the Board resolved any conflicts in the medical evidence.

31. When the Board votes to deny PSPRS membership, or makes rulings on requests for opinions as described in Section 11 above, pre-existing conditions or other questions of eligibility, or denies applications for disability pensions, and/or line of duty death benefits, whether based on an evidentiary hearing as indicated in Section 11 above, or otherwise, the affected member, claimant, applicant, or beneficiary and the PSPRS Board of Trustees, through counsel if represented, shall receive notification of the Board's original determination either by attending the meeting at which the action was taken or by certified mail. Effective January 1, 2022, the PSPRS Board of Trustees may be served by email in lieu of certified mail. The notification shall advise the affected member, claimant, or applicant or beneficiary and the PSPRS Board of Trustees, through counsel if represented, of the statutory right to request, or for the Board of Trustees, require, a rehearing on the original determination within 60 days after receipt of notification, pursuant to A.R.S. § 38-847 (G, H). Such notification, and minutes of the meeting or hearing, should also include the Board's decision on the issue or application presented, specific findings supporting the decision with reference to the evidence relied upon by the

Board, and if necessary, how the Board resolved any conflicts in the medical evidence.

VI. REHEARING ON ORIGINAL DETERMINATION

32. A request for rehearing by a member, claimant, applicant, or beneficiary must be made in writing, setting forth the reason(s) for the request, and must be timely received by the Board Secretary in accordance with A.R.S. §38-847 (G), (H), to be considered. The PSPRS Board of Trustees may also require that a rehearing be held. Not later than 40 calendar days after the original decision, the Board on its own motion may order a rehearing for any reason for which it might have granted a rehearing on motion of a party, stating the reason(s) underlying its action. In the Board's discretion, the procedures for rehearing set forth under Sections 33 - 41 may also be applied to hearings to reach initial Board determinations.

33. The Board is not bound by common law and may conduct the hearing or rehearing in any manner that will achieve substantial justice and is consistent with PSPRS statutes and case law. The hearing or rehearing shall be an informal fact-finding process and statutory and court rules of evidence shall not apply. However, the Board Chairperson may make rulings limiting the presentation of evidence that is irrelevant, redundant, incompetent, or otherwise offered for purposes inconsistent with the purpose of the hearing or rehearing. The Chairperson may also require that appropriate foundation be established for any exhibits offered for consideration by the Board. The Board shall be represented by counsel at the hearing or rehearing who may present evidence and inquire of any witnesses who testify. The proceedings may be recorded by court reporter and all witnesses shall appear under oath and be subject to cross-examination. The member,

claimant, applicant, or beneficiary may be represented by counsel of his/her choosing at his/her own expense. The City, CFD, or CPD as employer, may participate as a party in any hearing or rehearing before the Board and may be represented by counsel.

34. If the PSPRS Board of Trustees applies for a rehearing, the member, claimant, applicant, or beneficiary whose benefit determination may be affected, and/or the City as employer, shall be a party to the proceeding. The PSPRS Board of Trustees shall be represented by counsel at the rehearing who may present evidence and inquire of any witnesses who testify. All other provisions of paragraphs 11 and 32 - 41 shall apply.

35. *Scheduling Conference.* Where a full evidentiary hearing is requested by the member, claimant, applicant, beneficiary, employer, or the PSPRS Board of Trustees, or determined by the Board to be necessary, the Chairperson shall schedule a Scheduling Conference to take place within 10 calendar days of receipt of the request for rehearing unless the Chairperson extends the date for good cause shown. The purpose of the Scheduling Conference is to set the hearing date, establish the scope of the hearing, and establish a schedule for all pre-hearing activities based on the number and complexity of issues to be decided. The Scheduling Conference shall be conducted by the Chairperson as the presiding hearing officer and attended by the Board's counsel and all parties to the rehearing or their counsel, if represented. The Scheduling Conference may be conducted in person or telephonically at the discretion of the Chairperson. Each party must be prepared to discuss the following at the Scheduling Conference:

- (1) The issues to be decided by the Board at the hearing;
- (2) A brief summary of the party's position;

- (3) Proposed available hearing dates;
- (4) The estimated amount of time the party requests to present its case;
- (5) The estimated total number of witnesses the party plans to call to testify at the hearing;
- (6) Whether the party plans to call expert witnesses and the proposed issues to be addressed by each expert;
- (7) The timeframe for lists of witnesses and exhibits and copies of exhibits to be submitted to the Board and served on all other parties or their counsel, if represented;
- (8) The timeframe for a Pre-Hearing Statement to be submitted to the Board and served on all other parties or their counsel, if represented; and
- (9) Whether the party plans to depose any witnesses or request the issuance of subpoenas.

36. *Scheduling Order.* Within 10 calendar days of the Scheduling Conference the Chairperson shall issue a Scheduling Order that will govern the schedule for the remainder of the proceedings unless modified by the Chairperson for good cause. The Scheduling Order will set the hearing date and the timeframes for all pre-trial activities including, but not limited to, submittals and exchanges of lists of witnesses and exhibits and pre-hearing statements, if required, as well as any of the other matters set forth above or any other matters the Chairperson deems important to the orderly progression of the proceedings. For re-hearings of disability retirement pension determinations, the Board shall disclose the packet materials upon which its initial eligibility decision was made at the same time

lists of witnesses and exhibits must be submitted.

37. Any request for subpoenas must be submitted as provided by the Scheduling Order to the Secretary for issuance by the Board Chairperson as presiding hearing officer. Copies of the requested subpoenas shall be served upon all other parties or their counsel, if represented, at the time of filing. Service of the subpoenas and cost of service shall be the responsibility of the party requesting issuance of the subpoenas.

38. *Pre-Hearing Statement.* By the time established in the Scheduling Order, the member, claimant, applicant, beneficiary, employer, Board, or PSPRS Board of Trustees, may submit to the Board Secretary and all other parties or their counsel, if represented, a written statement setting forth the facts of the case and a brief addressing the position and expected evidence on all relevant issues the party or PSPRS Board of Trustees will request the Board to address.

39. *Pre-Hearing Conference.* If the Chairperson determines it would aid the disposition of the hearing, the Chairperson may schedule a Pre-Hearing Conference at least two calendar days prior to the hearing. At least one representative of each party who will be responsible for the presentation of the party's position during the Board hearing shall attend the Pre-Hearing Conference. The Pre-Hearing Conference may be conducted in person or telephonically at the discretion of the Chairperson. At the Pre-Hearing Conference, the Chairperson may make such rulings and orders which will facilitate a fair and efficient hearing including but not limited to:

- (1) Clarification of the issues to be decided by the Board at the hearing;
- (2) Limitations on time for the hearing;

(3) The order of presentation for the hearing; and

(4) Resolving any motions or other outstanding issues between the parties.

40. At the request of either party or a member of the Board, the Chairperson may ask witnesses who are anticipated to testify during the hearing to excuse themselves from the hearing room until such time as they are called for testimony. However, the member, claimant, applicant, beneficiary, employer, their counsel, the representative and counsel for the PSPRS Board of Trustees, and the Board's counsel shall not be excluded from the hearing.

41. If any party or the PSPRS Board of Trustees designates any portion of the oral proceedings before the Board as part of the record on review in the Superior Court, the cost of the transcript shall be paid by the party so designating or the PSPRS Board of Trustees, unless the Board waives the cost of transcription upon good cause shown. A request for waiver of the cost of the transcription shall be in writing and served upon the Board Secretary at the time of the service of the appeal complaint.

VII. QUALIFIED DOMESTIC RELATIONS ORDERS

42. Any member or beneficiary involved in a judicial proceeding for annulment, dissolution of marriage or legal separation that provides for the distribution of community property, or other court action to enforce such a property distribution, is subject to the provisions of A.R.S. §38-860, as to any qualified domestic relations order (QDRO), which might be issued in such proceedings. If a member, beneficiary, or alternate payee wishes the Local Board to take action based on a QDRO, s/he shall submit a copy to the Local

Board Secretary. The Board may take action based on a QDRO only if the QDRO has been submitted to and approved by the PSPRS as required by statute. It is the responsibility of the member, beneficiary, or alternative payee(s) who are the subject of a QDRO to keep the PSPRS informed of any changes in address or contact information. The intent of this Section is to supplement, rather than replace, the obligations a member, beneficiary and/or alternate payee(s) may have to the system created by A.R.S. § 38-860.

Sections 1 – 42 of the City of Chandler PSPRS Local Board Rules and Procedures were adopted by the Boards' votes on November 6, 2019, to replace any and all prior versions.

Amendment: 02/03/2021 (Section 18)

Amendment: 12/1/21 (Preamble added; changes made to Sections 1, 5, 7 – 11, 16 – 17, 19 – 21, 23, 30 – 34, and signature/affirmance lines added for Independent Local Board Counsel)

Amendment: 01/04/23 (Changes made to the Preamble, Section title III, and Sections 11 – 18, 20, and 25)

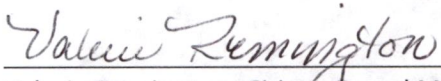
Approved and affirmed: January 4, 2023



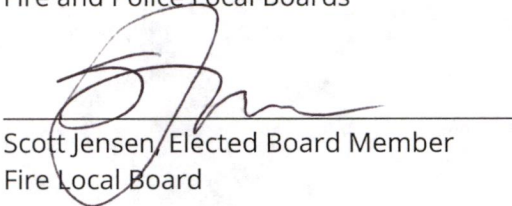
Steven Turner, Chairperson
Fire and Police Local Boards



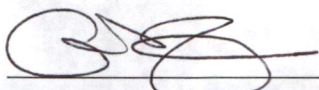
William H. Crawford, III, Vice Chairperson
Fire and Police Local Boards



Valerie Remington, Citizen Board Member
Fire and Police Local Boards



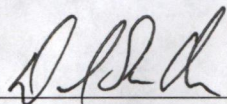
Scott Jensen, Elected Board Member
Fire Local Board



Carlos Vargas, Elected Board Member
Fire Local Board



Raymond Kieffer, Elected Board Member
Police Local Board

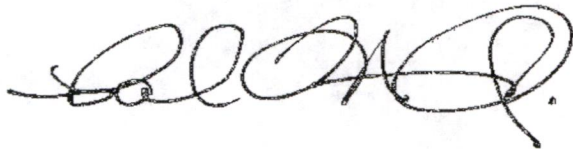


Daniel Shellum, Elected Board Member
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