

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

December 6, 2005

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday, December 6, 2005 in the Civil Service Conference Room, Suite 163, 222 Building, Third Avenue North, Nashville, Tennessee, at approximately 9:35 a.m.

Benefit Board members: Chair: Clyde D. Smith; Vice Chair: H. Russell White; Members: B. R. Hall, Sr., David Manning, Edward C. Mason, II, Dorothy Shell-Berry, Thomas A. Storey, Charles A. Trost and Betsy Walkup.

Member Edna Jones was unable to be present.

Other Members present: Nicki Eke, Attorney, Metro Legal Department and Dr. Christopher Fletcher, Civil Service Medical Examiner.

A. MINUTES: Chair Clyde Smith called the meeting to order and said the first order of business was to determine if there were any amendments, corrections or questions of the minutes from the last regular meeting held on November 1, 2005. Betsy Walkup moved for approval. Russell White seconded and the Board approved without objection. Thomas Storey moved for approval of the November 15, 2005 special called meeting minutes. Russell White seconded and the Board approved without objection.

B. DISABILITY PENSIONS: (NEW REQUESTS AND REEXAMINATIONS)

Clyde Smith stated that if there is no objection by the members of the Board deferral has been requested on items 1 and 6.

Dr. Christopher Fletcher reported to the Board that on item 2. the individual is working part time. After some discussion, the Board deferred any action on this item at this time. Dr. Christopher Fletcher reported to the Board that he recommends approval with no reexamination on items 3-5. Edward Mason moved for approval. Betsy Walkup seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that he recommends denial on items 7-10 based on the definition of disability and stated this individual should be included with the group that does not meet the definition of disability category to be reviewed in 3 months. David Manning moved approval. Edward Mason seconded and the Board approved without objection.

Dr. Christopher Fletcher stated that the individual in question on item 11 is present and would like to address the Board. In summarizing this request, Dr. Fletcher stated that he recommends denial based on the lack of medical information to grant this request.

Ms. Sherman was present and addressed the Board on her medical disability pension request.

After some discussion of the medical information, having an independent medical examination, case management and accommodations, David Manning moved that case management be assigned. Edward Mason seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that he recommends approval without stipulation of scheduled reexamination on item 12. Edward Mason moved for approval. Betsy Walkup seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that he recommends continuing item 13 until 2/2006 for reassessment. David Manning moved for approval. Betsy Walkup seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that he recommends item 14 be returned to work with restrictions. David Manning moved approval. Charles Trost seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that he recommends denial of return to work on item 15 based on the medical information. Charles Trost moved that the request be denied. David Manning seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that he recommends approval of item 16 for one month with review. David Manning moved approval of the medical disability pension request with review in one month. Edward Mason Edward Mason seconded and the Board approved without objection.

The terms of the approval or extension of the items listed in the above motion are specifically stated in these minutes.

NEW REQUESTS:

	NAME	DEPARTMENT	IOD or MEDICAL DISABILITY	RECOMMENDATION ON REEXAMINATION
1.	Tommy Ledbetter	Fire	IOD	As moved, seconded and approved, this pension request was deferred.
2.	Sandra Dawson	MAC	Medical	As moved, seconded and approved, this pension request was deferred.
3.	Diane Gilmore	MNPS	Medical	As moved, seconded and approved, this pension request was granted without stipulation of scheduled reexamination.
4.	Deborah Goins	MNPS	Medical	As moved, seconded and approved, this pension request was granted without stipulation of scheduled reexamination.
5.	Penny Castillo	Police	Medical	As moved, seconded and approved, this pension request was granted without stipulation of scheduled reexamination.
6.	Joanne Martin	Gen Hosp	Medical	As moved, seconded and approved, this pension request was deferred.
7.	Donna Dobbs	MNPS	Medical	As moved, seconded and approved, this pension request was granted for 3 months, with reexamination at that time.
8.	Timmy Blair	Public Works	IOD	As moved, seconded and approved, this pension request was granted for 3 months, with reexamination at that time.
9.	John Brummett, Jr.	MNPS	IOD	As moved, seconded and approved, this pension request was granted for 3 months, with reexamination at that time.
10.	James Elliott	Water	Medical	As moved, seconded and approved, this pension request was granted for 3 months, with reexamination at that time.
11.	Sally Sherman	Police	Medical	As moved, seconded and approved, this pension request was deferred.
12.	Betty Fisher	ECC	Medical	As moved, seconded and approved, this pension request was granted without stipulation of scheduled reexamination.

REEXAMINATIONS:

	NAME	DEPARTMENT	PENSION TYPE	RECOMMENDATION ON REEXAMINATION
13.	Sherry Driver	MNPS	IOD	As moved, seconded and approved, this pension was continued until 02/06, with reexamination at that time.

RETURN TO WORK:

	NAME	PREVIOUS DEPARTMENT	IOD or MEDICAL DISABILITY	RECOMMENDATION ON RETURN TO WORK
14.	Katie Sanders	MNGH	IOD	As moved, seconded and approved, this request was granted.
15.	Howard Harville	Police	IOD	As moved, seconded and approved, this request was denied.

NEW REQUESTS:

	NAME	DEPARTMENT	IOD or MEDICAL DISABILITY	RECOMMENDATION ON REEXAMINATION
16.	Sam Slate, Jr.	Water	Medical	As moved, seconded and approved, this pension request was granted for 1 month, with reexamination at that time.

C. PENSIONS: (Service, disability to service, options elected and survivor)

MOTION: David Manning moved approval of the pensions. B.R. Hall seconded and the Board approved without objection.

Service

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Timothy Allen	Police	Police Lieutenant	B	10/21/05	12/29/05
Mary Wallace	General Hospital	Licensed Practical Nurse	B	10/21/05	11/29/05
Leo Tatum	MNPS	Custodian	B	10/26/05	10/22/05
Nellie Jobe	MNPS		B	10/27/05	11/01/05
Suzanne Bozza	Fire	Fire Engineer	B	10/28/05	01/03/06
James Upchurch	Police	Police Officer 3	B	11/04/05	01/06/06
Geraldine Buie	MNPS	Educational Assistant	B	11/02/05	01/01/06
Bettie Shepherd	MNPS	Materials Clerk	B	11/08/05	12/31/05
Harold Brown	General Services	Master Technician	B	11/08/05	01/17/06
Jacquelyn Campbell	Social Services	Program Supervisor	B	11/09/05	12/31/05
Barbra Standley	General Hospital	Coding/ Abstracting Specialist	B	11/14/05	03/01/06
Robert Eadie	Health	Deputy Director	B	11/18/05	02/01/06
Billie Boydston	Social Services	Administrative Services Officer 4	B	11/18/05	04/01/06
David Wray	Police	Police Officer 2	B	11/16/05	01/01/06
Sydney Shearon	MNPS	School Bus Driver	B	11/10/05	01/01/06
Barbara Hunt	MNPS	Administrative Assistant	B	11/14/05	12/31/05

Disability to service

Employee	Department	Plan A/B	Effective Date of Conversion
Carolyn Rucker	Bordeaux	A	11/1/05

C. PENSIONS: (Service, disability to service, options elected and survivor)

Disability to service (continued)

Employee	Department	Plan A/B	Effective Date of Conversion
Gloria Garrison	MNPS	A	9/1/05
Donald Hargrove	Police	A	10/1/05

Options Elected

Name	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Bowman, Betty	MNPS	Service	B	8/1/2005	Option A	
Brown, Jimmy L	Water and Sewer	Service	B	9/28/2005	Option F	1
Cole, Larry N	Police	P & F Service	B	10/1/2005	Option F	2
Coppage, Betty	MNPS	Early Service	B	5/26/2005	Normal	
Dendy, Johnny L	Fire	P & F Service	B	9/5/2005	Option A	
Goodman, Sharon	General Session Court	Service	B	3/1/2004	Normal	
Henderson, Forrest T	Police	Service	B	10/1/2005	Normal	2
Kiser Laura A	MNPS	Service	B	10/1/2005	Option C	
Pharris, Timothy W	Fire	P & F Service	B	9/23/2005	Option A	
Pinckard, Gwendolyn E	MNPS	Service	B	10/1/2005	Normal	
Spray, Michael W	Sheriff	P & F Service	B	9/14/2005	Option E	
Thomas, Fred E	Water and Sewer	Service	B	10/1/2005	Normal	
Webb, Faye E	MNPS	Early Service	B	9/28/2005	Normal	

Pension options key:

- Normal - life annuity (no option elected)
- Option A - Joint & Survivor - 100% to surviving beneficiary
- Option B - Joint & Survivor - 50% to surviving beneficiary
- Option C - Social Security
- Option D - 120 payments certain and life
- Option E - Joint & Survivor - 100% to surviving beneficiary with pop-up feature
- Option F - Joint & Survivor - 50% to surviving beneficiary with pop-up feature

Survivor

Name	Department	Survivor Name	Plan Membership	Effective Date
Aubrey Nelson Graves	Pensioner	Ruth Helen Graves	B	09/27/2005
Euelon Ragsdale	Pensioner	Esther Ragsdale	B	11/14/2005

BENEFIT BOARD ITEMS

The Human Resources staff submitted the following for the Board's consideration and appropriate action:

1. Election of Metropolitan Employee Benefit Board Chair and Vice-Chair for 2006.

Russell White nominated David Manning as Chairman of the Metropolitan Employee Benefit Board for the 2006 calendar year. This nomination was seconded by Charles Trost.

B.R. Hall nominated Clyde Smith as Chairman of the Metropolitan Employee Benefit Board for the 2006 calendar year. This nomination was seconded by Edward Mason.

A vote was taken and David Manning was elected Chairman of the Metropolitan Employee Benefit Board for the 2006 calendar year with B.R. Hall, Edward Mason and Tom Storey opposed. Clyde Smith became Vice-Chair by default.

2. Disability pension review – Disability pensioner from County Court Clerk.

Shannon Beehan reported to the Board that the staff has completed a review of the earnings and confirmed compliance, the legal department has rendered a legal opinion as to the Board's scope of authority in this matter, and the Civil Service Medical Examiner has reviewed the individual's medical information on file.

After some discussion of the legal opinion and eligibility for a disability pension, David Manning moved that the Civil Service Medical Examiner conduct a medical review and that the individual be reexamined by the Civil Service Medical Examiner.

After some further discussion on eligibility to continue the disability pension, a vote was taken on the motion and approved with B.R. Hall, Edward Mason, Clyde Smith and Thomas Storey opposed.

3. Update on Goot v. Metro.

Nicki Eke of the Legal Department gave an update to the Board.

After some discussion of pending litigation relating to the Benefit Board, the Board requested that a list of pending cases and the status of that case be reported to the Board monthly.

4. Cost of living adjustments for Division A & B pension plans.

Shannon Beehan reported to the Board that in accordance with the Metro Code, the actuary has recommended that an increase of 4.50% under Division A and 3.00% under Division B should be granted to all retirees eligible to receive a cost of living increase beginning January 1, 2006.

Edward Mason moved approval of the cost of living increases for Division A and Division B pension plans. Charles Trost seconded and the Board approved without objection.

5. New disability pension request.

Dr. Christopher Fletcher reported to the Board that the results of the independent medical examination show that there is no objective medical evidence that after the reported accident that the individual has gotten worse and that the doctor's notes from the treating physician show no indication of any disability. Therefore, he recommends that this request for a disability pension be denied.

David Manning moved that the request be denied. Betsy Walkup seconded and the Board approved without objection.

6. Reconsideration of a previous matter - New disability pension request.

Shannon Beehan reported to the Board that a request for a disability pension was denied at the November meeting and the applicant is appealing this decision and asking for reconsideration. Ms. Beehan stated there is no new medical documentation regarding this request, but the individual has provided additional statements in this matter. Ms. Beehan further stated that staff recommends that if the Board believes this request meets the reconsideration guidelines and votes in the majority, the item be reconsidered.

After some discussion, Charles Trost moved for a deferral pending new medical information. David Manning seconded and the Board approved without objection.

7. Policy update: Retroactivity of refunds on medical premium policy.

In regards to the retroactivity of refunds, Nicki Eke stated that the Legal Department has determined that the policy can be applied only in cases where the premium overpayment occurred within the past six years and Human Resources was promptly notified of the eligible change in status.

8. Excludable impairments.

Dr. Christopher Fletcher is requesting that staff and the Legal Department provide additional research on excludable impairments as outlined in the Code. Dr. Fletcher stated it is becoming an issue now as it relates to pre-existing conditions and potential IOD claims.

Nicki Eke of Metro Legal spoke briefly regarding Code changes and preexisting exclusions for IOD claims. It was requested that staff and Legal coordinate this research.

9. Motion of David L. Manning to discharge from the Board and Office Committee and rescind the action taken at the May 2, 2005 Board meeting directing that the Board and Office Committee to solicit applications based upon the Code provisions and conduct initial interviews, report back to the Board within 60 days with a recommended list of candidates for Executive Secretary.

David Manning moved approval and Charles Trost seconded.

Chairman Clyde Smith divided the question. He stated that the current motion is to discharge the issue from the Board and Office Committee. A vote was taken on the motion and approved with Edward Mason, Clyde Smith and Tom Storey opposed.

Mr. Smith stated the second part of the question is to rescind the action taken at the May 2, 2005 Board meeting directing the Committee. David Manning moved for approval. Charles Trost seconded.

Clyde Smith passed out copies of the Code section to all members present that pertains to the Benefit Board having an Executive Secretary and quoted for the Board Code Section 3.08.050. He also requested that this Code section be included with the minutes.

David Manning requested the provision of the Metro Charter that allows the Benefit Board to use the Department of Human Resources as well as the legal opinion rendered also be included in the minutes.

A vote was taken and the motion was approved with Edward Mason, Clyde Smith, and Tom Storey opposed.

10. Committee Reports:

a. Payroll Deduction Committee: (Chair Edward Mason; Vice Chair: H. Russell White; Members: B.R. Hall, Sr., and Dorothy Shell-Berry).

Edward Mason reported to the full Board that the Committee met on November 15, 2005 and asked for approval of the minutes from that meeting.

Russell White moved for approval. Edward Mason seconded and was approved unanimously by the Committee.

Mr. Mason stated the Committee discussed optional v. voluntary benefit plans, grandfathering current plans, RFP process, payroll deduction, plan participation, valid contracts with current vendors and enrollment into the plans. He stated that the Committee recommends to the full Board to continue the voluntary benefit plans and have the Committee continue deliberation on future steps.

*Denotes Charles Trost leaving the meeting.

The Board discussed valid contracts with the current companies involved and requested that the Legal Department work with the Committee.

Edward Mason moved approval of the Committee's recommendation. B.R. Hall seconded and the Board approved without objection.

10. Committee Reports: (continued)

b. Study & Formulating Committee.

Shannon Beehan reported to the Board that the Study & Formulating Committee has concluded deliberation on the definition of disability and is submitting an interim final report to the Board on that item. Ms. Beehan stated that on behalf of the Study & Formulating Committee, staff is submitting the Committee's final recommendation on definition of disability to the Board for the Board's further study and action.

After some discussion of the actuary reviewing the final language, the Board deferred any action at this time pending the actuarial costing.

11. Correspondence:

- a. Utilization report and manufacturer rebate from Blue Cross Blue Shield.
- b. Utilization report from CIGNA.
- c. Utilization report from HealthSpring.
- d. Utilization review from Eckman/Freeman.

Items 11.-a. through 11.-b. were for information only and no action was required.

12. Reports for your information:

- a. Return to work.
- b. Social Security approvals.
- c. Refund of pension contributions. (none to report at this time)
- d. Repayment of pension contributions. (none to report at this time)
- e. Reports from Treasury.
- f. Social Security referrals. (none to report at this time)
- g. Non-compliant disability pensioners. (none to report at this time)

Items 12.-a. through 12.-g. were for information only and no action was required.

13. Late item(s):

There were no late items reported at the meeting.

With nothing further presented, the meeting adjourned at 11:14 a.m.

ATTEST:

APPROVED:

**Mrs. Dorothy Shell-Berry, Interim Director
Human Resources**

**Mr. Clyde D. Smith, Chair
Employee Benefit Board**