

**MINUTES**

**METROPOLITAN EMPLOYEE BENEFIT BOARD**

**April 4, 2006**

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday April 4, 2006 in the Civil Service Conference Room, Suite 163, 222 Building, Third Avenue North, Nashville, Tennessee, at approximately 9:30 a.m.

Benefit Board members: Chair: David Manning; Vice Chair: Clyde D. Smith; Members: Steve D. Bumpus, B. R. Hall, Sr., Edna J. Jones, Dorothy Shell-Berry, Thomas A. Storey, Charles A. Trost, Betsy Walkup and H. Russell White.

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

Chair David Manning called the meeting to order and welcomed new Board member Steve D. Bumpus to the Board.

**A. MINUTES:** Chair David Manning asked if there were any amendments, corrections or questions of the minutes from the last regular meeting held on March 1, 2006. With no corrections, nothing further was noted and Betsy Walkup moved for approval. Russell White seconded and the Board approved without objection.

**B. DISABILITY PENSIONS: (New requests, reexaminations and return to work)**

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

Dr. Christopher Fletcher reported to the Board that he recommends approval of the disability pension new requests, items 1-5, without stipulation of scheduled reexamination.

Betsy Walkup moved approval of the recommendation. Clyde Smith seconded and the Board approved without objection.

**NEW REQUESTS:**

	<b>Name</b>	<b>Department</b>	<b>IOD or Medical Disability</b>	<b>Recommendation</b>
1.	Jerry W. Covington	Police	Medical	As moved, seconded and approved, this pension request was granted without stipulation of scheduled reexamination.
2.	Kirt E. Konyha	Police	IOD	As moved, seconded and approved, this pension request was granted without stipulation of scheduled reexamination.
3.	Glenda M. Nevels	Bordeaux	IOD	As moved, seconded and approved, this pension request was granted without stipulation of scheduled reexamination.
4.	Stella Seaborn	MNPS	Medical	As moved, seconded and approved, this pension request was granted without stipulation of scheduled reexamination.
5.	Ronald A. Senter	MNPS	Medical	As moved, seconded and approved, this pension request was granted without stipulation of scheduled reexamination.

Dr. Christopher Fletcher reported to the Board that he recommends deferral of the disability pension new request, item 6.

The Board deferred action on item 6.

**NEW REQUESTS:  
 DEFERRALS**

	Name	Department	IOD or Medical Disability	Recommendation
6.	Trina D. Blythe	MNPS	Medical	As moved, seconded and approved, this pension request was deferred.

Dr. Christopher Fletcher reported to the Board that he recommends denial of the disability pension new request, item 7, based on the definition of disability.

Edna Jones moved that item 7 be approved for three months based on the definition of disability. Clyde Smith seconded and the Board approved without objection.

**NEW REQUESTS:  
 DENIAL - DEFINITION**

	Name	Department	IOD or Medical Disability	Recommendation
7.	Michael Clouse	Water	IOD	As moved, seconded and approved, this pension request was granted for three months, with reexamination at that time.

Dr. Christopher Fletcher reviewed items 8-11 with the Board and stated that he recommends denial of the disability pension new requests based on medical.

After discussion of item 9, B.R. Hall moved that this item be deferred pending further review of the job description.

Russell White moved approval of the recommendation that the disability pension new requests, items 8, 10, and 11, be denied. Betsy Walkup seconded and the Board approved without objection.

**NEW REQUESTS:  
 DENIAL**

	Name	Department	IOD or Medical Disability	Recommendation
8.	Barbara S. Darrell	MNPS	Medical	As moved, seconded and approved, this pension request was denied.
9.	Brenda G. Flatt	Police	IOD	As moved, seconded and approved, this pension request was deferred.
10.	Janet L. Gaston	Bordeaux	Medical	As moved, seconded and approved, this pension request was denied.
11.	Jeanette Holman	Police	Medical	As moved, seconded and approved, this pension request was denied.

Dr. Christopher Fletcher reported to the Board he recommends that the disability pension reexaminations, items 12-26, be continued without stipulation of scheduled reexamination with the exclusion of item 18. He stated that he recommends item 18 be continued for one year, with reexamination at that time.

Betsy Walkup moved approval of the recommendation. B.R. Hall seconded and the Board approved without objection.

**REEXAMINATIONS:**

	<b>Name</b>	<b>Department</b>	<b>IOD or Medical Disability</b>	<b>Recommendation</b>
12.	James E. Blackmore	Police	IOD	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.
13.	Daryel E. Brown	Public Works	IOD	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.
14.	Sherry Driver	MNPS	IOD	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.
15.	Charles R. Gundlach	Water	Medical	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.
16.	Ricky E. Isbell	Police	IOD	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.
17.	Shirlene Linneman	Social Services	IOD	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.
18.	Billy J. Marlowe	Police	Medical	As moved, seconded and approved, this pension was continued for one year, with reexamination at that time.
19.	Donal W. Martin	Water	IOD	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.
20.	James G. Napier	Police	IOD	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.
21.	Ronnie M. Savage	Police	IOD	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.
22.	Henry A. Stevens	Police	IOD	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.
23.	Ollie M. Wade	Bordeaux	IOD	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.
24.	Randall G. Weaver	Fire	IOD	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.

**REEXAMINATIONS: (continued)**

	<b>Name</b>	<b>Department</b>	<b>IOD or Medical Disability</b>	<b>Recommendation</b>
25.	David E. Williams	Water	Medical	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.
26.	Raymond Woods	MNPS	Medical	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.

Dr. Christopher Fletcher reported to the Board that he recommends denial on items 27-31 based on the definition of disability.

Clyde Smith moved these pensions be continued with the corresponding reexamination dates. Edna Jones seconded and the Board approved without objection.

**REEXAMINATIONS:  
 DENIAL - DEFINITION**

	<b>Name</b>	<b>Department</b>	<b>IOD or Medical Disability</b>	<b>Recommendation</b>
27.	Tim Blair	Public Works	IOD	As moved, seconded and approved, this pension was continued for six months, with reexamination at that time.
28.	Brenda K. Crowder	Bordeaux	IOD	As moved, seconded and approved, this pension was continued for three months, with reexamination at that time.
29.	Donna K. Dobbs	MNPS	Medical	As moved, seconded and approved, this pension was continued for three months, with reexamination at that time.
30.	James E. Parker	Water	Medical	As moved, seconded and approved, this pension was continued for six months, with reexamination at that time.
31.	Mattie R. Tulloss	MNPS	Medical	As moved, seconded and approved, this pension was continued for three months, with reexamination at that time.

Dr. Christopher Fletcher reported to the Board that he recommends deferral on items 32-47, for one month pending additional medical information with the exclusion of item 41.

The Board deferred action on items 32-47 excluding item 41.

**REEXAMINATIONS:  
 DEFERRAL**

	<b>Name</b>	<b>Department</b>	<b>IOD or Medical Disability</b>	<b>Recommendation</b>
32.	Horatio B. Bright	Parks	IOD	As moved, seconded and approved, this pension was deferred for one month.

**REEXAMINATIONS:  
 DEFERRAL (continued)**

	<b>Name</b>	<b>Department</b>	<b>IOD or Medical Disability</b>	<b>Recommendation</b>
33.	John Brummett	MNPS	IOD	As moved, seconded and approved, this pension was deferred for one month.
34.	Anne Cannady	General Services	Medical	As moved, seconded and approved, this pension was deferred for one month.
35.	John E. Elizer	Sheriff	Medical	As moved, seconded and approved, this pension was deferred for one month.
36.	Beverly C. Hall	Parks	Medical	As moved, seconded and approved, this pension was deferred for one month.
37.	Sara Johnson	Bordeaux	IOD	As moved, seconded and approved, this pension was deferred for one month.
38.	Terry O. Jordan	Bordeaux	Medical	As moved, seconded and approved, this pension was deferred for one month.
39.	Denise R. Lee	Bordeaux	Medical	As moved, seconded and approved, this pension was deferred for one month.
40.	Tammie R. Lehmann	General Hospital	IOD	As moved, seconded and approved, this pension was deferred for one month.
41.	Steven McClure	County Clerk	Medical	
42.	Bertha A. Mumphrey-Otey	Bordeaux	Medical	As moved, seconded and approved, this pension was deferred for one month.
43.	Michael W. Nichols	Police	Medical	As moved, seconded and approved, this pension was deferred for one month.
44.	Jerry W. Owen	Public Library	IOD	As moved, seconded and approved, this pension was deferred for one month.
45.	Linda G. Whittaker	Metro Action Commission	Medical	As moved, seconded and approved, this pension was deferred for one month.
46.	Kimberly A. Willeby	MNPS	Medical	As moved, seconded and approved, this pension was deferred for one month.
47.	Annette Woods	Bordeaux	IOD	As moved, seconded and approved, this pension was deferred for one month.

Dr. Christopher Fletcher reported to the Board that based on current medical documentation to continue supporting an IOD disability pension, he recommends changing item 48 from an IOD to a medical disability pension.

Betsy Walkup moved approval of the recommendation. Russell White seconded and the Board approved without objection.

**REEXAMINATIONS:  
 OTHER**

	Name	Department	IOD or Medical Disability	Recommendation
48.	Dorothy Bracey	Bordeaux	Medical	As moved, seconded and approved, this pension was changed from in line of duty to a medical disability pension.

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

**MOTION:** Clyde Smith moved approval of the pensions. Steve Bumpus seconded and the Board approved with B.R. Hall not voting.

**Service**

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Collier Miller	Police	Police Officer 3	B	02/23/06	04/01/06
Gary James	Police	Police Officer 2	B	02/28/06	03/16/06
John Warner, Jr.	Police	Police Officer 3	B	03/02/06	03/16/06
Mary McNeese	MNPS	Cafeteria Assistant	B	03/03/06	05/01/06
Margaret Stack	Library	Library Associate 1	B	03/06/06	04/15/06
Chris Judkins	Fire	Firefighter 3	B	03/09/06	04/01/06
Joseph McCarthy	Sheriff	Admin Svcs Mgr	B	03/13/06	04/01/06
Mortie Dickens, Jr.	Police	Police Officer 3	B	03/14/06	04/01/06
Warren Bailey	Juvenile Court	Social Worker Assc	B	03/16/06	05/01/06
B.R. Hall, Sr.	Fire	Fire Captain	B	03/27/06	04/05/06
Gail Scott	District Attorney	Legal Secretary 2	B	03/23/06	04/01/06

**Disability to service**

Employee	Department	Plan A/B	Effective Date of Conversion
Lillie Morrow	Bordeaux	A	03/01/2006
Brenda Pruitt	General Hospital	B	02/01/2006

**Options Elected**

Name	Department	Plan A/B	Pension Type	Effective Date	Option	DROP
ADAMS, CLAUDIA M	MNPS	B	Service	12/31/2005	Normal	
BEARD, SU CHEN	General Hospital	B	Early Service	1/1/2006	Option C	
BEATTY, ROBERT A	Fire	B	P&F Service	1/17/2006	Option E	
BOZZA, SUZANNE S	Fire	B	P&F Service	1/4/2006	Option C	
BRENT, JAMES N.	Water and Sewer	B	Early Service	1/7/2006	Option E	
BROOKER, CONNOR L.	Information Technology Service	A	Service	2/1/2006	Normal	
BROWN, HAROLD R.	General Services	B	Early Service	2/18/2006	Option E	
CAMPBELL, JACQUELYN W	Social Services	B	Early Service	12/31/2005	Normal	
CLEMMER, BRENDA K.	Public Library	B	Service	2/1/2006	Normal	
CLEVELAND, DONALD R.	Public Library	B	Early Service	10/19/2005	Option F	
EDWARDS, GERALDINE B.	MNPS	B	Early Service	12/31/2005	Normal	
FRYER, BILLY E	Police	B	P&F Service	2/4/2006	Option B	1
GANN, DAVID C	Fire	B	Early Service	1/8/2006	Option E	
HAWKINS, ROBERT E.	Fire	B	P&F Service	1/10/2006	Normal	
HUDIBURG, BRENDA B	MNPS	B	Service	2/3/2006	Option F	

**Options Elected (continued)**

Name	Department	Plan A/B	Pension Type	Effective Date	Option	DROP
HUNT, BARBARA A.	MNPS	B	Service	12/31/2005	Option F	
LAMPLEY, DAVID A.	Bordeaux Hospital	B	Early Service	1/4/2006	Option A	
LEE, CHARLES K.	Beer Board	B	Service	1/20/2006	Option A	
MARCRUM, LAURA	Social Services	B	Service	1/1/2006	Option D	
MEEKER JR, CHARLES W.	Public Library	B	Service	12/2/2005	Normal	2
MITCHELL, ALLEN A.	Police	B	P&F Service	1/28/2006	Option E	3
PARTLOW, BARBARA F	Metropolitan Clerk	B	Early Service	12/9/2005	Option B	
RANDALL, DOUGLAS W.	Water and Sewer	B	Service	1/1/2006	Normal	
REYNOLDS, CLIFFORD D	Sheriff	B	Service	1/17/2006	Normal	
SAWYER, WAYNE A.	Police	B	P&F Service	1/6/2006	Normal	
SHEPHERD, BETTIE H.	MNPS	B	Early Service	12/31/2005	Option F	
SMITH, CLYDE T.	Water and Sewer	B	Service	1/1/2006	Normal	3
SMITH, JERRY W.	MNPS	B	Early Service	12/3/2005	Normal	
STOCKMEYER, DAN L.	Police	B	P&F Service	1/3/2006	Option E	
TATUM, LEO	MNPS	B	Early Service	10/22/2005	Option F	
UPCHURCH, JAMES R.	Police	B	P&F Service	1/6/2006	Option E	2
WALKER JR, WILLIAM P.	Police	B	P&F Service	2/1/2006	Option B	3
WHITSITT III, JAMES M	Water and Sewer	B	Service	2/1/2006	Option A	
WINDSOR, MIKE E.	Police	B	P&F Service	2/1/2006	Option D	3
WRAY, DAVID S.	Police	B	P&F Service	1/1/2006	Option C	
WRIGHT, PATRICIA	Finance	B	Service	12/31/2005	Normal	

**Key Codes**

**Options**

Normal Form - life annuity, no payments guaranteed  
 Option A - Joint and 100% to Survivor  
 Option B - Joint and 50% to Survivor  
 Option C - Level Social Security option  
 Option D - Life Income, 120 payments guaranteed  
 Option E - Joint and 100% to Survivor with popup  
 Option F - Joint and 50% to Survivor with popup

**Drop Elections**

1 - 1 year drop  
 2 - 2 year drop  
 3 - 3 year drop

**Survivor**

Employee Name	Department	Survivor Name	Plan Membership	Effective Date
William B. Burrum	Pension	Virginia D. Burrum	A	2/15/2006
Larry W. Hickerson	Pension	Vickie L. Riggan	B	3/7/2006
Charlene Avinger	Pension – MNPS	Marilyn Avinger	B	3/8/2006
Lavergne Green	Pension	Roy D. Green	A	3/8/2006
Danny Ray Slaughter	Parks	Vickie Slaughter	B	3/11/2006
Alma B. Reeves	Health	Wayne W. Reeves	Old County	3/19/2006
William S. Clark	Property Assessor	Beth Clark	B	2/14/2006
Hollis Moore	Disability Pensioner	Linda Moore	B	3/19/2006

## BENEFIT BOARD ITEMS

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

1. Health plan update.

Shannon Beehan reported to the Board that staff is working with the consultant with regards to additional information on the health plans for the 2007 plan year. She stated that some Board members have expressed an interest in further discussions on future plan designs and self funding issues at the Committee level.

After some discussion, the Board concluded that in order to have the full Board present, further discussions will be made a priority on the Board level through Study Sessions and Committee deliberations will be convened on this matter as needed.

2. MetroMax plan update.

Celia Yancey and Bob Liberto addressed the Board on the 457 plan service provider and fund changes.

Bob Liberto stated that it is recommended that ING remain as the 457 service plan provider and some changes with the funds be incorporated.

The Board discussed communication materials for employees and advance notice of changes with the funds.

Clyde Smith moved approval of retaining ING as the 457 service provider and the proposed fund line up as recommended. Betsy Walkup seconded and the Board approved without objection.

3. Self insured plan appeal – Denial of weight loss medication.

Shannon Beehan reported to the Board that this individual is appealing the denial of a weight loss medication that is not a covered prescription under the plan. She stated that currently under the self insured plan all weight loss medications have been excluded except for Meridia. She stated that Dr. Fletcher has also reviewed this matter and indicates there is no medical necessity, only a request for a different medication. She further stated that unless the Board amends the plan to include this prescription benefit, staff recommends that the denial be upheld in accordance with the self insured medical plan provisions.

After some discussion of medical necessity, plan exclusions and associated costs, Clyde Smith moved approval of having the staff draft an amendment to the plan for the Board's review to include this drug and associated actuarial costs. Tom Storey seconded and the board approved without objection.

4. Disability pension request appeal(s):

a. Applicant from Metro Nashville Public Schools.

Shannon Beehan reported to the Board this individual is appealing the denial of a new disability pension request. Ms. Beehan stated that staff is providing the appellant's written statement and has requested that information previously supplied by Dr. Fletcher and any additional medical information on this matter be included.

The appellant was present and addressed the Board.

After some discussion of medical information supplied and treating the injury, the Board recommended that the appellant work with case management regarding medical care of her IOD injury and declined to reconsider the disability pension request at this time.

4. Disability pension request appeal(s): (continued)

b. Applicant from Metro Nashville Public Schools.

Shannon Beehan reported to the Board this individual is appealing the denial of a new disability pension request. Ms. Beehan stated that staff is providing the appellant's written statement and has requested that information previously supplied by Dr. Fletcher and any additional medical information on this matter be included.

Dr. Fletcher reported that there is no objective evidence sufficient to warrant the Board's reconsideration.

After some discussion of obtaining additional medical information and the appellant's full cooperation with a functional capacity evaluation, the Board concluded that they would not reconsider the disability pension request until such time as there are objective findings to support the disability pension. Clyde Smith moved approval. Betsy Walkup seconded and the Board approved without objection.

5. Retiree health insurance.

Nicki Eke informed the Board that the Department of Law has not completed the review of this matter.

The Board requested that the report be made available to all Board members upon completion.

6. Committee Reports:

a. Payroll Deduction Committee: (Vice Chair: H. Russell White; Members: Dorothy Shell-Berry; Tom Storey served as alternate)

Shannon Beehan reported to the Board that the Payroll Deduction Committee met on February 21, 2006 to continue deliberation on voluntary insurance programs.

Committee Vice Chair Russell White asked for approval of the Committee minutes. With one correction, Tom Storey moved for approval of the Committee minutes. Dorothy Shell Berry seconded and the minutes were approved by the Committee members without objection.

b. Study & Formulating Committee: (Chair: Susan Short Jones; Members: C. Michael Allen, Margaret Behm, David Ewing and Robert McCabe)

Shannon Beehan reported to the Board that the Board approved the Study & Formulating Committee's interim final report on the definition of disability at the January meeting. She stated that in drafting legislation to implement the recommendation from that report, Metro Legal and staff noted a section that was inadvertently left out. Therefore, Legal advised and staff submitted a new interim final report for the Study & Formulating Committee's approval with the omitted language. Ms. Beehan stated the Committee approved this revised version and the report is being presented today, along with associated costing for the Board's approval.

Dorothy Shell-Berry moved that the Board rescind the prior action on the Study & Formulating Committee report. Charles Trost seconded and the Board approved without objection.

Tom Storey moved that the Legal Department develop legislation to submit to council for implementing the definition of disability change as recommended by the Study & Formulating Committee in their report of March 7, 2006. Steve Bumpus seconded and the Board approved without objection.

c. Investment Committee.

Celia Yancey reported to the Board that the Investment Committee met on Friday, March 3, 2006 and discussed the pension plan performance and 457 plan performance.

The Board discussed making the reports posted on the web user friendly for employees and was provided an updated copy of the investment policy.

7. Correspondence:

- a. Utilization report from Blue Cross Blue Shield and pharmacy rebate.
- b. Utilization report from CIGNA.
- c. Utilization report from HealthSpring. (not available at this time)
- d. Correspondence regarding assisted living request for IOD disability pensioner.

Shannon Beehan reviewed Items 7.-a through 7.-d. with the Board. These items were for information only and no action was required.

8. Reports for your information:

- a. Return to work. (none to report at this time)
- b. Social Security approvals.
- c. Refund of pension contributions.
- d. Repayment of pension contributions.
- 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)
- h. Pending litigation(s). (reported quarterly)
- i. Disability status reports.

Items 8.-a. through 8.-i. were for information only and no action was required.

9. Late item(s):

**B. DISABILITY PENSIONS: (New requests, reexaminations and return to work)**

Shannon Beehan introduced the late items to the Board.

Dr. Christopher Fletcher reported to the Board that the results of the individual's independent medical exam ordered by the Board at the last meeting concluded that the individual is not able to perform her job. Dr. Fletcher stated he recommends approval of a medical disability pension without stipulation of scheduled reexamination.

Clyde Smith moved approval of the recommendation. B.R. Hall seconded and the Board approved without objection.

**NEW REQUESTS:**

	Name	Department	IOD or Medical Disability	Recommendation
	Sally Sherman	Police	Medical	As moved, seconded and approved this request was granted without stipulation of scheduled reexamination.

At this time, the Board took a break and then reconvened with the late items.

David Manning informed the Board that the next late item pertains to item 41 of the disability reexaminations.

Dr. Christopher Fletcher reviewed the medical information with the Board. He stated that the medical information does not support continuing a disability pension.

9. Late item(s): (continued)

After some discussion of the medical findings and return to work provisions for elected officials, Clyde Smith moved that this individual be put on the return to work list. Dorothy Shell Berry seconded and the Board approved without objection.

**REEXAMINATIONS:  
DEFERRAL**

	<b>Name</b>	<b>Department</b>	<b>IOD or Medical Disability</b>	<b>Recommendation</b>
41.	Steven McClure	County Clerk	Medical	As moved, seconded and approved, this individual was placed on the return to work list.

With nothing further presented, the meeting adjourned at 11:21a.m.

ATTEST:

APPROVED:

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

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*Mr. David Manning, Chair  
Employee Benefit Board*