

## **MINUTES**

### **METROPOLITAN EMPLOYEE BENEFIT BOARD**

**December 5, 2006**

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday December 5, 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, Douglas D. Conquest, Sr., Gary R. Dowdy, B.R. Hall, Sr., Edna J. Jones, Dorothy Shell-Berry, Betsy Walkup and H. Russell White.

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

**A. MINUTES:** Chair David Manning 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 October 11, 2006 Special Called meeting and the last regular meeting held on November 7, 2006. With no corrections, Betsy Walkup moved for approval of the October 11, 2006 Special Called meeting minutes. Dorothy Shell-Berry seconded and the Board approved without objection. Betsy Walkup moved for approval of the November 7, 2006 meeting minutes. Steve Bumpus seconded and the Board approved without objection.

**B. APPEAL ANNOUNCEMENT:**

**C. 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 new disability pension requests, items 1 through 6, for the length of time as recommended. Clyde Smith moved for approval of Dr. Fletcher's recommendations to approve these disability requests on items 1 through 6 for the length of time as recommended. Betsy Walkup seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that he recommends approval of item 7 to be placed on disability and also be placed on the return to work list. Betsy Walkup moved for approval of the recommendation to grant the disability pension and place the individual on the return to work list. Clyde Smith seconded and the Board approved without objection.

Without objection, items 8 and 9 will be discussed at the end of the disability pensions.

Dr. Christopher Fletcher reported to the Board that he recommends continuing the disability pensions on items 10 through 13 for the length of time as recommended. Betsy Walkup moved for approval of the recommendation to continue the disability pensions items 10 through 13 for the length of time as recommended. Steve Bumpus seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that he recommends continuing the pension on item 14 and the individual be placed on the return to work list. Clyde Smith moved for approval of the recommendation to continue the pension and place the individual on the return to work list. Douglas Conquest seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that item 15 is a request to return to work in a non-public safety capacity rather than the public safety for which he was granted disability. He stated he is requesting clarification as to whether or not he has the authority to recommend approval of the request.

The Board discussed the Code provisions that apply to this request and suggested that staff counsel the individual to make sure that they understand the ramifications of such request on future benefits. David Manning moved approval of the request to return to work in a non-public safety function. Steve Bumpus seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that item 16 is a request to return to work in a non-public safety capacity rather than the public safety for which he was granted disability.

After discussion of the Code provisions related to return to work, specific positions and job classifications, Clyde Smith moved that this item be deferred pending clarification on specific positions and classifications for which the individual may be placed. B.R. Hall seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that item 17 is a clarification on the type of pension for which the individual was approved. Without objection, the Board deferred any action on this item pending additional information.

Dr. Christopher Fletcher reported to the Board that item 8 is a request for an in line of duty disability pension. He stated that he recommends denial of this disability pension request based on the medical information received.

The individual was present and shared additional information with the Board in support of the request for an in line of duty disability pension.

After reviewing the additional information provided, Dr. Christopher Fletcher reviewed the record with the Board.

The individual was that the Board has no authority to address any human resource or legal issues.

The individual addressed the Board.

The Board discussed having definitive medical information to support the request for an in line of duty pension and issues within her place of employment.

After further discussion of the lack of medical information to support the request, Edna Jones moved that the request for an in line of duty disability pension be denied. Gary Dowdy seconded.

After further discussion of the work environment and results of tests conducted by General Services, Clyde Smith offered an amendment to the motion to defer. The maker of the motion to deny the request declined to accept the amendment to defer.

Clyde Smith moved to table the motion. Steve Bumpus seconded. A vote was taken to table the motion and failed with a tie vote.

A vote was taken on the motion to deny the request and failed with a tie vote.

Referencing point of order, Clyde Smith stated tie votes are referred to the Committee according to the by-laws.

After further discussion of cause and effect to support this request, Steve Bumpus moved to defer pending additional medical documentation to support the disability. Douglas Conquest seconded.

Clyde Smith referenced point of order citing the section of the by-laws that refers to tie votes. After discussion of the by-laws, Steve Bumpus amended his motion to refer the request to the Pension Committee. Douglas Conquest seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that he recommends denial of item 9 based on the lack of medical information to support the claim. Clyde Smith moved for approval of the recommendation to deny the disability pension request. Steve Bumpus 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.	Larry A. Ewing	MNPS	Medical	As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled reexamination.

**NEW REQUESTS: (continued)**

	<b>Name</b>	<b>Department</b>	<b>IOD or Medical Disability</b>	<b>Recommendation</b>
2.	Joseph Haywood	Police	IOD	As moved, seconded and approved, this disability pension request was approved for three months, (March 2007) with re-exam at that time.
3.	Pamela Johnson	General Hospital	Medical	As moved, seconded and approved, this disability pension request was approved for six months, (June 2007), with re-exam at that time.
4.	Edward Keen	Fire	IOD	As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled reexamination.
5.	Annelle Kiehborth	Health	Medical	As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled reexamination.
6.	Stephanie McPherson	Fire	IOD	As moved, seconded and approved, this disability pension request was approved for one year, (December 2007), with re-exam at that time.
7.	Debra Lyman	Bordeaux	IOD	As moved, seconded and approved, this disability pension request was approved and the individual placed on the return to work list.
8.	Janice Denson	Police	IOD	As moved, seconded and approved, this disability pension request was deferred to the Pension Committee pending additional medical documentation.
9.	Dorrice Farmer	MNPS	IOD	As moved, seconded and approved, this disability pension request was denied.

**REEXAMINATIONS:**

	<b>Name</b>	<b>Department</b>	<b>IOD or Medical Disability</b>	<b>Recommendation</b>
10.	Robert E. Alexander	Police	IOD	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled reexamination.
11.	Claude A. Byrum	Police	IOD	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled reexamination.

**REEXAMINATIONS: (continued)**

	Name	Department	IOD or Medical Disability	Recommendation
12.	Charles A. Linton	Police	IOD	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled reexamination.
13.	Terry Watts	Police	IOD	As moved, seconded and approved, this disability pension was continued for six months (June 2007), with re-exam at that time.
14.	James E. Parker	Water	Medical	As moved, seconded and approved, this disability pension was continued and the individual placed on the return to work list.

**RETURN TO WORK:**

	Name	Department	IOD or Medical Disability	Recommendation
15.	Richard Bell	Police	IOD	As moved, seconded and approved, this disability pension was continued and the individual placed on the return to work list.
16.	Stanley Shelton	Fire	IOD	As moved, seconded and approved, this return to work request was deferred pending further review.

**OTHER:**

	Name	Department	IOD or Medical Disability	Recommendation
17.	Janice Tanner			Without objection, the Board deferred any action on this item pending additional information.

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

**MOTION:** Clyde Smith moved for approval of the pensions. Edna Jones seconded and the Board approved without objection.

**Service**

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
James Porter	Finance	Finance Officer 3	B	10/31/06	12/15/06
Gladys Childs	BLTC	Environmental Services	B	11/02/06	12/16/06
Carol Kaplan	Library	Library Associate 1	B	11/07/06	01/01/07
Delores Gardner	MNPS	Cafeteria Assistant	B	11/06/06	12/22/06
Clayton Janeksela	MNPS	School Bus Driver	B	11/03/06	11/03/06
Joyce Cobbs	MNPS	Interpreter For Deaf	B	11/03/06	02/01/07
Regina Taylor	MNPS	School Bus Driver	B	11/03/06	12/22/06
Thomas Howard, Jr.	Juvenile Court	Warrant Officer 1	B	11/09/06	01/01/07
Coleman Beard	Police	Police Lieutenant	B	11/14/06	12/01/06
Walter Jarrell	ITS	IS Division Manager	B	11/13/06	03/01/07

**Service (continued)**

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Dennis Reed	Fire	Paramedic 2	B	11/14/06	01/01/07
Elmer Harper	Public Works	Maintenance and Repair Leader 1	B	11/17/06	01/01/07
Charles Rhodes	General Services	Building and Grounds Lead Electrician	B	11/17/06	03/01/07
Dorothy Lewis	MNPS	General School Assistant	B	11/17/06	12/30/06

**Disability to service**

There were no disability to service conversions reported.

**Options Elected**

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Allgood, Rita S.	NCAC	Service	B	10/14/2006	B	
Evans, Betty S.	Parks	Early Service	B	9/6/2006	Normal	
Hitchcock, Delores M.	MNPS	Service	B	8/24/2006	A	
Jordan, Edith Padgett	MNPS	Service	B	10/6/2006	F	
Moore, Stephen E	Fire	P&F Service	B	9/15/2006	E	
Perkins, Geraldine	Public Library	Service	B	8/1/2006	E	1
Roseberry, Deena	County Clerk	Early Service	B	9/12/2006	D	
Sircar, Surajit K.	General Hospital	Early Service	B	10/1/2006	B	
Terry, Geraldine K.	Bordeaux	Service	B	9/10/2006	Normal	
Wells, Mary A.	MNPS	Service	B	11/1/2006	E	
Westfall, Charisse	Convention Center	Early Service	B	8/24/2006	C	

**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**

Employee Name	Department	Survivor Name	Plan Membership	Effective Date
William E. Phillips	Pensioner	Helen Phillips	B	10/19/2006
Felix E. Knight	Pensioner	Helen H. Knight	Old City	10/15/2006
Stanley Bess	Pensioner	Ruby Bess	Old City	10/28/2006
Robert E. Spain	Codes	Lorene E. Spain	B	11/10/2006
Charles Judkins	Public Works	Mary Judkins	Old City	11/07/06
Larry J. Ennis	Pensioner	Linda Deloney	B	11/5/2006
Kirt Konyha	Pensioner	Shay & Nicholas Konyha	B	11/06/2006
Arvil W. Bryson	Pensioner	Margaret M. Bryson	B	11/15/2006

**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 2007.

Chair David Manning opened the floor to nominations for Chair for 2007.

1. Election of Metropolitan Employee Benefit Board Chair and Vice Chair for 2007. (continued)

B.R. Hall nominated Clyde Smith for Chair. Steve Bumpus seconded. A vote was taken and Clyde Smith was elected Chair for the 2007.

Betsy Walkup nominated Russell White for Vice-Chair. Dorothy Shell-Berry seconded. A vote was taken and Russell White was elected Vice-Chair for 2007.

At this time the Board took a break and then reconvened with the remainder of the agenda.

2. Return to work appeal(s):

a. Disability pensioner from Water Department.

Justin Stack reported to the Board that this individual was released to return to work at the September Board meeting and is appealing this decision.

Dr. Christopher Fletcher stated that this individual has been approved for Social Security disability benefits and recommends that the individual be removed from the return to work list independent of the legal standards of disability specified in the Metro Code.

The Board discussed the Social Security Administrations standards for disability benefits versus Metros.

Edna Jones moved that the individual remain on a disability pension in accordance with his social security approval and the Board policy. B.R. Hall seconded and the Board approved without objection.

b. Disability pensioner from Bordeaux Long Term Care.

Justin Stack reported to the Board that this individual was released to return to work at the September Board meeting and has requested an appeal of this decision.

Dr. Christopher Fletcher reported to the Board that the appellant states that the medical information originally supplied by the physician is incorrect. He also stated that the subsequent information provided by the physician does not indicate his conclusions regarding this case have changed.

The individual was present and addressed the Board.

Dr. Christopher Fletcher discussed the medical information with the Board and stated that his previous recommendation stands.

After some discussion, the Board chose not to take any action on this item and advised the appellant they may submit additional medical information as it becomes available to Dr. Fletcher or the case worker.

3. IOD medical care request – Employee from Police Department.

Justin Stack reported to the Board that this individual is requesting IOD medical care for an injury that has been denied by the department.

A representative for the Police Department was present and addressed the Board on the request and the departments basis for the denial.

B.R. Hall moved approval to cover the IOD medical care. Edna Jones seconded and the Board approved without objection.

3. IOD medical care request – Employee from Police Department. (continued)

The Board discussed the exclusions in the Code related to arising out of the in the course of employment and requested that the Legal Department give more specific guidance on this issue.

4. MetroMax plan appeal - Request for unforeseeable emergency withdrawal.

The appellant withdrew this request.

5. Return to work overview.

Justin Stack stated that at the November meeting a request was made that an overview of the return to work process be provided to the Board.

This item was for information only and no action was required.

6. Committee report(s):

- a. Elected Members Committee – (Chair: Steve D. Bumpus; Vice Chair: Douglas D. Conquest, Sr.; Members: B.R. Hall, Sr., Edna J. Jones and Clyde D. Smith)

Study & Formulating Committee's final report.

Justin Stack reported to the Board that the Elected Members Committee met on October 26, 2006 to study and prioritize the items contained in the Study & Formulating Committees final report. He stated the Committee will continue to meet and deliberate on those items. As presented at the November meeting, the Committee approved a motion requesting the Board to authorize an actuarial study to determine the cost of including jail staff with direct inmate contact and civil warrant officers in the police and fire pension plan. He stated that the additional information requested at the November meeting is attached for the Board's review.

Committee Chair Steve Bumpus reviewed the minutes from the October 26, 2006 Elected Members Committee meeting with the Board and requested approval of those minutes from the Committee members. Clyde Smith moved for approval of the October 26, 2006 Elected Members Committee minutes. Edna Jones seconded and the Committee approved without objection.

The Board discussed the definition of correctional officer already in the Code and how to provide for the scope of those employees within the Sheriff's Office to be considered for inclusion in the police & fire pension plan.

Sheriff Daron Hall was present and addressed the Board. He reviewed the list of classifications and their proposed definition of an officer for those persons to be included.

The Board concluded that further review needs to be done on how to define the population from the Sheriff's Office to be considered for inclusion in the police & fire pension plan. There was discussion of other potentially eligible employees, the proposed definition of officer and tightening the definition of officer for the amendment proposed by Sheriff's Office. There was also discussion of what the actuary would need to perform the study.

7. Correspondence:

- a. Utilization report from Blue Cross Blue Shield.
- b. Utilization report from CIGNA.
- c. Utilization report from HealthSpring.
- d. Utilization report from Walgreens Health Initiatives. (not available at this time)
- e. Utilization report from Alternative Service Concepts. (reported quarterly)
- f. Letter from Marilyn Satterfield.

Items 7.-a. through 7.-f. were for information only and no action was required.

8. 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.
  - e. Reports from Treasury.
  - f. Social Security referrals. (not available at this time)
  - g. Non-compliant disability pensioners.
  - h. Pending litigations. (reported quarterly)
  - i. Disability status report(s).
  - j. Denial log from Alternative Service Concepts.

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

9. Late item(s):

There were no late items reported at the meeting.

With nothing further presented, the meeting adjourned at 12:22 p.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***