

## **MINUTES**

### **METROPOLITAN EMPLOYEE BENEFIT BOARD**

**January 12, 2006**

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Thursday, January 12, 2006 in the Civil Service Conference Room, Suite 163, 222 Building, Third Avenue North, Nashville, Tennessee, at approximately 10:00 a.m.

Benefit Board members: Chair: David Manning; Vice Chair: Clyde D. Smith; Members: B. R. Hall, Sr., Edna Jones, Edward C. Mason, II, \*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 stated that there is one late item and it has been requested by a Board member to discuss the insurance issues at the head of Benefit Board items.

**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 last regular meeting held on December 6, 2005. With one correction, nothing further was noted and Edward Mason moved for approval. The motion was seconded and the Board approved without objection.

#### **B. DISABILITY PENSIONS:**

In discussing the disability pensions, the Board concluded that each one should be acted upon separately.

Dr. Christopher Fletcher reported to the Board that item #1 has returned to work and rescinded the application for a disability pension. On item #2, Dr. Fletcher recommended deferral pending review of additional medical. Dr. Fletcher reported to the Board that he would recommend denial on item #3 based on the definition of disability and stated that this individual should be included with the group that does not meet the definition of disability category.

Dr. Fletcher also addressed the issues with receiving medical information after deadlines for the Board meeting.

B.R. Hall moved approval of the recommendation on item #3. Clyde Smith seconded and the Board approved without objection.

On item #4, Edna Jones passed out additional medical information she received. Dr. Fletcher stated that based on the information supplied by Ms. Jones this individual should be included with the group that does not meet the definition of disability. Edward Mason moved approval of the recommendation. Edna Jones seconded and the Board approved without objection.

Dr. Fletcher reported to the Board that on item #5 he recommends denial based on there being no credible medical evidence to establish impairment. After discussion of the limitations, the Board concluded that they would suspend further consideration on this item until such time as the applicant complies with medical requests.

\*Denotes the arrival of Dorothy Shell-Berry.

Shannon Beehan informed the Board that the individual in question on item #6 was present and would like to address the Board on the pension request.

Dr. Fletcher stated he would recommend denial on item #6 based on the medical information submitted.

William Epps addressed the Board on his disability pension request.

After some discussion, this pension request was deferred pending additional medical information.

At this time, Dr. Fletcher presented the late item request to the Board for consideration. He stated that he recommends approval without stipulation of scheduled reexamination. Clyde Smith moved approval of the recommendation. B.R. Hall seconded and the Board approved without objection.

On item #7, the Board indicated there would be no further action on this item.

Dr. Fletcher reported to the Board that he recommends continuance on item #8.

Dr. Fletcher reported to the Board that he recommends approval with no stipulation of scheduled reexamination on item #9. B.R. Hall moved approval of the recommendation. Edward Mason seconded and the Board approved without objection.

On item #10, Clyde Smith moved approval of the return to work. Betsy Walkup 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:**

	<b>Name</b>	<b>Department</b>	<b>IOD or Medical Disability</b>	<b>Recommendation on Reexam</b>
1.	Sandra Dawson	MAC	Medical	As moved, seconded and approved this pension request was withdrawn.
2.	Joanne Martin	General Hospital	Medical	As moved, seconded and approved this pension request was deferred.
3.	Gary Black	Water	Medical	As moved, seconded and approved this pension request was granted for two months, with reexamination at that time.
4.	Daryel Brown	Public Works	IOD	As moved, seconded and approved this pension request was granted for two months, with reexamination at that time.
5.	Janice Tanner	MNPS	IOD	As moved, seconded and approved this pension request was deferred.
6.	William Epps	MNPS	Medical	As moved, seconded and approved this pension request was deferred.

**REEXAMINATIONS:**

	<b>Name</b>	<b>Department</b>	<b>IOD or Medical Disability</b>	<b>Recommendation on Reexam</b>
7.	Sam Slate	Water	Medical	As moved, seconded and approved, no further action was taken on this item.
8.	Kimberly A. Willeby	MNPS	Medical	As moved, seconded and approved this pension was continued for one month, with reexamination at that time.
9.	Christy Berry	Fire	IOD	As moved, seconded and approved this pension was continued without stipulation of scheduled reexamination.

**RETURN TO WORK:**

	Name	Previous Dept.	IOD or Medical Disability	Recommendation on Application
10.	Tammy Binkley	MNPS	Medical	As moved, seconded and approved this return to work request was granted.

**LATE ITEM  
 NEW REQUESTS:**

11.	Sherry Cork	Police	Medical	As moved, seconded and approved this pension request was granted without stipulation of scheduled reexamination.
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The Board discussed possible ways to expedite getting medical information from the physicians in a timely manner and the current process.

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

**MOTION:** Clyde Smith moved approval of the pensions. Edward Mason seconded and the Board approved without objection.

**Service**

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
James Whitsitt III	Water	Technical Services Coordinator	B	12/02/05	02/01/06
Jerry Smith	MNPS	Plumber	B	11/25/05	12/03/05
Clifford Reynolds	Sheriff	Correctional Officer 2	B	11/29/05	01/17/06
David Lampley	Bordeaux Hospital	Director of Risk Mgmt	B	11/28/05	01/02/06
Clyde T. Smith	Water	Maintenance and Repair Leader 1	B	11/28/05	01/01/06
Lottie Coffee	MNPS	Bus Driver	B	12/01/05	02/01/06
Su Chen Beard	General Hospital	Dietary Specialist	B	12/02/05	01/01/06
Wayne Sawyer	Police	Police Officer 3	B	12/05/05	01/01/06
Raymond Hahn	Police	Police Officer 2	B	12/07/05	01/07/06
David Gann	Fire	Fire Engineer	B	12/07/05	12/08/05
James Brent	Water	Info Systems Division Manager	B	12/13/05	01/07/06
Connor Brooker	ITS – Vested	Tech and Support Manager	A	12/14/05	02/01/06
Patricia Wright	Finance	Finance Administrator	A	12/07/05	01/01/06
Dan Stockmeyer	Fire	Fire Engineer	B	12/12/05	01/01/06
Doris Crawford-Chapman	MNPS	Attendance Officer	B	12/08/05	02/04/06
Claudia Adams	MNPS	Special Ed Assistant	B	12/13/05	01/01/06
Maxine Sutton	MNPS	Custodian	B	12/09/05	08/01/05
Don Cleveland	Library	Library Associate 1	B	12/19/05	10/20/05
Ira Strube	Fire	Fire Engineer	B	12/15/05	01/01/06
Robert Beatty	Fire	Fire Captain	B	12/21/05	01/16/06
Linda Hammock	Health	Public Health Nurse 3	B	12/20/05	02/01/06
Allen Mitchell	Police	Police Officer 3	B	12/19/05	01/28/06
Girley Wilks	MNPS	Custodian	B	12/29/05	02/15/06

***Disability to service***

Employee	Department	Plan A/B	Effective Date of Conversion
Franklin Gilley	Police	A	11/1/05
Robert Crafton	Fire	A	10/1/05

***Options Elected***

Name	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Arthur, John A	MNPS	Early Service	B	11/1/2005	Option D	
Lambert, Edward J	State Trial Courts	Service	B	10/15/2005	Option A	
Long, Donald W	Police	Early Service	B	10/16/2005	Option D	
McKirdy, Jessie P	Public Library	Service	B	9/2/2005	Normal	
Mills, Ronald F	Assessor Of Property	Early Service	B	10/15/2005	Option D	
Ryon, Patrick A	Criminal Court Clerk	Service	B	9/24/2005	Normal	
Wagner, Henriett	Social Services	Service	B	10/19/2005	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

**Drop Elections**

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

***Survivor***

Employee Name	Department	Survivor Name	Plan Membership	Effective Date
Russell A. Sanders	MNPS	Thelma Yvonne Sanders	Old City	12/17/2005
Reagene Barber	Pensioner	Charles Barber		11/21/2005
Aubrey V. Spain	Pensioner	Mildred Edna Spain	B	12/25/2005
Sam Slate Jr.	Survivor	Mary E. Slate	B	12/20/2005

**BENEFIT BOARD ITEMS**

At this time, Jennifer Hill and Lannie Holland addressed the insurance issues with the Board. Jennifer Hill reported to the Board that staff is working diligently with the providers to ensure that employees and pensioners get the services they need. She stated that Ceridian did not supply some of the documentation for the transition between Ceridian and 1 Point Solutions. She also stated that by the 20<sup>th</sup> of January, all monies owed from Ceridian should be disbursed. She stated that the issue with WHI was participants not receiving a card and the high call volume regarding Medicare D not related to Metro's account.

Lannie Holland reported there were card issuance issues with HealthSpring. He also stated that some Blue Cross participants did not understand that there would be an additional card for their pharmacy benefit.

Jennifer Hill also stated that HealthSpring issued pensioners cards prior to year end but not active employees in the plan and staff experienced some difficulty getting through to HealthSpring to resolve the participants issues.

After some discussion on the issues at hand, the Board requested that a representative from HealthSpring, Spectera, 1 Point Solutions and WHI be present at the next meeting to give explanation as to resolution of the issues.

Jennifer Hill stated that staff is also analyzing a few incidents with Spectera.

The Board also discussed prescriptions as it relates to the IOD program.

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

1. RFP status update: COBRA administration.

Shannon Beehan reported to the Board that the Purchasing Department has awarded the contract for COBRA administration to SHPS.

The Board discussed communicating the transition from one vendor to another.

2. Ordinance No. BL2005-843 authorizing the extension of the in line of duty medical treatment network program.

David Manning informed the Board that this item was for information only and no action was required.

3. Update on Montgomery v. Metro and related 1992 policy.

Nicki Eke reported to the Board that in this case, the Chancery Court found that the Board adopted but did not follow the 1992 policy of granting a disability pension upon the Social Security Administration's approval of disability benefits, and found in the plaintiffs favor. Ms. Eke stated that Metro has filed an appeal bond and the Legal Department recommends that the Board modify the policy to indicate that an individual would not be automatically placed on a disability pension based on the fact that they have been approved for Social Security benefits based on the eligibility criteria in the Code for a disability pension.

After some discussion, the Board deferred any potential action on this item as it relates to the modification on this policy.

4. Re-determination of disability pension amount based on excess earnings.

Ginger Hall reported to the Board that staff has identified 11 individuals that were over their outside allowable earnings and staff recommends adjusting their disability pension benefit accordingly as outlined in the Code.

The Board discussed notifying the pensioners of the adjustments.

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

5. Disability pension request appeals:

- a. Applicant from Bordeaux Hospital.

Shannon Beehan reported to the Board that the Board deferred action on this appeal at the last meeting pending additional medical information.

Dr. Christopher Fletcher reported that he needs additional clarification on the medical information and he recommends deferral.

It was the consensus of the Board to defer action on this item.

- b. Applicant from Caring for Children.

Shannon Beehan reported to the Board that at the December meeting, the Board denied the request for a disability pension. She stated the applicant has provided an additional statement to support his appeal.

Dr. Christopher Fletcher stated that no further medical information has been submitted for the request.

5. Disability pension request appeals: (continued)

- b. Applicant from Bordeaux Hospital.

Ms. Beehan further informed the Board that the applicant submitted a request for a deferral on the appeal after the Board deadline.

After some discussion on the basis for a deferral, it was the consensus of the Board to defer the matter until such time there is medical information to support an appeal.

6. Committee Reports:

- a. In Line of Duty Committee: (Chair: Charles Trost; Vice Chair: Edna Jones; Members: B.R. Hall, Sr. and Betsy Walkup)

Committee Chair Charles Trost reported to the full Board that the In Line of Duty Committee met on December 20, 2005. He stated the Committee continues to address issues related to the IOD network. He stated that staff has developed a issues log where if there is an issue that needs to be reviewed, it can be put on the log by the staff and once it is resolved it is moved to the completed section of the log.

Charles Trost moved approval of the Committee minutes. B.R. Hall seconded and the Committee approved without objection.

The Committee discussed sending a survey to participants in the IOD network.

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

Shannon Beehan stated that the actuarial costing for the recommendation on the definition of disability has been provided. Ms. Beehan stated that staff is submitting the costing and interim final report to the Board in order to determine the next appropriate steps on the issue.

There was some discussion on the cost and the impact on the plan.

Charles Trost moved that the Board recommend to the Council to adopt legislation to implement the recommendations in the Study & Formulating Committee interim report. Clyde Smith seconded.

A vote was taken on the motion and approved unanimously.

\*Denotes Charles Trost leaving the meeting.

- c. Investment Committee: (Chair: David Manning; Members: Charles A. Trost, Betsy Walkup and H. Russell White)

Celia Kirby reported to the Board that the Investment Committee met on December 9, 2005. She stated that the Committee reviewed the pension plan performance and the 457 plan. She stated that there were some changes in the fixed income accounts, discussion on replacing one of the equity managers and reviewed some highlights in the operational report related to inflows to the trust fund, reducing fees paid to the managers and in custodian fees.

7. Correspondence:

- a. Utilization reports (monthly and YTD) from Blue Cross Blue Shield.  
b. Utilization report from CIGNA.  
c. Utilization report from HealthSpring.

Items 7.-a. through 7.-c. 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. (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)
  - h. Pending litigation(s).

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

There was also mention on the request of a pending pension applications report.

On item 8.-h. Nicki Eke stated there is generally not much movement month to month on cases and recommended giving the report quarterly.

9. Late item(s):

Items listed under this section have been reported at the meeting and incorporated into these minutes.

With nothing further presented, the meeting adjourned at 11:54 a.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***