

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

July 13, 2006

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Thursday, July 13, 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., B.R. Hall, Sr., Edna J. Jones, Dorothy Shell-Berry, Betsy Walkup and H. Russell White.

Member Charles A. Trost was unable to be present.

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 Douglas D. Conquest, Sr., and recognized B.R. Hall, Sr. on his return to the Board at the retiree representative. He also informed the Board that there is one late item.

At this time item 1. Presentation of resolution to Edward C. Mason, II, was taken out of order without objection. Shannon Beehan presented Edward Mason with a resolution honoring his dedication and service to the Metropolitan Government and Employee Benefit Board.

David Manning stated that Dr. Stephanie Bailey would like to address the Board.

Dr. Stephanie Bailey addressed the Board on the IOD pilot program, expressed her concerns with not having a medical doctor on the Board and involved in the IOD program.

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 June 6, 2006. With no corrections, nothing further was noted and Clyde Smith moved for approval. Betsy Walkup 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 B.-1.- B.-4., without stipulation of scheduled reexamination. Betsy Walkup moved approval of the recommendation. Clyde Smith seconded and the Board approved without objection.

NEW REQUESTS:

	Name	Department	IOD or Medical Disability	Recommendation
1.	Charlotte L. Brewer	MNPS	Medical	As moved, seconded and approved, this pension request was approved without stipulation of scheduled reexamination.
2.	Linda M. Claybrooks	General Services	Medical	As moved, seconded and approved, this pension request was approved without stipulation of scheduled reexamination.
3.	Tamela L. Dunn	MNPS	Medical	As moved, seconded and approved, this pension request was approved without stipulation of scheduled reexamination.

NEW REQUESTS: (continued)

	Name	Department	IOD or Medical Disability	Recommendation
4.	William R. McNeil	Bordeaux	IOD	As moved, seconded and approved, this pension request was approved without stipulation of scheduled reexamination.

Dr. Christopher Fletcher reported to the Board that he recommends continuing the disability pension reexaminations, items B.-5.-B.-14., without stipulation of scheduled reexamination. Betsy Walkup moved approval of the recommendation. Edna Jones seconded and the Board approved without objection.

REEXAMINATIONS:

	Name	Department	IOD or Medical Disability	Recommendation
5.	James C. Binkley	Police	IOD	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.
6.	Jimmy W. Forrester	Police	IOD	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.
7.	Billy R. Knalls	Public Works	IOD	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.
8.	Patsy J. McEwen	Police	IOD	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.
9.	William E. Moore	Police	IOD	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.
10.	Freddie R. Phelan	MNPS	Medical	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.
11.	John J. Rohtert	Police	IOD	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.
12.	Reedy A. Sullivan	Fire	IOD	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.
13.	Mattie R. Tulloss	MNPS	Medical	As moved, seconded and approved, this pension was continued without stipulation of scheduled reexamination.
14.	Kimberly A. Willeby	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 B.-15. – B.-22. based on the medical information supplied.

On item B.-16., the individual was present and addressed the board on the disability pension request.

After some discussion, Steve Bumpus moved to defer any action on item B.-16. pending additional medical information. Dorothy Shell-Berry seconded and the Board approved without objection.

On item B.-17., the individual was present and addressed the Board on the disability pension request.

After some discussion, Steve Bumpus moved to defer any action on item B.-17. pending additional medical information. Clyde Smith seconded and the Board approved without objection.

The Board discussed obtaining medical information to support the disability pension requests and ways to enhance the process.

After review of item B.-19, Clyde Smith moved to defer any action pending additional medical information. B.R. Hall seconded and the Board approved without objection.

On item B.-20., the individual was present and addressed the Board on the disability pension request.

After some discussion, Clyde Smith moved to defer any action on item B.-20., recommended case management and check eligibility for a service pension. B.R. Hall seconded and the Board approved without objection.

On item B.-21., the individual was present and addressed the Board on the disability pension request.

After some discussion, Clyde Smith moved to defer any action on item B.-21. pending additional information. Betsy Walkup seconded and the Board approved without objection.

On item B.-22., the individual was present and addressed the Board on the disability pension request.

After some discussion, Clyde Smith moved to defer any action on item B.-22. pending additional medical information. Betsy Walkup seconded and the Board approved without objection.

On items B.-15. and B.-18., Edna Jones moved approval of the recommendation to deny the requests. Dorothy Shell-Berry seconded and the Board approved without objection.

**NEW REQUESTS:
 DENIAL – MEDICAL**

	Name	Department	IOD or Medical Disability	Recommendation
15.	Tony H. Downing	Criminal Court Clerk	Medical	As moved, seconded and approved, this pension request was denied.
16.	Deidre R. Forte	Police	IOD	As moved, seconded and approved, this pension request was deferred.
17.	Perian Gooch	Bordeaux	IOD	As moved, seconded and approved, this pension request was deferred.
18.	Ronald W. Holt	MNPS	Medical	As moved, seconded and approved, this pension request was denied.
19.	Caroline Martin	Bordeaux	IOD	As moved, seconded and approved, this pension request was deferred.

**NEW REQUESTS:
 DENIAL – MEDICAL**

	Name	Department	IOD or Medical Disability	Recommendation
20.	Connie L. Murff	Circuit Court	Medical	As moved, seconded and approved, this pension request was deferred.
21.	William E. Tapley	MNPS	IOD	As moved, seconded and approved, this pension request was deferred.
22.	Jerry D. Waffird	General Services	Medical	As moved, seconded and approved, this pension request was deferred.

Dr. Christopher Fletcher reported to the Board that he recommends items B.-23. and B.-24. be placed on the return to work list.

After some discussion, Clyde Smith moved approval of the recommendation. Edna Jones seconded and approved without objection.

RETURN TO WORK:

	Name	Department	IOD or Medical Disability	Recommendation
23.	Gary W. McElhiney	Police	IOD	As moved, seconded and approved, this individual was placed on the return to work list.
24.	Elgrine J. Kirby	Parks	Medical	As moved, seconded and approved, this individual was placed on the return to work list.

Dr. Christopher Fletcher reported to the Board that he recommends deferral of items B.-25 and B.-26 pending additional medical information.

Without objection the Board deferred action on items B.-25 and B.-26.

**RETURN TO WORK:
 DEFERRAL**

25.	Richard T. Bell	Police	IOD	As moved, seconded and approved, this pension reexamination was deferred for one month.
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**REEXAMINATIONS:
 DEFERRAL**

	Name	Department	IOD or Medical Disability	Recommendation
26.	Tammie R. Lehmann	Sheriff	Medical	As moved, seconded and approved, this pension reexamination was deferred for one month.

Dr. Christopher Fletcher reported to the Board that he recommends items B.-27. – B.-32. be placed on the return to work list.

On item B.-30., the individual was present and addressed the Board.

After some discussion of accommodating restrictions, return to work and additional medical information, Clyde Smith moved to defer item B.-30. pending medical information. Betsy Walkup seconded and the Board approved without objection.

On item B.-32., the individual was present and addressed the Board on working outside of Metro.

After some discussion on return to work and restrictions, B.R. Hall moved that item 29 be deferred. Steve Bumpus seconded and the Board approved without objection.

RETURN TO WORK:

	Name	Department	IOD or Medical Disability	Recommendation
27.	Sheila F. Counts	Bordeaux	IOD	As moved, seconded and approved, this individual will be placed on the return to work list.
28.	Brenda K. Crowder	Bordeaux	IOD	As moved, seconded and approved, this individual will be placed on the return to work list.
29.	Donna K. Dobbs	MNPS	Medical	As moved, seconded and approved, this pension reexamination was deferred for one month.
30.	John H. Elizer	Sherriff	Medical	As moved, seconded and approved, this pension reexamination was deferred for one month.
31.	Beverly C. Hall	Bordeaux	Medical	As moved, seconded and approved, this individual will be placed on the return to work list.
32.	Sara C. Scruggs	MNPS	Medical	As moved, seconded and approved, this individual will be placed on the return to work list.

Dr. Fletcher gave updates on items B.-33. and B.-34. to the Board.

OTHER:

	Name	Department	IOD or Medical Disability	Recommendation
33.	Michael Clouse	Water	IOD	
34.	Angela M. Inglis	MNPS	IOD	

Dr. Christopher Fletcher reported to the Board that he recommends approval of the late item, item B.-35., without stipulation of scheduled reexamination. B.R. Hall moved approval of the recommendation. Steve Bumpus seconded and the Board approved without objection.

**LATE ITEM
 NEW REQUESTS:**

	Name	Department	IOD or Medical Disability	Recommendation
35.	Jennifer Butler	Sheriff	IOD	As moved, seconded and approved, this pension request was approved without stipulation of scheduled reexamination.

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

MOTION: Edna Jones moved approval of the pensions. Betsy Walkup seconded and the Board approved without objection.

Service

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Kaye Biggers	MNPS	Secretary/Clerk	B	05/30/06	05/27/06
Betty Moore	MNPS	School Bus Driver	B	05/30/06	05/31/06
Alice Puckett	MNPS	School Bus Driver	B	06/01/06	06/01/06
Wanda Caudill	MNPS	Educational Assistant	B	06/02/06	06/26/06
Roberto Wingo	Water	Water Services Assistant Director	B	06/01/06	07/06/06
Teddy Richardson	Police	Police Lieutenant	B	06/06/06	07/01/06
William Cothran	Police	Police Officer 3	B	06/07/06	06/23/06
Judy Troutt	Police	Police Operations Coordinator	B	06/07/06	07/01/06
Jerry Fox	Water	Storage Manager	B	06/08/06	07/01/06
Charles Donaldson	General Sessions Court	Judicial Assistant 2	B	06/08/06	09/01/06
Claudia Bender	General Hospital	Health Information Tech	B	06/12/06	06/03/06
Robert Aquino	General Hospital	Medical Technologist	B	06/12/06	06/03/06
Billy Ransom	General Services	Emergency Telecommunications Officer 3	B	06/05/06	09/01/06
Annie Parker	General Hospital	Nursing Support Clerk	B	06/13/06	06/03/06
Ronald Beard	General Hospital	Physical Therapy Technician	B	06/14/06	06/03/06
Joseph Anderson	MNPS	Director of Safety	B	06/07/06	08/02/06
Rebecca Chatham	General Hospital	Clinical Nurse Specialist	B	06/13/06	09/01/06
David Crowder	Police	Police Officer 3	B	06/20/06	07/01/06
Thales Finchum	Police	Police Officer 3	B	06/20/06	07/16/06
Michael Foster	ITS	Information Systems Advisor 1	B	06/14/06	07/27/06
Sherry Foster	BLTC	Group Care Worker	B	06/21/06	07/12/06
Raymond Whitehorn	MNPS	Custodian	B	06/15/06	07/15/06
Michael Lewis	MNPS	Head Custodian	B	06/19/06	05/16/06
Harry Duncan	MNPS	Mason	B	06/20/06	09/01/06
John Murphy	Fire	Fire Captain	B	06/23/06	07/15/06

Disability to service

Employee	Department	Plan A/B	Effective Date of Conversion
Steven Waldrop	Police	B	02/01/2006
Clyde Evans	Police	A	04/01/2006
Eva Scott	MNPS	A	05/01/2006
Lillie Walden	Police	B	05/01/2006
Martha Callahan	Fire	A	06/01/2006
Randall Karnes	Police	A	06/01/2006
Carol Spears	Bordeaux	A	06/01/2006

Options Elected

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Bailey, Warren	Juvenile Court	Early Service	B	5/20/2006	Normal	
Darrell, Barbara I	MNPS	Service	B	12/24/2005	Option F	
Dickens Jr, Mortie Q	Police	Service	B	4/16/2006	Normal	
Fykes, Linda F	Bordeaux Long Term Care	Early Service	B	5/13/2006	Normal	
Keeler Jr, Walter A.	Police	Early Service	B	6/1/2006	Option E	
Matthews, William M	State Trial Courts	Early Service	B	4/8/2006	Option B	
Mcclusky, Michael G.	Police	Early Service	B	5/2/2006	Normal	
Mcneese, Mary A	MNPS	Service	B	5/1/2006	Normal	
Misch, Carol M.	Bordeaux Long Term Care	Early Service	B	5/4/2006	Option B	
Nance, Beverly Callie	MNPS	Early Service	B	5/13/2006	Normal	
Peer, Catherine R	MNPS	Service	B	5/26/2006	Normal	
Phelps, Ronald W	MNPS	Service	B	4/28/2006	Normal	
Polk, Marie F	Police	Early Service	B	5/25/2006	Option E	
Puckett, Chester F	Water and Sewer	Early Service	B	3/1/2006	Option B	
Sandstrom, Darlene J.	General Hospital	Early Service	B	4/29/2006	Normal	
Stack, Margaret B.	Public Library	Service	B	4/14/2006	Option F	
Surles, Evelyn P	MNPS	Service	B	5/27/2006	Option E	

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
Caroline Shakir	Pensioner	Gary Andrew Wells	B	4/3/2006
Guy Maynard	Pensioner	Sherry Maynard	B	06/03/2006
Jimmie L. Northern	Pensioner	Isaac Jacob Northern Sr.	B	05/13/2006
Billy B. Clinard Sr.	Pensioner	Mary A. Clinard	A	6/5/2006
Nancy Cragon	Pensioner	Harlen Cragon	A	3/30/2006
James R. Lawrence	Pensioner	Virginia Lawrence	A	6/12/2006
Dorothy Martin	Pensioner	Raymond Martin	B	06/16/2006
Joyce A. Williams	Pensioner	William A. Williams, Sr.	B	6/16/2006
William R. Richardson	Pensioner	Katherine Richardson and Jennifer Chapman	B	6/16/2006

Survivor (continued)

Employee Name	Department	Survivor Name	Plan Membership	Effective Date
Claude Lee Chamberlain	Pensioner	Helen Chamberlain	Old City	06/15/2006
Kenneth Davidson	Pensioner	Reba Davidson	Old City	6/10/2006
Ernest G. Wilson Jr.	Pensioner	Theresa Wilson	B	6/4/2006
Margaret Shea	Pensioner	Helen Shea	A	1/10/2006
Charles Bright	Pensioner	Nellie Bright	B	7/3/2006

BENEFIT BOARD ITEMS

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

1. Presentation of resolution to Edward C. Mason, II.

This item was moved to the head of the agenda and acted upon accordingly.

2. Committee appointments.

David Manning stated that Vice Chair Clyde Smith has made some reappointments to the elected members on the Committees.

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

3. Metro Nashville Public Schools – IOD update.

Shannon Beehan reported to the Board that staff has been working with MNPS on the IOD process in order to better understand and improve the process.

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

4. Update on home services.

Dr. Christopher Fletcher gave an update to the Board on this request.

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

5. Case management and actuarial services RFP update.

Shannon Beehan reported to the Board that staff is currently working with the Purchasing Department on the procurement process for case management services. She also stated that Edna Jones will serve as the Board advisor on that evaluation committee. Ms. Beehan stated that the evaluation committee has completed deliberation on the proposals received for actuarial services. She stated that staff recommends that the Board support and approve the committee's selection of Bryan, Pendleton, Swats & McAllister for actuarial services.

Clyde Smith moved approval of the recommendation. Dorothy Shell-Berry seconded and the Board approved without objection.

6. Self insured plan amendment - 2006 plan changes.

Shannon Beehan stated that this amendment is being re-presented with the additional clarification as suggested by the Board. She stated that staff recommends approval of the amendment to include utilization of a pharmacy benefit manager and expanded coverage for preventative care physicals.

After review of the amendment, it was suggested that retirees be included in the language.

6. Self insured plan amendment - 2006 plan changes. (continued)

B.R. Hall moved approval of the amendment with the change in the language. Steve Bumpus seconded and the Board approved without objection.

7. Ordinance NO. BL-2006-1054 - Changing the definition of disability.

Shannon Beehan reported to the Board that the ordinance changing the definition of disability was approved by Council as submitted.

After some discussion on how to address those individuals in the definition of disability category, the Board requested that staff and legal review the matter.

8. Revised Social Security Disability Insurance policy.

Ginger Hall reported to the Board that because the Social Security office will not allow a person to appeal further Social Security disability benefits due to a technical denial (persons who do not qualify for SSDI due to substantial gainful activity, which includes earnings over Social Security guidelines for SSDI and persons who do not have enough earned working credits), staff has revised the Social Security Insurance policy accordingly. She stated that staff is recommending approval of the revised policy and procedure to waive the requirement for appeals for those eligible persons who have applied once and are ineligible to appeal further as determined by Social Security.

After discussion of those individuals who are not eligible for any social security benefits, Clyde Smith moved for approval of the revised policy. Steve Bumpus seconded and the Board approved without objection.

9. Setting a hearing date to interpret the definition of "earnings while disabled."

Kevin Klein reviewed with the Board an order from the courts on a suit filed against a disability pensioner. He stated that the Legal Department is requesting that the Board set a hearing date to address the issue of whether wages paid to the individual for work performed should be considered earnings while disabled.

Attorney Dan Alexander was present and addressed the Board on determining an interpretation on this term.

The Board discussed determining an interpretation and how it would be applied, Betsy Walkup moved that staff set an appropriate time for this hearing. Clyde Smith seconded and was approved with vote of 5/4.

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

10. Disability pension appeal(s) – Disability pensioner request to switch from medical to IOD.

Dr. Christopher Fletcher reported to the Board that there is no new medical information to support an IOD pension.

The appellant was present and addressed the Board.

After some discussion of medical information that establishes the work related injury, Clyde Smith moved that the Board defer this item until such time that additional medical information is available. Steve Bumpus seconded and the Board approved without objection.

11. Custom Care Solutions program update.

Debbie Sims and Susan Tidlow of Blue Cross Blue Shield were present and gave an update on the Custom Care Solutions program.

Susan Tidlow gave an overview of the program and reviewed participation.

Debbie Sims reported to the Board there have been discussions of adding pensioners to the program and reviewed some communication materials.

After discussion of adding pensioners to the program, B.R. Hall moved adding the Medicare eligible retirees and dependents to the program. Russell White seconded and the Board approved without objection.

12. FSA issues – 1 Point Solutions.

David Manning stated that there are some issues with the vendor administration of the flexible spending program and that internal audit was asked to review some of the issues.

Don Dotson of Internal Audit reported to the Board that there were problems with issuance of checks for reimbursement, payment issues and operational issues.

Some Board members expressed concerns with customer service and payments.

Barry Stokes of 1 Point Solutions was present and addressed the Board's concerns with the program. He stated that a segregated account has been set up to cut down on funding problems and delays.

The Board discussed the transition to 1 Point Solutions, adequate staffing to handle Metro's account, and the vendor's continuing to service Metro's account. The Board requested that the staff meet with 1 Point and report back to the Board in order to determine whether or not to continue with this vendor.

13. Study & Formulating Committee final report.

Chair David Manning stated that there has been discussion on how to evaluate and prioritize recommendations from this report. It was concluded by the Board that this item will be discussed by a committee of the elected members with a report back to the full Board. Clyde Smith moved approval of forming a committee of the elected members. Steve Bumpus seconded and the Board approved without objection.

Sheriff Daron Hall was present and addressed the Board on an item contained in the Study & Formulating Committee final report and requested that he be allowed to discuss this at that Committee.

14. Retiree health insurance.

Shannon Beehan reported to the Board that Mayor Purcell has appointed a Task Force to study and make recommendations in regards to the upcoming GASB changes relating to post employment benefits other than pension.

Dorothy Shell-Berry stated that she is Chair of the Task Force and informed the Board of the Committee's first meeting on July 25, 2006 at 2:00 p.m. in the Civil Service Commission Room.

The Board discussed the legal opinion rendered and the Task Force rendering an opinion that would have to go before a Study & Formulating Committee. The Board agreed to allow the Task Force to deliberate on this issue.

15. Committee Reports:

- a. IOD Committee (Chair: Charles A. Trost; Vice Chair: Edna J. Jones; Members: Michael L. Turner and Betsy Walkup; Alternate Members: Dorothy Shell-Berry and Clyde D. Smith)

Edna Jones, Committee Vice-Chair reported to the Board that the In Line of Duty Committee met on May 23, 2006 to continue deliberation on the IOD network issues.

As moved and seconded, the minutes from the May 23, 2006 In Line of Duty Committee meeting were approved by the Committee.

- b. Investment Committee (David Manning, Charles A. Trost, Betsy Walkup and H. Russell White)

Celia Yancey reported to the Board that the Investment Committee met on June 6, 2006. She stated that the Committee reviewed the operational report, pension plan performance, MetroMax plan performance and gave an update on policy changes and enrollment.

16. 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.
- e. Quarterly report from Alternative Service Concepts.

Items 16.-a. through 16.-e. were for information only and no action was required.

17. Reports for your information:

- a. Return to work.
- b. Social Security approvals.
- c. Refund of pension contributions.
- d. Repayment of pension contributions.
- e. Reports from Treasury.
- f. Social Security referrals.
- g. Non-compliant disability pensioners.
- h. Pending litigation(s). (reported quarterly)
- i. Disability status reports.

Items 17.-a. through 17.-i. were for information only and no action was required.

18. Late item(s):

Items to be listed under this section have been incorporated into these minutes.

With nothing further presented, the meeting adjourned at 12:31 p.m.

ATTEST:

APPROVED:

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

**Mr. David Manning, Chair
Employee Benefit Board**

