

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

January 10, 2008

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Thursday, January 10, 2008 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: *Ann V. Butterworth; Vice Chair: Clyde D. Smith; Members: Christine Bradley, Douglas D. Conquest, Sr., B.R. Hall, Sr., James H. Johnson, Edna J. Jones, Richard M. Riebeling, Dorothy Shell-Berry and H. Russell White.

Others present: Shannon B. Hall, Metro Human Resources, Nicki Eke, Attorney, Metro Legal Department and Dr. Christopher Fletcher, Civil Service Medical Examiner.

Chair Ann Butterworth called the meeting to order and said the first order of business was to approve resolutions for Steve Bumpus and David Manning for their service to the Employee Benefit Board. Russell White moved for approval of the resolutions for Steve Bumpus and David Manning. Christine Bradley seconded and the Board approved without objection.

A. MINUTES: Ann Butterworth asked if there were any amendments, corrections or questions of the minutes from the November 6, 2007 and December 4, 2007 regular meetings and the December 18, 2007 special called meeting. With no corrections, nothing further was noted and B.R. Hall moved for approval. Dorothy Shell-Berry seconded and the Board approved without objection.

B. APPEAL ANNOUNCEMENT:

Shannon Hall announced the process and timeframe for appealing a decision made by this Board.

C. DISABILITY PENSIONS: (new requests, reexaminations and return to work)

The terms of the approval or extension of the items listed in the motions 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 through 5, for the length of time as recommended. B.R. Hall moved for approval of the recommendation to approve the disability pension new requests, items 1 through 5 for the length of time as recommended. Douglas Conquest seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that he recommends approval for continuing the disability pension reexaminations and return to work recommendations, items 10 through 19 for the length of time as recommended. Dorothy Shell-Berry moved for approval of the recommendation to continue the disability pension reexaminations and return to work recommendations, items 10 through 19 for the length of time as recommended. Edna Jones seconded. After discussion of no restrictions on the return to work recommendations, a vote was taken and the Board approved without objection.

On item 20, Dr. Christopher Fletcher reported to the Board that he is requesting a functional capacity evaluation on this return to work request. Edna Jones moved for approval of the functional capacity evaluation. Clyde Smith seconded and the Board approved without objection.

Dr. Christopher Fletcher reported the Board that on item 6, he recommends denial of the in line of duty disability pension request, but that he believes the medical information warrants granting a medical disability pension.

Shannon Hall reported to the Board that item 2, IOD medical care request, under Benefit Board items, is related to this disability pension request and this individual's legal counsel is present today to address both issues.

Without objection, the disability pension new request item 6 and item 2, IOD medical care request, under Benefit Board items were considered together.

Nicki Eke, Metro Legal Department, indicated that the Board may want to defer discussion on this issue as it may fall into the category of being a contested case.

The Board discussed addressing the disability pension request separate from the medical care request and when an issue becomes a contested case.

Nicki Eke advised the Board that if any application is denied, without procedures in place regarding contested case hearings, it would be in conflict with the Administrative Procedures Act.

The Board discussed allowing individuals present to address the Board, what qualifies as a contested case and getting procedures in place for contested cases.

After some discussion, Clyde Smith moved to approve the disability pension new request item 6, as a medical disability pension and defer any action on the in line of duty disability pension request and IOD medical care request at this time. Christine Bradley seconded and the Board approved with B.R. Hall and Douglas Conquest opposed.

On the disability pension new requests, items 7 through 9, Richard Riebeling moved to defer any action until contested case procedures have been established. Dorothy Shell-Berry seconded.

After discussion on bringing these items back to the Board, B.R. Hall requested legal clarification of what (how a recommendation) constitutes a contested case. There was further discussion of allowing the Legal Department to present the draft procedures to the Board for review and having further discussion of the issue to determine how this Board needs to proceed.

A vote was taken on the motion to defer the disability pension new requests items 7 through 9 and approved with a vote of 6/4 (B.R. Hall, Douglas Conquest, Edna Jones and Clyde Smith opposed).

The Board discussed scheduling another meeting as soon as possible to review the draft procedures for contested cases.

*At this time Ann Butterworth left the meeting and Clyde Smith presided.

Dr. Christopher Fletcher reviewed the referrals to case management for social security assistance with the Board. Dorothy Shell-Berry moved for approval of the referrals. Christine Bradley seconded and the Board approved without objection.

NEW REQUESTS:

	Name	Department	IOD or Medical Disability	Recommendation
1.	Mark D. Denny	Police	IOD	As moved, seconded and approved, this disability pension request was approved for three months, (April 2008), with re-exam at that time.
2.	Mary E. Gooch	MNPS	Medical	As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled re-exam.
3.	Peggy K. Grant	Police	Medical	As moved, seconded and approved, this disability pension request was approved for four months, (May 2008), with re-exam at that time.
4.	Mamie R. Massey	MNPS	Medical	As moved, seconded and approved, this disability pension request was approved for six months, (July 2008), with re-exam at that time.

NEW REQUESTS: (continued)

	Name	Department	IOD or Medical Disability	Recommendation
5.	James M. Stewart	Library	Medical	As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled re-exam.
6.	Roy J. Dunaway	Police	IOD	As moved seconded and approved, this disability pension request was approved as a <i>medical</i> disability pension, but deferred action on his IOD disability pension request.
7.	Michael D. Gulla	Police	IOD	As moved seconded and approved, this disability pension request was deferred.
8.	Nancy R. Pena-Binkley	Bordeaux	IOD	As moved seconded and approved, this disability pension request was deferred.
9.	Patricia A. Wynn	General Services	Medical	As moved seconded and approved, this disability pension request was deferred.

REEXAMINATIONS:

	Name	Department	IOD or Medical Disability	Recommendation
10.	Lacy L. Barlow	MNPS	Medical	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
11.	Octavia M. Holt	MNPS	IOD	As moved, seconded and approved, this disability pension was continued for three months, (April 2008), with re-exam at that time.
12.	Calvin Hullett	Police	Medical	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
13.	Jerry D. Lee, Jr.	Fire	IOD	As moved, seconded and approved, this disability pension was continued for one year, (January 2009), with re-exam at that time.
14.	Billy J. Marlowe, Jr.	Police	Medical	As moved, seconded and approved, this disability pension was continued for six months, (July 2008), with re-exam at that time.
15.	Danny G. Mosley	Water	IOD	As moved, seconded and approved, this disability pension was continued for six months, (July 2008), with re-exam at that time.

REEXAMINATIONS:

	Name	Department	IOD or Medical Disability	Recommendation
16.	Doris V. Vance	MNPS	Medical	As moved, seconded and approved, this disability pension was continued for three months, (April 2008), with re-exam at that time.
17.	Terry McGowan	Police	IOD	As moved, seconded and approved, this disability pension re-exam was deferred for one month, (February 2008), with re-exam at that time.
18.	Terry D. Gibson	Health	Medical	As moved, seconded and approved, this individual was placed on the return to work list.
19.	James A. Petre, Jr.	Police	Medical	As moved, seconded and approved, this individual was placed on the return to work list.

RETURN TO WORK:

	Name	Department	IOD or Medical Disability	Recommendation
20.	Terry Richards	Police	IOD	As moved, seconded and approved, a functional capacity evaluation was approved for this return to work request.

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

MOTION: Dorothy Shell-Berry 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
Charles S. Brown, Jr.	Fire	Firefighter 3	B	11/27/2007	01/08/2008
Will Young, Jr.	Social Services	Van Driver	B	11/27/2007	12/01/2007
John F. Donnelly, III	Police	Police Officer 3	B	11/28/2007	01/16/2008
Patsy L. Jackson	Circuit Court	Warrant Officer 1	B	11/29/2007	01/21/2008
Charles A. Moorman	Parks	Recreation Center Manager	B	11/29/2007	02/16/2008
Donald A. Dixon	Police	Police Sergeant	B	11/29/2007	12/16/2007
Pauline T. Fellman	General Hospital	Registered Nurse-CC	B	11/29/2007	12/28/2007
Sharon R. Leckenby	MNPS	Cafeteria Assistant	B	11/29/2007	11/01/2007*
Jeanne M. Kelly	MNPS	Interpreter for Deaf	B	11/30/2007	02/01/2007*
Robert E. Smith	Fire	Fire Engineer	B	11/30/2007	12/17/2007
Edna S. Kimble	MNPS	Manager 3 – Food Service	B	12/03/2007	01/24/2008
Rebecca R. Hahn	General Sessions	Administrative Assistant	B	12/03/2007	01/12/2008
David E. Young	Fire	Fire Fighter 3	B	12/03/2007	01/04/2008
Barbara C. Mayo	Police	Police Operations Coord. 1	B	12/05/2007	12/01/2007
Ronald D. O'Donniley	Planning	Planning Division Manager	A	12/04/2007	01/01/2008*
Emma J. Simon	Social Services	Homemaker	B	12/06/2007	02/09/2008
Audrey L. Vaughn	MNPS	School Bus Driver	B	12/06/2007	09/27/2007
Howard T. Baggett	MNPS	School Bus Driver	B	12/06/2007	01/04/2008
Venora O. Andrews	MNPS	Education Assistant	B	12/07/2007	01/01/2008*

Service

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Annie M. Dangerfield	MNPS	Senior Secretary	B	12/07/2007	12/29/2007
James C. Green	General Services	Radio Technician 3	B	12/11/2007	12/29/2007
Rickey E. Lankford	Police	Police Commander	B	12/11/2007	01/03/2008
Donald W. Kenton	Fire	Fire Engineer	B	12/12/2007	01/03/2008
James R. (J.R.) Malone	Police	Police Officer 2	B	12/13/2007	03/16/2008
Brenda J. Ross	Social Services	Program Specialist 3	B	12/13/2007	01/05/2008
Gary L. Duncan	Police	Police Sergeant	B	12/13/2007	01/26/2008
Michael C. Butler	Police	Police Officer 2	B	12/14/2007	01/16/2008
William E. Merryman	Police	Police Officer 2	A	12/17/2007	01/16/2008
Robert T. McNaron	Police	Police Officer 3	B	12/18/2007	01/16/2008
Virginia C. Fortner	Police	Crossing Guard Supervisor	B	12/18/2007	02/01/2008
Lynn Hampton	Police	Police Officer 2	B	12/19/2007	01/16/2008
Jackie M. McCutchen	Fire	Firefighter 3	B	12/19/2007	07/01/2008
David E. Edgar	Police	Police Officer 2	B	12/28/2007	01/01/2008
James F. Patton, Jr.	MNPS	Lead Mechanic	B	12/28/2007	12/29/2007

* Deferred Benefit

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
Anderson, Frank Arlan	MNPS	Service	B	11/1/2007	Option E	
Ballentine, Andrew L	Water Services	Early Service	B	11/3/2007	Option C	
Bennett, Juil	MNPS	Service	B	12/1/2007	Option B	
Bland, Mary L	General Hospital	Early Service	B	10/26/2007	Option C	
Cobb, Judith F.	General Hospital	Early Service	B	11/15/2007	Option F	
Krantz, Bonnie R.	Bordeaux	Early Service	B	9/15/2007	Option D	
Mobley Jr, Charles H	Fire	Service	B	11/7/2007	Option A	
Whitmore, Nellie K	Water Services	Service	B	12/1/2007	Normal	
Woolley, Norma E	MNPS	Service	B	10/2/2007	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

Employee Name	Department	Survivor Name	Plan Membership	Effective Date
Frances P. Brown	Social Services	Azzell Truett	B	12/31/2007
Mildred Collier	Bordeaux Hospital	Roland Collier	B	12/22/2007
William Sutton	Water & Sewer	Julia Sutton	B	12/18/2007
Horace Winton, Jr.	Office of Fleet Management	Margaret Winton	Old City	12/16/2007
James D. Hunt	Pensioner-Fire	Sandra Hunt	Old City	12/04/2007
Daniel K. Myers, Sr.	Pensioner-Circuit Court Clerk	Mary E. Myers	A	12/06/2007

BENEFIT BOARD ITEMS

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

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

Shannon Hall reported to the Board that staff has identified disability pensioners who have exceeded their outside allowable earnings amount and in accordance with the Code are to have their disability pensions adjusted. She stated that staff recommends that the Board approve the adjustments accordingly.

Richard Riebeling moved that the Board approve the adjustments as outlined. Dorothy Shell-Berry seconded and the Board approved without objection.

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

This item was deferred.

3. Return to work appeal(s): Disability pensioner from Bordeaux Long Term Care.

Shannon Hall reviewed the report with the Board. She stated that, as requested, additional medical information has been obtained related to the current medical conditions and that Dr. Christopher Fletcher recommends the individual be removed from the return to work list and placed back on a disability pension with reexamination in one year. Ms. Hall further stated that since being cleared to return to work, this individual has been approved for Social Security disability benefits and the Legal Department has advised that the Board policy regarding disability pensioners approved for Social Security disability benefits should be followed.

The individual and her attorney were present.

B.R. Hall moved that the individual be removed from the return to work list and remain on disability pension in accordance with the Board policy regarding disability pensioners approved for Social Security disability benefits. Edna Jones seconded.

After discussion of the recommended re-exam date of one year, the Board determined that the re-exam date should reflect that of the policy recommendation of without stipulation of scheduled re-exam. A vote was taken on the motion to remove the individual from the return to work list and remain on disability pension in accordance with the Board policy regarding disability pensioners approved for Social Security disability benefits and was approved without objection.

4. Contested case hearings.

Shannon Hall gave an overview of the discussion from the Study Session on this item.

After some discussion of the entities affected by the act, budgeting for proceedings and drafting legislation, B.R. Hall moved that the Legal Department draft legislation to remove the Employee Benefit Board from the interpretation related to the Administrative Procedures Act. Douglas Conquest seconded and the Board approved without objection.

5. Custom Care Solutions.

Debbie Sims and Susan Titlow, Blue Cross Blue Shield, were present and addressed the Board. They reviewed reports on statistics of the program (enrollment, medical conditions, and outcomes).

There was discussion of participation in the program and those that complete the program, average cost per participant, the effects the program has on the plan, and Metro incurring unnecessary costs. There

was also discussion of the current level of benefits, possibly enhancing the program in the future and correspondence to new members in the plan.

5. Custom Care Solutions. (continued)

The Board was in consensus that continuing the program would be beneficial and there will be no changes for the program in 2008.

6. Committee Report(s):

- a. In Line of Duty Committee: (Chair: Edna J. Jones; Vice-Chair: Christine Bradley; Members: Ann V. Butterworth and Clyde D. Smith. Alternates: B.R. Hall, Sr. and Dorothy Shell-Berry)

Shannon Hall reported to the Board that the In Line of Duty Committee met on December 18, 2007 to continue deliberation on the IOD network issues. She stated that at the December 18th meeting, the Committee reviewed an in line of duty medical care claim in which ASC recommended as compensable, but the department denied the initial determination. She stated that after the review, the Committee recommends to the Board that the claim be covered as in line of duty.

Committee Chair Edna Jones asked if there were any amendments, corrections or questions of the minutes from the November 12, 2007 In Line of Duty Committee meeting. Clyde Smith moved for approval of the November 12, 2007 In Line of Duty Committee meeting minutes. Christine Bradley seconded and the minutes were approved without objection.

Committee Chair Edna Jones asked if there were any amendments, corrections or questions of the minutes from the December 18, 2007 In Line of Duty Committee meeting. Clyde Smith moved for approval of the December 18, 2007 In Line of Duty Committee meeting minutes. Edna Jones seconded and the minutes were approved without objection.

Douglas Conquest moved to accept the recommendation of the Committee to pay the claim as in line of duty. Edna Jones seconded and the Board approved without objection.

Clyde Smith indicated that he would possibly be revising the make-up of the Committees.

B.R. Hall requested that a Board & Office Administration Committee meeting be scheduled in order to review the Benefit Board budget prior to the budget submission to Council.

7. Correspondence:

- a. Utilization report from Blue Cross Blue Shield.
- b. Utilization report from CIGNA.
- c. Utilization report from Walgreens Health Initiatives. (not available)
- d. Utilization report from Alternative Service Concepts. (reported quarterly)
- e. Walgreens Health Initiative – Zyrtec OTC letter.
- f. Flexible spending account debit card program.

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. (not available)
- d. Repayment of pension contributions.
- e. Reports from Treasury.
- f. Non-compliant disability pensioners. (none to report)
- g. Pending litigation(s). (reported quarterly)
- h. Closed file review report from Eckman/Freeman & Associates. (not available)
- i. Disability status reports.
- j. Denial log from ASC.

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

On item 8.-j., Denial log from ASC, Clyde Smith requested more information on items 1 and 2.

Dorothy Shell-Berry commented on the correspondence sent regarding the flexible spending account debit card program.

9. Late item(s):

There were no late items reported.

With nothing further presented, the meeting adjourned at 11:04 a.m.

ATTEST:

APPROVED:

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

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