

## **MINUTES**

### **METROPOLITAN EMPLOYEE BENEFIT BOARD**

**February 5, 2008**

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday February 5, 2008 in the Civil Service Conference Room, Suite 163, 222 Building, Third Avenue North, Nashville, Tennessee, at approximately 9:33 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.

**A. MINUTES:** Chair Ann Butterworth 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 January 10, 2008. With one clarification on item 6, under Benefit Board items, nothing further was noted and Dorothy Shell-Berry moved for approval. Christine Bradley 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 4, for the length of time as recommended. Clyde Smith moved for approval of the recommendation to approve the disability pension new requests, items 1 through 4 for the length of time as recommended. Douglas Conquest seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that on item 5, he stated that the individual has reached maximum improvement and recommends return to work with specified restrictions. He stated that there are some issues with returning the individual to work and minimum qualifications.

\*Denotes the arrival of H. Russell White.

After some discussion, Clyde Smith moved for approval of the disability pension new request item 5, for one month with deferral of the return to work and assessment of the accommodations and minimum qualifications. Edna Jones seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that on item 6, there is currently no sufficient medical information to grant the request for an in line of duty disability pension, but the medical information does support a medical disability pension. Dr. Fletcher stated that he recommends denial of the in line of duty disability pension request and that if a medical disability pension is granted that it be without stipulation of scheduled re-exam. B.R. Hall moved to approve the disability pension new request, item 6, as a medical disability pension without stipulation of scheduled re-exam and defer assessment of the in line of duty request. Clyde Smith seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that he recommends continuing the disability pension reexaminations, items 7 through 12 for the length of time as recommended. Clyde Smith moved for approval of the recommendation to continue the disability pension reexaminations, items 7 through 12 for the length of time as recommended. Douglas Conquest/Richard Riebeling seconded and the Board approved without objection.

On item 9, the individual was present and addressed the Board in regards to the previous in line of duty disability pension request and submitted additional information regarding the request.

Dr. Christopher Fletcher reported to the Board that on items 13 and 14, he recommends deferral for one month pending additional medical information. Dorothy Shell-Berry moved for approval of the recommendation to defer on items 13 and 14 for one month. Christine Bradley seconded and the Board approved without objection.

On item 15, Dr. Christopher Fletcher reported to the Board that there is no ongoing impairment from the original in line of duty injury and recommends that the in line of duty disability pension be terminated and changed to a medical disability pension without stipulation of scheduled re-exam. Richard Riebeling moved for approval of the recommendation on item 15 to terminate the in line of duty disability the pension and change it to a medical disability pension without stipulation of scheduled re-exam. Dorothy Shell-Berry seconded.

After discussion of how this situation may possibly fit into the category of being a contested case, the Legal Department advised the Board that it may be appropriate to defer this matter until the contested case procedures are in place.

Richard Riebeling withdrew his motion on item 15 to terminate the in line of duty disability the pension and change it to a medical disability pension without stipulation of scheduled re-exam. Dorothy Shell-Berry withdrew her second.

Richard Riebeling moved to defer on item 15. Dorothy Shell-Berry seconded and the Board approved without objection.

On item 16, Dr. Christopher Fletcher reported to the Board that he recommends that the individual be placed on the return to work list.

Shannon Hall reported to the Board that the individual has already returned to work.

Clyde Smith moved for approval of the recommendation to return the individual to work and terminate the in line of duty disability pension on item 16. Christine Bradley 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. | Jose M. Diaz, Jr.  | Police            | IOD                              | As moved, seconded and approved, this disability pension request was approved for one year, (February 2009), with re-exam at that time.                                  |
| 2. | Rosary L. Elliott  | MNPS              | Medical                          | As moved, seconded and approved, this disability pension request was approved for six months, (August 2008), with re-exam at that time.                                  |
| 3. | Robert E. Page     | Police            | IOD                              | As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled re-exam.  |
| 4. | Charles L. Stevens | Police            | IOD                              | As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled re-exam.  |
| 5. | Steve M. House     | MNPS              | IOD                              | As moved, seconded and approved, this disability pension request was approved for one month, (March 2008), with re-exam at that time and deferral of the return to work. |

**NEW REQUESTS: (continued)**

|    | Name              | Department | IOD or Medical Disability | Recommendation   |
|----|-------------------|------------|---------------------------|--|
| 6. | David J. Williams | Police     | IOD                       | As moved, seconded and approved, this disability pension request was approved as a <i>medical</i> disability pension without stipulation of scheduled re-exam and assessment of the in line of duty request. |

**REEXAMINATIONS:**

|     | Name                 | Department | IOD or Medical Disability | Recommendation   |
|-----|----------------------|------------|---------------------------|--|
| 7.  | Curtis E. Bush       | Parks      | IOD                       | As moved, seconded and approved, this disability pension was continued for two months, (April 2008), with re-exam at that time.  |
| 8.  | Gary W. Demonbreun   | Sheriff    | Medical                   | As moved, seconded and approved, this disability pension was continued for three months, (May 2008), with re-exam at that time.  |
| 9.  | Matthew G. England   | Police     | Medical                   | As moved, seconded and approved, this disability pension was continued for six months, (August 2008), with re-exam at that time. |
| 10. | Terry A. McGowan     | Police     | IOD                       | As moved, seconded and approved, this disability pension request was continued without stipulation of scheduled re-exam.         |
| 11. | Stephanie McPherson  | Fire       | IOD                       | As moved, seconded and approved, this disability pension request was continued without stipulation of scheduled re-exam.         |
| 12. | Ora D. Perkins       | MNPS       | Medical                   | As moved, seconded and approved, this disability pension request was continued without stipulation of scheduled re-exam.         |
| 13. | Lisa S. Baggett      | MNPS       | Medical                   | As moved, seconded and approved, this disability pension was continued for one month, (March 2008), with re-exam at that time.   |
| 14. | Benita M. Polk       | Bordeaux   | Medical                   | As moved, seconded and approved, this disability pension was continued for one month, (March 2008), with re-exam at that time.   |
| 15. | Bertha Mumphrey-Otey | Bordeaux   | IOD                       | As moved, seconded and approved, this disability pension re-exam was deferred.   |

**REEXAMINATIONS: (continued)**

|     | Name            | Department | IOD or Medical Disability | Recommendation   |
|-----|-----------------|------------|---------------------------|--|
| 16. | Jennifer L. Kee | MNPS       | IOD                       | As moved, seconded and approved, this individual was returned to work. |

**RETURN TO WORK:**

There were no return to work requests.

**SOCIAL SECURITY REFERRALS:**

B.R. Hall moved for approval of the referrals. Douglas Conquest seconded and the Board approved without objection.

| Name           | Department | Review Originated From | Case Management Recommendation for Referral | CSME Recommendation for Referral |
|----------------|------------|------------------------|---|----------------------------------|
| Mark Denny     | Police     | Pension Approval       | No  | No                               |
| Peggy Grant    | Police     | Pension Approval       | Yes   | Yes                              |
| Mary Gooch     | MNPS       | Pension Approval       | Yes   | Yes                              |
| Octavia Holt   | MNPS       | Pension Approval       | No  | No                               |
| Calvin Hullett | Police     | Pension Approval       | No  | No                               |
| Jerry Lee      | Fire       | Pension Approval       | No  | No                               |
| Mamie Massey   | MNPS       | Pension Approval       | Yes   | Yes                              |
| Danny Moseley  | Water      | Pension Approval       | No  | No                               |
| James Stewart  | Library    | Pension Approval       | Yes   | Yes                              |
| Doris Vance    | MNPS       | Pension Approval       | Yes   | Yes                              |

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

**MOTION:** Clyde smith moved for approval of the pensions. Dorothy Shell-Berry seconded and the Board approved without objection.

**Service**

| Employee               | Department        | Classification                    | Plan A/B | Application Date | Estimated Effective Date |
|------------------------|-------------------|-----------------------------------|----------|------------------|--------------------------|
| Harold Conard          | Convention Center | Facilities Supervisor             | B        | 01/02/2008       | 12/29/2007               |
| Larry D. Cockerham     | Parks             | Parks & Recreation Superintendent | B        | 01/03/2008       | 03/01/2008               |
| Michele Spalding       | MNPS              | Manager IV – Food Service         | B        | 01/03/2008       | 01/19/2008               |
| Claudette D. McDermott | Police            | Police Operations Coordinator 1   | B        | 01/08/2008       | 02/01/2008               |
| Donald R. Dodson       | Internal Audit    | Auditing Manager                  | B        | 01/08/2008       | 02/01/2008               |
| Thomas D. Lyle         | Codes             | Building Inspector                | B        | 01/09/2008       | 01/10/2008               |
| Sandra Park Meadows    | MNPS              | Cashier Cluster Lead Worker       | B        | 01/10/2008       | 01/19/2008               |
| David G. Gary          | Police            | Police Operations Coordinator 1   | B        | 01/10/2008       | 02/01/2008               |
| Phillip R. Sesler      | Fire              | Fire Engineer                     | B        | 01/10/2008       | 02/13/2008               |

**Service (continued)**

| Employee             | Department | Classification           | Plan A/B | Application Date | Estimated Effective Date |
|----------------------|------------|--------------------------|----------|------------------|--------------------------|
| Richard W. Hamilton  | Police     | Police Sergeant          | B        | 01/15/2008       | 02/01/2008               |
| Thomas R. Dickinson  | Parks      | Part time Worker 2       | B        | 01/17/2008       | 02/23/2008               |
| Ernest E. Rigsby     | Police     | Police Officer 3         | A        | 01/17/2008       | 02/01/2008               |
| Charles R. Shepherd  | Codes      | Zoning Examination Chief | B        | 01/18/2008       | 01/29/2008               |
| Christopher B. Dotye | Fire       | Fire Assistant Chief     | B        | 01/22/2008       | 03/01/2008               |
| Margaret S. Pharris  | Health     | Public Health Nurse 3    | B        | 01/24/2008       | 04/01/2008               |
| Frances A. Clark     | Health     | Medical Admin Asst 2     | B        | 01/24/2008       | 03/01/2008               |
| James H. Hoover, Jr. | Fire       | Fire Captain             | B        | 01/25/2008       | 02/16/2008               |

**Disability to service**

| Employee            | Department       | Plan A/B | Effective Date of Conversion |
|---------------------|------------------|----------|------------------------------|
| Opal Seger          | MNPS             | B        | 10/01/2006                   |
| Paul Montgomery     | Public Works     | A        | 10/01/2007                   |
| Windell J. Akers    | Police           | A        | 11/01/2007                   |
| Roy D. Allen        | Water            | B        | 11/01/2007                   |
| Stephen E. Foster   | Fire             | A        | 11/01/2007                   |
| Stella Seaborn      | MNPS             | B        | 11/01/2007                   |
| Robert Sowell       | MNPS             | B        | 11/01/2007                   |
| William R. Spurlock | Water            | B        | 11/01/2007                   |
| Rick Holloway       | Water            | B        | 12/01/2007                   |
| Betty McDonald      | Sheriff          | B        | 12/01/2007                   |
| Clarence Adams      | General Services | B        | 01/01/2008                   |
| James R. Johnson    | Police           | A        | 01/01/2008                   |
| David Mincy         | Police           | A        | 01/01/2008                   |

**Options Elected**

| Employee               | Department       | Pension Type  | Plan A/B | Effective Date | Option   | DROP Election |
|------------------------|------------------|---------------|----------|----------------|----------|---------------|
| Bobbitt, Chyril R.     | Police           | Service       | B        | 1/1/2008       | Option F | 1             |
| Bomar, Barbara Madell  | MNPS             | Service       | B        | 12/22/2007     | Normal   |               |
| Braden, Ann S.         | Public Library   | Service       | B        | 12/1/2007      | Option E |               |
| Buchanan, Beverly D    | Police           | Service       | B        | 12/1/2007      | Option C | 3             |
| Buford, Mildred D      | MNPS             | Early Service | B        | 12/22/2007     | Option F |               |
| Castleman, Charles T   | Water Services   | Service       | B        | 11/29/2007     | Option E |               |
| Cowan, Joan G          | MNPS             | Service       | B        | 10/9/2007      | Normal   |               |
| Dixon, Donald A.       | Police           | P&F Service   | B        | 12/16/2007     | Option A | 3             |
| Harris, Carolyn J      | MNPS             | Early Service | B        | 10/26/2007     | Normal   |               |
| Hill, Regina           | MNPS             | Early Service | B        | 12/1/2007      | Option C |               |
| Hughes, Mary A.        | General Hospital | Service       | B        | 12/29/2007     | Option E | 3             |
| Kennedy, John L.       | Law              | Service       | B        | 12/29/2007     | Option F |               |
| Lampley, Patricia M.   | Trustee          | Service       | B        | 8/24/2007      | Option A | 3             |
| Leckenby, Sharon Rose  | MNPS             | Service       | B        | 12/20/2007     | Option D |               |
| Mayo, Barbara C        | Police           | P&F Service   | B        | 12/1/2007      | Normal   |               |
| Parrish, Carl Demetris | MNPS             | Early Service | B        | 10/27/2007     | Normal   |               |
| Resha Jr, Donald J     | Fire             | P&F Service   | B        | 12/14/2007     | Option E | 1             |
| Roark, Eva L           | Police           | Service       | B        | 1/1/2008       | Option B |               |
| Russell, James Wilson  | MNPS             | Service       | B        | 12/20/2007     | Option C | 3             |
| Smith, Robert E        | Fire             | P&F Service   | A        | 12/17/2007     | Option F |               |
| Steele, Ronald L.      | Police           | P&F Service   | B        | 12/1/2007      | Option C | 3             |
| Tenpenny, Jeanette     | Human Resources  | Service       | B        | 12/1/2007      | Option D | 3             |

**Options Elected (continued)**

| Employee              | Department       | Pension Type  | Plan A/B | Effective Date | Option   | DROP Election |
|-----------------------|------------------|---------------|----------|----------------|----------|---------------|
| Vaughn, Audrey Louise | MNPS             | Early Service | B        | 9/27/2007      | Normal   |               |
| Vaughn, Bobby Joe     | Water Services   | Service       | B        | 12/31/2007     | Option A | 3             |
| Williams, Gloria      | General Hospital | Service       | B        | 10/6/2007      | Normal   |               |
| Young Jr, Will        | Social Services  | Service       | B        | 11/28/2007     | Option A |               |

**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 |
|---------------------------|------------------|-----------------------|-----------------|----------------|
| Bobby Trice               | Mayor's Office   | Gabrielle Trice       | B               | 12/25/2007     |
| Ronald E. Cartwright, Sr. | Health           | Mattie Cartwright     | B               | 01/20/2008     |
| Maria Christensen         | MNPS             | Wil Christensen       | B               | 01/19/2008     |
| Barbara Raney             | MNPS             | Royce Raney           | B               | 12/30/2008     |
| Martin List               | Police           | Patricia List         | Disability B    | 01/08/2008     |
| Patricia Lampley          | Trustee's Office | Margaret Robeson      | B               | 01/05/2008     |
| Anthony Battle            | MNPS             | Sequoya Graves Battle | B               | 01/05/2008     |

**BENEFIT BOARD ITEMS**

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

1. IOD medical care request(s):
  - a. Employee from Bordeaux Long Term Care.

Shannon Hall reviewed the request with the Board. She stated that Dr. Christopher Fletcher has indicated that there is insufficient medical information to recommend that the in line of duty medical care request be granted. She also stated that the individual and her representative are present.

The individual and Terry Clayton, attorney, were present.

Dr. Christopher Fletcher reviewed the medical information with the Board and stated that the medical information does not warrant that the in line of duty medical care be approved.

Terry Clayton addressed the Board on the in line of duty injury, the claim being denied by the department and a request for additional medical records.

After some discussion of obtaining additional medical information related to the injury, ASC's records related to the injury, the diagnosis and the basis for the denial, Richard Riebeling moved to defer in order to allow for obtaining and review of additional medical information. Douglas Conquest seconded and the Board approved without objection.

- b. Employee from Parks Department.

Shannon Hall reviewed the request with the Board. She stated that Dr. Christopher Fletcher has indicated that there is insufficient medical information to recommend that the in line of duty medical care

1. IOD medical care request(s): (continued)

b. Employee from Parks Department.

request be granted. Ms. Hall also stated that ASC has submitted additional 101 forms related to the injury from the department.

Dr. Christopher Fletcher reviewed the medical records with the Board and stated that the medical information submitted does not support the claim for in line of duty medical care.

A representative of the Parks Department was present and addressed the Board.

There was discussion of the 101 forms submitted and the timely filing of those forms.

The individual and was present and addressed the Board. The individual also presented additional medical information.

After discussion of the additional medical information presented today, Richard Riebeling moved to defer to allow for further review the medical information. Christine Bradley seconded and the Board approved without objection.

2. Final results of experience study and pension plan valuation.

Kevin Sullivan, Bryan, Pendleton, Swats & McCallister, gave a summary of the plan provisions (Division A and B), employee data statistics of the plans (open and closed), recommended assumption changes, and future trends. Mr. Sullivan stated they are recommending a contribution rate of 12.902%.

Richard Riebeling moved approval of the assumption changes and the 12.902% contribution rate. James Johnson seconded and the Board approved without objection.

3. Calculation of Division A split service retirement.

Shannon Hall reviewed the report with the Board. She stated that staff is in receipt of a request to process a Division A disability pension to an early service pension conversion. She stated that it was discovered that the individual has service established under both General Government and Police & Fire. She stated that Alan Pennington of BPSM will be reviewing the recommendations on calculating this service.

Alan Pennington reviewed the recommendations with the Board. He stated that it is recommended that 1) if you were in one group less than five years and the other more than five years, you will be treated as if you were always in the group with the largest amount of service; and 2) if you were in both groups for more than five years, both formulas will be used.

After some discussion of calculating split service prior to the rules established for Division B, Richard Riebeling moved for approval of the recommendations for calculating Division A split service. The motion was properly seconded.

After discussion of any potential minimal cost implications to the plan and an individual retaining the police and fire pension when returned to work in a civilian position, a vote was taken on the motion to approve the recommendations on calculating Division A split service and approved unanimously by the Board.

4. Correspondence:

- a. Utilization report from Blue Cross Blue Shield.
- b. Utilization report from CIGNA.
- c. Utilization report from Walgreens Health Initiatives. (not available)

4. Correspondence: (continued)
- d. Utilization report from Alternative Service Concepts. (reported quarterly)
  - e. Eckman/Freeman and Associates accreditation.

Items 4.-a. through 4.-e. were for information only and no action was required.

Tonya Cain, Eckman/Freeman and Associates, commented on the accreditation they received.

5. Reports for 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 litigations. (reported quarterly)
  - h. Disability status reports.
  - i. Denial log from Alternative Service Concepts.
  - j. Voluntary insurance reports.

Items 5.-a. through 5.-j. were for information only and no action was required.

Shannon Hall noted the voluntary insurance reports.

The Board discussed receiving an update on the legislation regarding the contested cases issue.

6. Late item(s):

There were no late items reported.

With nothing further presented, the meeting adjourned at 11:29 a.m.

ATTEST:

APPROVED:

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

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**Ms. Ann V. Butterworth, Chair  
Employee Benefit Board**