

## **MINUTES**

### **METROPOLITAN EMPLOYEE BENEFIT BOARD**

**March 4, 2008**

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday March 4, 2008 in the Civil Service Conference Room, Suite 163, 222 Building, Third Avenue North, Nashville, Tennessee, at approximately 9:37 a.m.

Benefit Board members: 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.

Chair Ann V. Butterworth was unable to be present.

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

**A. MINUTES:** Vice-Chair Clyde Smith 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 February 5, 2008 and the February 7, 2008 and February 19, 2008 Special Called meetings. With no corrections, 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, return to work and referrals)**

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 7, for the length of time as recommended with GED/vocational assistance on item 5. Dorothy Shell-Berry moved for approval of the recommendation to approve the disability pension new requests, items 1 through 7 for the length of time as recommended and GED/vocational assistance on item 5. James Johnson seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that he recommends approval for continuing the disability pension reexaminations, items 13 through 18 for the length of time as recommended with GED/vocational assistance on item 15. Dorothy Shell-Berry moved for approval of the recommendation to continue the disability pension reexaminations, items 13 through 18 for the length of time as recommended and GED/vocational assistance on item 15. Christine Bradley seconded and the Board approved without objection.

On item 19, Dr. Christopher Fletcher reported to the Board that he recommends deferral pending review of additional medical information. There was a motion for approval of the recommendation to defer item 19 for one month. Dorothy Shell-Berry seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that on item 21, he recommends that this item be withdrawn and that the medical disability pension be continued without stipulation of re-exam. Dorothy Shell-Berry moved for approval of the recommendation to withdraw item 21 and continue the medical disability pension without stipulation of re-exam. Russell White seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that on item 22, he recommends placing the individual back on a medical disability pension without stipulation re-exam. B. R. Hall moved for approval of the recommendation to place the individual back on a medical disability pension without stipulation of re-exam. Dorothy Shell-Berry seconded and the Board approved without objection.

On item 8, Dr. Christopher Fletcher supplied the Board with additional information he received. He stated that he recommends denial of the request for an in line of duty disability pension based on being released to return to work and lack of medical information to support the claim.

The individual was present and declined to address the Board on the request.

After discussion of the medical information and the return to work, Dorothy Shell-Berry moved for approval of the recommendation to deny the in line of duty disability pension request, item 8. Christine Bradley seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that on item 9, he has received additional medical information.

Brock Parks, attorney, was present and addressed the Board on the request.

After discussion of the medical history, being released to return to work and review of the new medical information, B.R. Hall moved to defer for one month pending review of the new medical information. Dorothy Shell Berry seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that on item 10, he recommends denial and that this individual has been accommodated at work.

Shannon Hall stated that the individual has requested a deferral.

B.R. Hall moved to defer item 10 for one month. Edna Jones seconded and the Board approved without objection.

Dr. Christopher Fletcher reviewed the medical information with the Board on item 11.

Tom Storey, attorney, and the individual were present and addressed the Board. Mr. Storey requested that the request be changed to an in line of duty disability pension.

Dr. Christopher Fletcher stated that the medical information received does not support the request for a disability pension.

The individual addressed the Board on her job functions.

The Board discussed having functional job descriptions included with the materials for disability pension requests. There was also discussion of obtaining 101 forms for the in line of duty request on item 11. B.R. Hall moved to defer for one month pending additional information. Douglas Conquest seconded and the Board approved without objection.

On item 12, Dr. Christopher Fletcher indicated that it is essentially the same as item 11 and requested this item be deferred.

Shannon Hall stated that the individual has supplied some additional information.

B.R. Hall moved to defer item 12 for one month pending additional information. The motion was seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that on item 20, he recommends denial of the in line of duty disability pension request based on the standard of one specific identifiable event, but maintain the medical disability pension.

Shannon Hall indicated that item 20 also relates to item 1 under Benefit Board items as well. Ms. Hall also indicated that the individual's attorney and department representatives are present.

Without objection the Board discussed the items together.

Jack Byrd, attorney, and Dr. Lee, psychologist, were present and addressed the Board on the in line of duty disability pension request. Mr. Byrd reviewed some of the medical history and documentation from ASC. Dr. Lee addressed the medical information he submitted in regards to the individual's condition.

There was discussion of the individual's diagnosis and a qualifier in the medical information presented to grant the in line of duty disability pension.

Deputy Chief Steve Anderson and Chief Ronal Serpas, Police Department, were present and addressed the Board on events/allegations leading up to the disability pension request.

After objection to the discussion of the relevance of the information from the Police Department, it was the Vice-Chair's opinion that the Civil Service Commission is the appropriate avenue to resolve said issues.

After clarification of the issue before the Board at this time, Edna Jones moved that the disability pension continue as a medical disability pension and deny the in line of duty disability pension request. James Johnson seconded and the Board approved with a vote of 6/3, with B.R. Hall, Clyde Smith and Douglas Conquest opposed.

**BENEFIT BOARD ITEMS**

1. IOD medical care request - Employee from Police Department.

Jack Byrd stated that the request for IOD medical care benefits covers a time period between 07/30/2007 through 08/14/2007 and 08/14/2007 through 09/15/2007. He stated that the individual was receiving treatment through PASS and ASC.

The Board discussed the policy as it relates to treatment until the initial determination of the IOD and any claims submitted to ASC for payment.

After determining that this request is for the individual's leave time utilization, the Board advised Mr. Byrd that this would fall under the Civil Service Commission and took no action.

**NEW REQUESTS:**

	<b>Name</b>	<b>Department</b>	<b>IOD or Medical Disability</b>	<b>Recommendation</b>
1.	Vivian L. Blackshear	Bordeaux	Medical	As moved, seconded and approved, this disability pension request was approved for six months, (September 2008), with re-exam at that time.
2.	Quenna Eddy	Juvenile Court	Medical	As moved, seconded and approved, this disability pension request was approved for one year, (March 2009), with re-exam at that time.
3.	Claudyne B. Jefferson	Health	Medical	As moved, seconded and approved, this disability pension request was approved for one year, (March 2009), with re-exam at that time.
4.	Cherie D. Lincoln	Water	Medical	As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled re-exam.
5.	James E. Morehead	MNPS	Medical	As moved, seconded and approved, this disability pension request was approved for one year, (March 2009), with re-exam at that time and vocational assistance.

**NEW REQUESTS: (continued)**

	<b>Name</b>	<b>Department</b>	<b>IOD or Medical Disability</b>	<b>Recommendation</b>
6.	Bobbie J. Morgan	MNPS	Medical	As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled re-exam.
7.	Marcia L. Turntine	General Hospital	Medical	As moved, seconded and approved, this disability pension request was approved for six months, (September 2008), with re-exam at that time.
8.	Hengameh Amiri	Metro Action Commission	IOD	As moved, seconded and approved, this disability pension request was denied.
9.	Michael D. Gulla	Police	IOD	As moved, seconded and approved, this disability pension request was deferred for one month, (April 2008), pending review of additional medical.
10.	Barbara K. Johnson	MNPS	Medical	As moved, seconded and approved, this disability pension request was deferred for one month (April 2008).
11.	Emaly B. Thompson	General Services	Medical	As moved, seconded and approved, this disability pension request was deferred for one month (April 2008).
12.	Patricia A. Wynn	General Services	Medical	As moved, seconded and approved, this disability pension request was deferred for one month (April 2008).

**REEXAMINATIONS:**

	<b>Name</b>	<b>Department</b>	<b>IOD or Medical Disability</b>	<b>Recommendation</b>
13.	Lisa S. Baggett	MNPS	Medical	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
14.	Kenneth L. Gray, Sr.	Fleet Management	IOD	As moved, seconded and approved, this disability pension was continued for two months, (May 2008), with re-exam at that time.
15.	Steve M. House	MNPS	IOD	As moved, seconded and approved, this disability pension was continued for one year, (March 2009), with re-exam at that time and vocational assistance.
16.	Princess A. Martindale	Water	Medical	As moved, seconded and approved, this disability pension was continued for six months, (September 2008), with re-exam at that time.

**REEXAMINATIONS: (continued)**

	<b>Name</b>	<b>Department</b>	<b>IOD or Medical Disability</b>	<b>Recommendation</b>
17.	John W. Osborne	MNPS	IOD	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
18.	Joe M. Pitts	Water	Medical	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
19.	Benita M. Polk	Bordeaux	Medical	As moved, seconded and approved, this disability pension re-exam was deferred for one month, (April 2008), with re-exam at that time.
20.	Roy J. Dunaway	Police	IOD	As moved, seconded and approved, the in line of duty disability pension request was denied and this disability pension was continued as a medical disability pension.
21.	Bertha Mumphrey-Otey	Bordeaux	Medical	As moved, seconded and approved, this item was withdrawn.

**OTHER:**

22.	Pamela Johnson	General Hospital	Medical	As moved, seconded and approved, this individual was placed back on a medical disability pension without stipulation of scheduled re-exam.
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**RETURN TO WORK:**

There were no return to work requests.

**SOCIAL SECURITY REFERRALS:**

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

<b>Name</b>	<b>Department</b>	<b>Review Originated From</b>	<b>Case Management Recommendation for Referral</b>	<b>CSME Recommendation for Referral</b>	<b>Comments</b>
Jose Diaz Jr.	Police	Pension Approval	Pending	Pending	Review continues
Rosemary Elliott	MNPS	Pension Approval	No	No	Review again 8/08
Terry McGowan	Police	Pension Approval	No	No	
Stephanie McPherson	Fire	Pension Approval	No	No	Vocational Services
Robert Page	Police	Pension Approval	Pending	Pending	Review continues
Charles Stevens	Police	Pension Approval	Yes	Yes	

**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
Ernest R. Denson	Police	Police Officer 2	B	01/29/2008	03/01/2008
Joe H. Hooper, Jr.	Police	Police Sergeant	B	01/29/2008	04/01/2008
Donald L. Hovdet	General Services	Auto Mechanic Leader	B	01/31/2008	03/01/2008
Celia M. Jones	Public Library	Librarian 2	B	01/31/2008	03/01/2008
Linda G. Reed	Police	Police Sergeant	B	01/31/2008	03/16/2008
Milton L. Mason	Fire	Fire District Chief	B	02/01/2008	04/16/2008
Billie M. Carter	MNPS	School Bus Driver	B	02/05/2008	03/12/2008
Gilbert R. Espinosa	MNPS	Custodian Helper	B	02/05/2008	12/29/2007
James R. Hobson	Health	Custodian 1	B	02/07/2008	04/26/2008
Rosemary J. Brown	MNPS	Clerk-Guidance	B	02/08/2008	02/27/2008
Samuel K. Hinton	Water	Engineering Tech 2	A	02/08/2008	10/01/2007*
Richard J. Lakebrink, Jr.	Water	Industrial Tech Master	B	02/11/2008	03/22/2008
Gaile F. Parks	Parks	Office Support Rep 3	B	02/12/2008	07/01/2008
Margaret L. Reynolds Prince	General Sessions Court	Traffic Safety & Alcohol Education Coordinator	B	02/12/2008	04/01/2008
James L. Vaughns	Fire	Fire Fighter 3	B	02/14/2008	05/01/2008
Naomi Pacheco	General Hospital	Midwife	A	02/15/2008	02/01/2008*
Robert L. Woods	MNPS	Custodian Helper	B	02/19/2008	04/03/2008
Sandra G. Brumit	Water	Application Tech 1	B	02/20/2008	04/01/2008
Geardean H. Johnson	MNPS	School Bus Driver	B	02/22/2008	06/01/2008
Edward L. Johnson	Fire	Fire Fighter 3	B	02/26/2008	03/01/2008

\* Deferred Benefit

**Disability to service**

Employee	Department	Plan A/B	Effective Date of Conversion
Billy H. Evilcizer	Fire	A	01/01/2008
Jethery J. Stockard	Bordeaux	B	01/01/2008
Sarah J. Davis	Human Resources	B	02/01/2008
James T. Gaddis	Police	A	02/01/2008
Francis G. Milan	MNPS	B	02/01/2008

**Options Elected**

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Andrews, Venora O	MNPS	Service	B	1/1/2008	Option D	
Baggett, Howard T	MNPS	Early Service	B	12/29/2007	Normal	
Bolton, Sandra E	MNPS	Service	B	12/29/2007	Normal	
Brewington, Alice H	Fire	P&F Service	B	1/1/2008	Option D	
Conard, Harold	Convention Center	Early Service	B	12/29/2007	Option D	
Dangerfield, Annie M	MNPS	Early Service	B	12/29/2007	Normal	
Edgar, David E	Police	Early Service	B	1/2/2008	Normal	
Fellman, Pauline T.	General Hospital	Service	B	12/28/2007	Option F	
French, Archie L.	Water Services	Service	B	1/1/2008	Option B	3
Kenton, Donald W	Fire	P&F Service	B	1/3/2008	Option E	
Lankford, Rickey E	Police	P&F Service	B	1/4/2008	Option A	3
O'donniley, Ronald D	Planning Commission	Service	A	1/1/2008	Option B	
Patton Jr, James F	MNPS	Service	B	12/29/2007	Option B	

***Options Elected***

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Porter, Gale P	MNPS	Service	B	12/29/2007	Normal	
Pullen, Daniel H	MNPS	Service	B	1/1/2008	Normal	
Ragsdale, John L	Fire	P&F Service	B	1/3/2008	Option A	
Wall, Cynthia Ann	MNPS	Early Service	B	12/29/2007	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
Harold Graves	General Services	Mamie Graves	A	02/15/2008
James Lee	Police	Essie Irene Lee	Old City	02/21/2008
Clyde Mangrum	Sheriff	Alice Mangrum	Old City	02/08/2008
Phillip Hayes	Police	Ruth Hayes	B	01/31/2008
Ronald Ballard	Water	Juanita Ballard	B	01/27/2008
Carl Dowell, Sr.	Public Works	Norma Dowell	B	01/28/2008

**BENEFIT BOARD ITEMS**

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

1. IOD medical care request - Employee from Police Department.

This item was taken out of order and acted upon accordingly.

2. Removal of disability pensioner from the return to work list.

Shannon Hall reported to the Board that due to the individual's education level and extensive restrictions, Human Resources has been unable to locate an available position within the Metropolitan Government and sister agencies. She stated that a synopsis detailing the efforts of HR, case management, the Civil Service Medical Examiner's office and the department has been provided for your review. She stated that staff recommends the individual be removed from the return to work list and remain on a disability pension with an appropriate re-exam date and also advise as to whether or not the vocational assistance should be continued.

Edna Jones moved to remove the individual from the return to work list, remain on a disability pension without stipulation of re-exam and cease vocational assistance. Christine Bradley seconded and the Board approved without objection.

There was discussion of the job description, restrictions, worksite assessment and accommodations.

Jerry Hall from General Services was present and addressed the Board on the job functions and accommodations.

After discussion, the motion was amended to include a worksite assessment for any potential accommodations. A vote was taken on the motion and approved unanimously by the Board.

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

\*Denotes Christine Bradley leaving the meeting.

3. Benefit Board budget.

Lannie Holland presented to the Board revised documents regarding the Benefit Board budget on the pension and medical funds and reviewed the changes as previously discussed.

There was discussion of funding for the Administrative Law Judge, COBRA administration funding, the allocation of the revenue from the 2% administrative fee, and funding for enhanced wellness programs. He stated that the PERC project has been added to the pension expense projections and reviewed the request for new positions. There was also discussion of the new reporting format for the expense reports, the process of payments regarding departments paying for return to work and Mercer's role with PERC.

Russell White moved for approval of the proposed budget as submitted. James Johnson seconded and the Board approved with B.R. Hall opposed.

4. Benefit contracts update.

Shannon Hall reviewed the contract recommendations on the current benefit contracts with the Board. She stated that staff recommends extension of the basic and optional supplemental life insurance contract with ING and vision with Spectera, that the Board determine whether or not to continue the Long Term Care and to begin the procurement process for a IOD network administrator.

After discussion of Mercer's role with PERC and when their contract ends, rate reductions and enhancements with the renewals, Richard Riebeling moved for approval of the contract renewal recommendations and for the appropriate staff to begin the RFP process for the long term care and IOD network administrator. Edna Jones seconded and the Board approved without objection.

Nicki Eke reported to the Board that HR staff is in receipt of information from the flexible spending account administrator that their organization had a breach of security with their data. She reported that the matter is under investigation and that employee has been charged with a federal crime. She also stated that a letter will be going out to participants from FBMC regarding the matter.

The Board had a brief discussion on no longer using social security numbers and the current security process and improvements to the process as it relates to employees files.

5. Benefit consultant RFP update.

Jeff Gossage, Purchasing Department, reported to the Board that with regards to Mercer's role with PERC, it would be an amendment to the current contract. Mr. Gossage discussed the consultant contract process to date. He stated that after issuance of the new RFP, eight responses were received, but only seven are currently under review by the evaluation team.

There was discussion of a Board member attending meetings conducted by the evaluation team.

6. Correspondence:

- a. Utilization report from Blue Cross Blue Shield.
- b. Utilization report from CIGNA. (not available)
- c. Utilization report from Walgreens Health Initiatives. (not available)
- d. Utilization report from Alternative Service Concepts. (reported quarterly)

Items 6.-a. through 6.-d. were for information only and no action was required.

7. Reports for information:

- a. Return to work. (none to report)
- b. Social Security approvals.
- c. Refund of pension contributions. (not available)

7. Reports for information: (continued)
- d. Repayment of pension contributions.
  - e. Non-compliant disability pensioners. (none to report)
  - f. Pending litigations. (reported quarterly)
  - g. Disability status reports.
  - h. Denial log from Alternative Service Concepts.

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

8. Late item(s):

There were no late items reported at the meeting.

With nothing further presented, the meeting adjourned at 12:38 p.m.

ATTEST:

APPROVED:

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

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