

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

July 1, 2008

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday July 1, 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, and Richard M. Riebeling.

Members Dorothy Shell-Berry and H. Russell White were unable to be present.

Others present: Justin Stack, 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 June 3, 2008. With no corrections, nothing further was noted and Clyde Smith moved for approval. Douglas Conquest seconded and the Board approved without objection.

B. APPEAL ANNOUNCEMENT:

Nicki Eke, Metro Legal Department 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. Douglas Conquest moved for approval of the recommendation to approve the disability pension new requests, items 1 through 7 for the length of time as recommended. Clyde Smith 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 9 through 16 for the length of time as recommended. Clyde Smith moved for approval of the recommendation to continue the disability pension reexaminations, items 9 through 16 for the length of time as recommended. Christine Bradley seconded and the Board approved without objection.

On the disability pension reexaminations, items 17 through 19, Dr. Christopher Fletcher reported to the Board that he recommends deferral for one month. Christine Bradley moved for approval of the recommendation to defer for one month on items 17 through 19. Douglas Conquest seconded and the Board approved without objection.

Dr. Christopher Fletcher reported to the Board that on the new disability pension request, item 8, he recommends denial based on the information provided related to the job functions. Richard Riebeling moved for approval of the recommendation to deny item 8, for the purposes of discussion. James Johnson seconded.

David Hines, MNPS, was present and addressed some of the Board's questions related to functional job descriptions.

The Board discussed the functional job description, the actual duties of the employee and requested a more accurate/up to date job description.

Richard Riebeling withdrew the motion to deny and moved to defer this item pending additional information related to the employee's actual job duties. James Johnson seconded.

After discussion of conducting a job analysis to help obtain better information, Clyde Smith amended the motion to have Eckman/Freeman conduct a job analysis. James Johnson seconded the amendment. A vote was taken on the amendment and was approved unanimously by the Board.

A vote was taken on the amended motion to defer the disability pension request, item 8 and that Eckman/Freeman conduct a job analysis was approved unanimously by the Board.

Dr. Christopher Fletcher reported to the Board that on the return to work request, item 20, he recommends approval of the request with restrictions.

After discussion of potential pending medical information, Clyde Smith moved to defer item 20 for one month. James Johnson seconded and the Board approved without objection.

On item 21, Dr. Christopher Fletcher reported to the Board that he recommends the individual be placed on the return to work list and in reviewing the individual's job duties and the restrictions, he recommends a job evaluation for assessment for other positions. Clyde Smith moved for approval of the recommendation for a job evaluation. Edna Jones seconded and the Board approved without objection.

NEW REQUESTS:

	Name	Department	IOD or Medical Disability	Recommendation
1.	Merrell F. Burns	MNPS	Medical	As moved, seconded and approved, this disability pension request was approved for three months, (October 2008), with re-exam at that time.
2.	Phillis D. Hipsher	General Services	Medical	As moved, seconded and approved, this disability pension request was approved for one year, (July 2009), with re-exam at that time.
3.	Debra R. Kohl	Police	IOD	As moved, seconded and approved, this disability pension request was approved for six months, (January 2009), with re-exam at that time.
4.	Rhonda Lee	General Hospital	Medical	As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled re-exam.
5.	Larry T. McNeal	Water	Medical	As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled re-exam.
6.	Cherrion L. Pointer	MNPS	IOD	As moved, seconded and approved, this disability pension request was approved for two months, (September 2008), with re-exam at that time.
7.	Michael W. VonDohlen	Police	IOD	As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled re-exam.
8.	Darlene Lumpkin	MNPS	Medical	As moved, seconded and approved, this disability pension request was deferred.

REEXAMINATIONS:

	Name	Department	IOD or Medical Disability	Recommendation
9.	William G. Brown	Public Works	Medical	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
10.	William Felkins	Public Works	IOD	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
11.	Randy J. Hawkins	Fire	IOD	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
12.	Joe M. Hutcherson, Jr.	General Hospital	Medical	As moved, seconded and approved, this disability pension was continued for one year, (July 2009), with re-exam at that time.
13.	Leslie E. Jett, II	Fire	IOD	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
14.	John P. Lucas	Police	IOD	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
15.	Billy J. Marlowe, Jr.	Police	Medical	As moved, seconded and approved, this disability pension was continued for six months, (January 2009), with re-exam at that time.
16.	Mamie R. Massey	MNPS	Medical	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
17.	Deborah R. Bell	MNPS	Medical	As moved, seconded and approved, this disability pension re-exam was deferred for one month.
18.	Teresa Brogdon	MNPS	IOD	As moved, seconded and approved, this disability pension re-exam was deferred for one month.
19.	John E. Humes, Jr.	Police	IOD	As moved, seconded and approved, this disability pension re-exam was deferred for one month.
20.	Danny G. Mosley	Water	IOD	As moved, seconded and approved, this item was deferred for one month.
21.	Beneta M. Polk	Bordeaux	Medical	As moved, seconded and approved, this individual was placed on the return to work list and job evaluation for assessment for other positions.

SOCIAL SECURITY REFERRALS:

Item	Name	Department	Review Originated From	Case Management Recommendation for Referral	CSME Recommendation for Referral	Comments
1	Eulis Brown	Parks	Vocational CM	Yes	Yes	
2	Evelyn Cleveland	MNPS	Pension Approval	Yes	Yes	
3	Patricia Davis	County Clerk	Pension Approval	Yes	Yes	
4	Matthew England	Police	Pension Approval	No	No	
5	Terri Garton	Police	Pension Approval	No	No	
6	Octavia Holt	MNPS	Pension Approval	No	No	
7	Joe Hutcherson	MNGH	CSME	Yes	Yes	
8	Roger Sullivan	MNGH	Pension Approval	Yes	Yes	
9	Loretta Wilson	MNPS	Pension Approval	Yes	Yes	
10	David Williams	Police	Pension Approval	Yes	Yes	

Clyde Smith moved for approval of the social security referral recommendations. Christine Bradley seconded and the Board approved without objection.

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

MOTION: Richard Riebeling moved for approval of the pensions. James Johnson seconded and the Board approved without objection.

Service

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
James B. Polite	MNPS	In-School Suspension Monitor	B	05/27/2008	08/16/2008
Scottie R. Hoback	Health	Building Superintendent	B	05/29/2008	07/18/2008
Christine E. Letson	Health	Program Specialist 2	B	06/02/2008	09/03/2008
Jerry R. Rowland	Health	Medical Administrative Assistant 2	B	06/03/2008	08/02/2008
James M. Sullivan	Police	Police Officer 2	B	06/03/2008	07/01/2008
Donna S. Cooper	MNPS	Education Assistant – Special Ed Harris HI	B	06/04/2008	05/23/2008
William S. Marshall	Fire	Fire Captain	B	06/04/2008	12/01/2008
Robert M. Gift	Fire	Fire Captain	B	06/05/2008	07/16/2008
Ernestine M. Kidd	MNPS	General School Assistant	B	06/05/2008	05/24/2008
Mack Holt, III	Fire	Fire Assistant Chief	B	06/10/2008	09/01/2008
Patricia D. Gregory	MNPS	Student Data Technician	A	06/11/2008	06/18/2008
Walter L. Bell	Fire	Fire Inspector 2	B	06/11/2008	06/06/2008
Ruth A. Sparks	Nashville Convention Center	Convention Center Accountant	B	06/12/2008	06/28/2008
Norman E. Williams	Municipal Auditorium	Building Maintenance Supervisor	B	06/18/2008	07/08/2008
Pamela R. Jones	MNPS	Administrative Assistant	B	06/18/2008	08/30/2008
Walter W. Warren	Sheriff	Correctional Officer 1	B	06/18/2008	08/01/2008

* Deferred Benefit

Disability to service

Employee	Department	Plan A/B	Effective Date of Conversion
Andrew W. Regg Jr.	Register of Deeds	A	06/01/2008
Charles T. Webb	Water	B	06/01/2008
John P. Lucas	Police	A	06/01/2008
Lee Talley Jr.	Water	B	06/01/2008
Brenda J. Vasser	MNPS	B	06/01/2008
Rex J. Buttrey	Fire	B	06/01/2008
Charlotte M. Epler	Police	B	06/01/2008

Options Elected

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Harris Jr, David E.	Health	Service	B	4/19/2008	Option F	2

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
Nancy Locke	MNPS	Richard Locke	B	06/03/08
Conley Amburgey	Sheriff	Mary Anne Amburgey	A	06/15/08
Fred Ezell	MNPS	Katherine Ezell	Old County	05/09/08
John C. Lewis	MNPD	Agnes Lewis	B	06/13/08
Essie Gresham	Bordeaux	Roland Gresham	A	05/02/08
Charles Rogers	MNPS	Billie Rogers	A	05/22/08
Larry Hudson	Public Works	Patricia Hudson	B	06/15/08
Wil Christensen	MNPS	Maria Lynn Poehl	A	06/01/08
Donald Ruskin	Fire	Kathy Ruskin	B	05/24/08

BENEFIT BOARD ITEMS

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

1. Metro Max plan update.

Lannie Holland reviewed the three voluntary changes (unforeseeable emergency and hardship withdrawals for beneficiaries, limited rollover rights for non-spousal beneficiaries and tax free distribution for health and long term care) authorized by the Pension Protection Act that may be made to the 457 deferred compensation plan. He reported to the Board that staff is recommending approval of the limited rollover rights for non-spousal beneficiaries and that staff has no recommendation on the unforeseeable emergency and hardship withdrawals for beneficiaries, and tax free distribution for health and long term care.

After some discussion of administering the changes, B.R. Hall moved to adopt all three changes. Clyde Smith seconded.

After some discussion and clarification on the tax free distribution, a vote was taken on the motion to adopt all three changes was approved unanimously by the Board.

2. Vision plan renewal.

Corey Sherman, Buck Consultants, reviewed the renewal rates on the vision plan and recommended that the Board approve the proposed rates.

Clyde Smith moved for approval of the renewal rates. Christine Bradley seconded and the Board approved without objection.

3. IOD medical care request – Employee from Emergency Communications Center.

Justin Stack reviewed the report with the Board. He stated that Dr. Christopher Fletcher has indicated that there is sufficient medical evidence to recommend that this individual's in line of duty medical care request be granted. Mr. Stack stated that staff recommends the Board approved this request for in line of duty medical care.

Douglas Conquest moved for approval of the request for in line of duty medical care. Clyde Smith seconded.

There was discussion of the initial approval/denial and conflicting medical information.

A vote was taken on the motion to approve the request for in line of duty medical care was approved unanimously by the Board.

There was discussion of information presented related to work schedules, civil service rules and the Department of Labor.

4. Request for in line of duty death benefit for David Sewell.

Justin Stack reviewed the report with the Board. He stated that staff is recommending that the Board determine whether the State's cancer presumption applies to this individual and whether or not to approve the \$100,000 in line of duty death benefit under the presumption.

There was discussion of previous positions and functions of those positions held by the individual.

B.R. Hall moved that this request be referred to the In Line of Duty Committee. Douglas Conquest seconded.

Chief James Holzmer, EMS, was present and addressed the Board.

After the Board's request that information on previous positions be provided and review of the job descriptions on the 101 forms, the Board referred this request to the In Line of Duty Committee.

5. Interpretation on pension earnings – clothing allowance.

Justin Stack reviewed the report with the Board. He stated that in accordance with Code provisions, the Board has approved service pension calculation procedures clarifying that certain payments (travel/mileage/tool reimbursements, clothing reimbursements/allowance, vehicle adjustments and council expenses) were not part of an employee's earnings for pension calculation purposes and that staff recommends that the Board uphold that policy.

Nicki Eke, Legal Department, reviewed the definition of earnings in the Code and stated that what is taxable under the IRS code is a separate issue that has no bearing on whether a clothing allowance is earnings as defined by the Code.

There was discussion on clarification of the individual's request and taxable income.

B.R. Hall moved to include the clothing allowance in the pension calculation. Douglas Conquest seconded.

5. Interpretation on pension earnings – clothing allowance. (continued)

There was discussion of how departments process allowances/reimbursements and treating it as compensation, amending the current policy and the impact on the pension system if that policy is changed.

After discussion of the Fair Labor Standards, the intent of the policy, what constitutes compensation, referring this item to the Pension Committee for further deliberation, and review by the Legal Department, the maker of the motion withdrew the original motion.

B.R. Hall moved to have this item reviewed by the Pension Committee. Douglas Conquest seconded.

The employee was present and passed out additional information.

A vote was taken on the motion to refer this item to the Pension Committee and was approved unanimously by the Board.

6. Committee Report(s):

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

Committee Chair Edna Jones asked if there were any amendments, corrections or questions of the minutes from the May 22, 2008 In Line of Duty Committee meeting. There being none, Clyde Smith moved for approval of the Committee minutes. The motion was seconded and the Committee minutes were approved without objection.

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)

Items 7.-a. through 7.-d. 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.
- d. Repayment of pension contributions.
- e. Reports from Treasury. (not available)
- f. Non-compliant disability pensioners. (none to report)
- g. Pending litigations. (reported quarterly)
- h. Disability status reports.
- i. Denial log from Alternative Service Concepts.

There was a brief discussion regarding the effective date for the changes in the IOD process.

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

9. Late item(s):

- a. Life insurance RFP discussion.

Jeff Gossage, Purchasing Department, reported to the Board that in reviewing the renewal on the life insurance contract, it was recommended to issue a new RFP for the life insurance. He stated that after

9. Late item(s): (continued)

a. Life insurance RFP discussion.

review it is recommended to enter a five year contract versus the current three with two one year renewals based on feasibility.

After some discussion, Clyde Smith moved for approval to enter a five year contract. B.R. Hall seconded and the Board approved without objection.

With nothing further presented, the meeting adjourned at 11:12 a.m.

ATTEST:

APPROVED:

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

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