

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

October 7, 2008

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday October 7, 2008 in the Civil Service Conference Room, Suite 163, 222 Building, Third Avenue North, Nashville, Tennessee, at approximately 9:34 a.m.

Benefit Board members: Chair: Ann V. Butterworth; Vice Chair: Clyde D. Smith; Members: Christine Bradley, Douglas D. Conquest, Sr., G. Thomas Curtis, B.R. Hall, Sr., Edna J. Jones, Richard M. Riebeling, and Dorothy Shell-Berry.

Member James H. Johnson was unable to be present.

Others present: Justin Stack, Metro Human Resources, Ted Morrissey, Attorney, Metro Legal Department and Celia Goodson, 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 August 19, 2008 Special Called meeting and the last regular meeting held on September 2, 2008. With one correction on the August 19, 2008 Special Called minutes, Clyde Smith moved for approval. Christine Bradley seconded and the Board approved without objection. With two corrections on the last regular meeting minutes held on September 2, 2008, Clyde Smith moved for approval. Edna Jones seconded and the Board approved without objection.

B. APPEAL ANNOUNCEMENT:

Justin Stack 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. Celia Goodson reported to the Board that she 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. Dorothy Shell-Berry seconded and the Board approved without objection.

Dr. Celia Goodson reported to the Board that she recommends approval for continuing the disability pension reexaminations, items 9 through 13 for the length of time as recommended. B.R. Hall moved for approval of the recommendation to continue the disability pension reexaminations, items 9 through 13 for the length of time as recommended. Douglas Conquest seconded and the Board approved without objection.

On item 14, Dr. Celia Goodson reported to the Board that she recommends deferral for one month pending the results of a functional capacity evaluation. Christine Bradley moved for approval of the recommendation to defer for one month pending a functional capacity evaluation. Edna Jones seconded and the Board approved without objection.

On item 15, Dr. Celia Goodson reported to the Board that further medical information is needed to make a recommendation and she requests that the Board approve and fund the cost of a one time office visit to a neurosurgeon for that medical information.

The Board discussed the basis for this recommendation (i.e. the individual's Cigna Choice Fund/Health Reimbursement Account being exhausted), policy regarding such a request, the maximum cost of an office visit and the individual's inability to pay. After some discussion of policy regarding authorizing such a request, Clyde Smith moved for approval of the recommendation to allow a one time office visit to a neurosurgeon for additional medical information. Douglas Conquest seconded and the Board approved without objection.

Dr. Celia Goodson reported to the Board that based on the medical information received on item 16 she recommends that the disability pension be changed from in line of duty to a medical disability pension without stipulation of scheduled re-exam. Richard Riebeling moved for approval of the recommendation to change the

disability pension from in line of duty to a medical disability pension without stipulation of scheduled re-exam. Christine Bradley seconded. After discussion of the in line of duty condition and improvement of that condition, a vote was taken on the motion to change the disability pension from in line of duty to a medical disability pension without stipulation of scheduled re-exam and was approved with Douglas Conquest, B.R. Hall and Clyde Smith opposed.

Dr. Celia Goodson reported to the Board that on item 17, the individual was a police officer and is requesting a return to work in a civilian position. She stated that she recommends approval of the return to work request. Clyde Smith moved for approval of the return to work request. Richard Riebeling seconded.

The Board discussed the individual's police and fire pension status when returning to work from an in line of duty disability pension and taking a general government position.

Ted Morrissey, Legal Department, reviewed a memo from the Legal Department regarding the issue of police and fire pension plan status. He stated that as long as the individual is voluntarily returning to work in a civilian position they retain police and fire pension plan status.

After the Legal Department's clarification, a vote was taken on the motion on item 17, to approve the return to work request.

On item 8, Dr. Celia Goodson reported to the Board that she recommends that the disability pension be changed from in line of duty to a medical disability pension without stipulation of re-exam.

Mike Williamson, attorney, and the individual were present. They addressed the Board on the individual's initial injury, medical treatments, the physician's recommendations and additional medical findings.

After some discussion of the individual's initial injury and other medical conditions that would prevent a return to work in the original position, Clyde Smith moved for deferral and requested an independent medical examination to determine causation of the continuing problems. B.R. Hall seconded and the Board approved without objection.

NEW REQUESTS:

	Name	Department	In Line of Duty or Medical Disability	Recommendation
1.	Deborah A. Bruton-Reed	Metro Action Commission	In Line of Duty	As moved, seconded and approved, this disability pension request was approved for six months, (April 2009), with re-exam at that time.
2.	Thomas R. Jones, Jr.	Police	Medical	As moved, seconded and approved, this disability pension request was approved for six months, (April 2009), with re-exam at that time.
3.	Jennifer F. Lanier	Metro Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension request was approved for six months, (April 2009), with re-exam at that time.
4.	Lisa Y. Lawrence	Police	Medical	As moved, seconded and approved, this disability pension request was approved for four months, (February 2009), with re-exam at that time.

NEW REQUESTS: (continued)

	Name	Department	In Line of Duty or Medical Disability	Recommendation
5.	Larry M. McCutcheon	Water	Medical	As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled re-exam.
6.	George T. Wade	Fairgrounds	Medical	As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled re-exam.
7.	Mark A. Young	Fire	In Line of Duty	As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled re-exam.

REEXAMINATIONS:

	Name	Department	In Line of Duty or Medical Disability	Recommendation
8.	Teresa Brogdon	Metro Nashville Public Schools	In Line of Duty	As moved, seconded and approved, this disability pension re-exam was deferred and an independent medical exam requested.
9.	Merrell F. Burns	Metro Nashville Public Schools	In Line of Duty	As moved, seconded and approved, this disability pension re-exam was continued for six months, (April 2009), with re-exam at that time.
10.	Danny L. Campbell	Water	In Line of Duty	As moved, seconded and approved, this disability pension re-exam was continued without stipulation of scheduled re-exam.
11.	James W. McDerman	Police	In Line of Duty	As moved, seconded and approved, this disability pension re-exam was continued for four months, (February 2009), with re-exam at that time.
12.	Marcia L. Turntine	General Hospital	Medical	As moved, seconded and approved, this disability pension re-exam was continued for six months, (April 2009), with re-exam at that time.
13.	Doris V. Vance	Metro Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension re-exam was continued for six months, (April 2009), with re-exam at that time.
14.	Cherrion L. Pointer	Metro Nashville Public Schools	In Line of Duty	As moved, seconded and approved, this disability pension re-exam was deferred for one month pending the results of a functional capacity evaluation.

OTHER:

	Name	Department	In Line of Duty or Medical Disability	Recommendation
15.	Glenda S. Anderson	Metro Nashville Public Schools	Medical	As moved, seconded and approved, the Board granted a one time office visit to a neurosurgeon for additional medical information.
16.	Barbara Key	General Hospital	Medical	As moved, seconded and approved, this disability pension was changed to a medical disability pension and continued without stipulation of scheduled re-exam.

RETURN TO WORK:

	Name	Department	In Line of Duty or Medical Disability	Recommendation
17.	John Humes	Police	In Line of Duty	As moved, seconded and approved, this return to work request was approved.

SOCIAL SECURITY REFERRALS:

Item	Name	Department	Review Originated From	Case Mgmt. Rec. for Referral	CSME Rec. for Referral	Comments
1	Vivian Blackshear	Bordeaux	Pension Approval	Yes	Yes	
2	Daniel Kephart	Fire	Pension Approval	No	No	
3	Judy Petty	MNPS	Pension Approval	Yes	Yes	
4	Milton Rose	Circuit Court	Pension Approval	Yes	Yes	
5	Richard Westfield	Parks and Rec.	Pension Approval	No	No	
6	Mary Whitley	NGH	Pension Approval	Yes	Yes	

As moved, seconded and approved the social security referrals were approved without objection.

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
Randall Dean Wilson	State Trial Courts	Deputy Clerk & Master 2	B	07/21/2008	11/29/2008
Johnny C. Hollins	Sheriff	Correctional Officer Sergeant	B	08/27/2008	10/01/2008
Marvin B. Emmons	Sheriff	Correctional Officer 2	B	08/28/2008	10/17/2008
Clarence Campbell	MNPS	Custodian Helper	B	09/04/2008	08/30/2008
Linda A. Nix	MNPS	WDCN-TV	B	09/04/2008	10/01/2008*
Thomas E. Gleaves	Water	Industrial Technician Master	B	09/09/2008	10/04/2008
Frank H. Holley	Water	Treatment Plant Technician 1	B	09/09/2008	10/04/2008
Louise M. Anderson	General Hospital	Executive Secretary	B	09/11/2008	10/02/2008
Patricia A. Shores	MNPS	Receptionist – HR	B	09/11/2008	10/25/2008

Service (continued)

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Edward C. Mikrut, Jr.	Sheriff	Warrant Officer 1	B	09/11/2008	09/20/2008
Barbara F. King	MNPS	Educational Assistant Title I	B	09/12/2008	09/27/2008
Shirley J. Dunn	General Hospital	Clinical Instructor	B	09/17/2008	09/01/2008*
Beth A. Hearn	Health	Office Support Rep 3	B	09/18/2008	10/18/2008
Larry B. Turner	Water	Assistant Director E & C	A	09/19/2008	12/01/2008*
Linda J. Borum	Codes	Administrative Services Officer 3	B	09/19/2008	10/04/2008
Gwendolyn C. Young	Social Services	Nutrition Site Coordinator	B	09/24/2008	12/01/2008
James F. Hodges	General Services	Building Maintenance Lead Mechanic	B	09/25/2008	12/27/2008
Jon P. Boyce	Sheriff	Administrative Services Officer 2	B	09/26/2008	10/04/2008
Danny W. Dorsey	Sheriff	Correctional Officer – Sergeant	B	09/26/2008	12/01/2008
Wayne D. Fleming	Sheriff	Administrative Services Officer 3	B	09/26/2008	11/15/2008
Bruce W. Helms	Sheriff	Program Supervisor	B	09/26/2008	10/04/2008
Gail E. Hickman	Sheriff	Program Coordinator	B	09/26/2008	11/01/2008
John R. Hutcherson	Sheriff	Correctional Officer 2	B	09/26/2008	12/04/2008
Patricia A. Patterson	Sheriff	Case Worker	B	09/26/2008	12/01/2008
Patricia A. Stayton	Sheriff	Office Support Specialist 1	B	09/26/2008	11/01/2008

* Deferred Benefit

Disability to service

Employee	Department	Plan A/B	Effective Date of Conversion
Ruth A. Richardson	Bordeaux	B	09/01/2006
Eva P. Hunter	MNPS	B	08/01/2008
Clifford A. Lewis	Health	B	09/01/2008

Options Elected

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Boleyjack, Ricky	Sheriff	Early Service	B	9/6/2008	Option E	
Browning, Jr., T. Jeff	Planning Commission	Service	B	3/1/2008	Option A	
Cannon, Sandra June	MNPS	Early Service	B	8/11/2008	Normal	
Carrell, David R.	Police	P&F Service	B	2/1/2007	Option E	
Green, Judy Carolyn	MNPS	Service	B	8/11/2008	Option C	
Gregory, Patricia D	MNPS	Service	A	6/18/2008	Normal	
Haines, Stephen L.	Police	P&F Service	B	7/16/2008	Option F	3
Hoback, Scottie R	Health	Service	B	7/18/2008	Option F	3
Hoffman, Linda J	General Sessions Court	Service	B	6/28/2008	Option F	
Holt III, Mack	Fire	P&F Service	B	9/1/2008	Normal	2
Hudson, James F	Fire	P&F Service	B	7/26/2008	Option E	3
Jetton, John E	Metro Action Commission	Service	B	7/22/2008	Option D	
Marshall, William S.	Fire	P&F Service	B	8/16/2008	Option A	3
Morgan IV, Lewis A	Assessor of Property	Service	B	8/1/2008	Normal	
Myers, William L	Codes Administration	Early Service	B	7/12/2008	Option F	
Polee, Beverly F	County Clerk	Service	B	8/9/2008	Normal	2
Polite, James Bide	MNPS	Service	B	8/11/2008	Option B	
Rains, Teresa L	MNPS	Early Service	B	8/11/2008	Normal	

Options Elected (continued)

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Rideout, Roy L	Juvenile Court	Service	B	9/1/2008	Option F	
Robertson, Minnie J	MNPS	Service	B	8/11/2008	Normal	
Robinson, Gregory	Police	Early Service	B	8/16/2008	Option A	
Rowland, Jerry R.	Health	Service	B	8/2/2008	Option B	
Stephens, Jearlene D	MNPS	Early Service	B	8/11/2008	Option C	
Vaughns, James L	Fire	P&F Service	B	8/15/2008	Option B	3
Warren, Walter W	Sheriff	Early Service	B	7/12/2008	Option D	
Webb, Dianne B.	Public Library	Early Service	B	8/7/2008	Option F	
Wheat Jr, John A	Codes Administration	Service	B	8/23/2008	Normal	
Whitacre, Ruth Darlen	MNPS	Service	B	8/11/2008	Option E	
Wyer, Allan D.	Bordeaux Long Term Care	Service	B	9/1/2008	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
Richard K. Rakes	MNPS	Shirley Rakes	A	08/28/08
Beverly Byrd	Pensioner	James Byrd	B	07/15/08
William G. Curley	Fire	Barbara Curley	Old City	09/01/08
William B. Jarreld	Water Services	Ronnie S. Jarreld	B	08/27/08
Elizabeth Murrah	General Services	Robert Murrah	A	09/08/08
Douglas Johnson	Water Services	Vivian Johnson	B	09/04/08
Farrill Breeding	MNPS	Cynthia Breeding	B	09/04/08
Leonard Canfield	Water Services	Nellie Canfield	B	09/17/08
Luther Evans	MNPS	Margaret Evans	B	09/09/08
Benton Roger Hicks	Police	Pauline Hicks	Old City	09/29/08
Harry L. Banniza, Jr.	General Services	William S. Banniza	B	09/28/08

NOTE:

The Board recapped defining the policy regarding the Board authorizing a benefit for something based on inability to pay. There was discussion of having staff draft guidelines along with Board input. It was concluded that granting such requests may be necessary in order to render a decision regarding disability status.

BENEFIT BOARD ITEMS

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

1. Self-insured HRA Fund plan appeal – Denial of Excess Skin Removal Surgery.

Justin Stack reported to the Board that this individual has been denied a pre-determination for removal of excess skin resulting from a gastric bypass surgery. He stated that Dr. Celia Goodson, Civil Service Medical Examiner, has reviewed the medical records associated with the request and recommends approval of the procedure based on the medical information provided.

1. Self-insured HRA Fund plan appeal – Denial of Excess Skin Removal Surgery. (continued)

Clyde Smith moved for approval of the recommendation for approval of the procedure. Edna Jones seconded and the Board approved without objection.

The individual was present and addressed the Board.

2. Self-insured PPO plan appeal(s): Denial of Bariatric Surgery.

Justin Stack reported to the Board that the individuals appealing have been denied predetermination for bariatric surgery. He stated that Dr. Celia Goodson, Civil Service Medical Examiner, has reviewed the medical records associated with the requests and recommends denial of the appeals based on insufficient medical information.

a. Employee from MNPS.

After discussion of the individual not submitting all the required medical information (five year weight history) necessary to meet the criteria for the procedure, Debbie Sims, Blue Cross Blue Shield, addressed the Board on the medical policy regarding bariatric surgery and communication to the individual's providers regarding necessary medical information.

The Board discussed where the responsibility lies regarding providing necessary information when requested.

After further discussion of the criteria to have the five year weight history, Richard Riebeling moved for approval of the recommendation to deny the appeal for bariatric surgery. Christine Bradley seconded.

After further discussion of the criteria and medical necessity, a vote was taken on the motion to deny the appeal for bariatric surgery and was approved with Douglas Conquest, B.R. Hall and Clyde Smith opposed.

b. Spouse of employee from Fire Department.

Rob Briley, attorney and the individual were present.

In reviewing the medical information submitted to the Civil Service Medical Examiner on this appeal, it was determined that that medical information received by the Civil Service Medical Examiner needs to be submitted to Blue Cross Blue Shield for review.

Edna Jones moved to defer this appeal for one month pending review of the medical information by Blue Cross Blue Shield. Thomas Curtis seconded.

Rob Briley and the individual addressed the Board on how to document the medical information requested.

A vote was taken on the motion to defer for one month and the Board approved with B.R. Hall opposed.

The Board discussed having issues with coordination of medical information reviewed at a study session.

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

Item 8, Minimum pension benefit – Five year vesting, was taken out of order without objection.

8. Minimum pension benefit – Five year vesting.

Justin Stack reported to the Board that when the service pension vesting requirement was changed from 10 years to five years the minimum pension benefit was not addressed. He stated there is an item

8. Minimum pension benefit – Five year vesting. (continued)

pending before the Metro Council that would provide a minimum service benefit to those employees with between five and ten years of service. He stated that the Board is being asked to provide an actuarial study to the Metro Council as to the cost of providing this benefit.

Councilmember Vivian Wilhoite was present and addressed the Board on this issue.

Clyde Smith moved for approval of an actuarial study to include two options: 1) beginning at \$75 and \$15 increments for each year up to year nine and; 2) beginning at \$50 after year five and \$25 increments up to year nine for the minimum benefit.

After discussion of the proposed change on the minimum pension benefit and the current benefit structure, minimum benefit amounts and the financial impact on the plan, Thomas Curtis seconded the motion for approval of the actuarial study.

There was discussion of the appropriate entity to fund the actuarial study. After discussion, Richard Riebeling amended the motion to establish funding of the actuarial study to come from the pension fund. Clyde Smith seconded the amendment to the motion.

There was also discussion of the cost of the study.

A vote was taken on the motion to approve an actuarial study to include two options: 1) beginning at \$75 and \$15 increments for each year up to year nine and; 2) beginning at \$50 after year five and \$25 increments up to year nine for the minimum benefit and that funding of the actuarial study would come from the pension fund was approved without objection.

3. Return to work appeal - Disability pensioner from Bordeaux Long Term Care.

Justin Stack reported to the Board that this individual is appealing the return to work decision. He stated that Dr. Celia Goodson, Civil Service Medical Examiner, has reviewed the updated medical information and recommends that the individual be removed from the return to work list and continue on a disability pension with re-exam in six months, (April 2009).

Edna Jones moved for approval of removing this individual from the return to work list and continue on a disability pension with re-exam in six months, (April 2009). Dorothy Shell-Berry seconded and the Board approved without objection.

4. Waiver of overpayment – Disability to service conversion.

Justin Stack reported to the Board that staff performed a service pension conversion for a disability pensioner who had reached their unreduced retirement date and discovered that the unreduced retirement date for the service pension benefit had been calculated incorrectly, which resulted in an overpayment on the disability pension benefits. Mr. Stack stated that staff has confirmed that the pension overpayment was done so through no fault of the pensioner and appears to meet the qualifications outlined in the Code to waive the overpayment. He stated that staff recommends that the Board waive the overpayment.

B.R. Hall moved for approval to waive the overpayment. Clyde Smith seconded and the Board approved without objection.

5. Insurance premium request.

This item was moved to the end of the agenda pending clarification of this item being withdrawn.

6. In line of duty third party administrator RFP.

Justin Stack reported to the Board that the evaluation committee for the In Line of Duty Network RFP has selected and recommends that the in line of duty third party administrator contract be awarded to Alternative Service Concepts, LLC (ASC).

Ken Hackett, Purchasing Department, was present. He reviewed the procurement process and addressed questions from the Board regarding the process.

B.R. Hall moved for approval of awarding the in line of duty third party administrator contract to Alternative Service Concepts. Douglas Conquest seconded and the Board approved without objection.

7. CityWorks work management system transition.

Justin Stack reported to the Board that due to the transition of call intake responsibilities from General Services to Human Resources, staff has implemented a new software package (CityWorks) to aid in the tracking and logging of all benefit and pension related phone calls. He stated that staff is requesting an allocation of \$15,000 to cover expenditures for the implementation (\$8,000) and monthly maintenance charges (\$550) in equal amounts from the pension trust fund and the medical trust fund.

Richard Riebeling moved for approval of the allocation of \$15,000 to cover expenditures for the implementation (\$8,000) and monthly maintenance charges (\$550) in equal amounts from the pension trust fund and the medical trust fund. Dorothy Shell-Berry seconded.

After discussion of other departments currently using the CityWorks system and the call in take by Human Resources a vote was taken on the motion for of the allocation of \$15,000 to cover expenditures for the implementation (\$8,000) and monthly maintenance charges (\$550) in equal amounts from the pension trust fund and the medical trust fund and was approved without objection.

8. Minimum pension benefit – Five year vesting.

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

9. 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 9.-a. through 9.-d. were for information only and no action was required.

10. Reports for your information:

- a. Return to work. (none to report for September)
- 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. (not available)
- i. Denial log from Alternative Service Concepts.

Items 10.-a. through 10.-i. were for information only and no action was required.

5. Insurance premium request.

After clarification, this item was withdrawn.

11. Late item(s):

There were no late items reported at the meeting.

With nothing further presented, the meeting adjourned at 11:47a.m.

ATTEST:

APPROVED:

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

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