

## MINUTES

### METROPOLITAN EMPLOYEE BENEFIT BOARD

January 6, 2009

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday January 6, 2009 in the Civil Service Conference Room, Suite 163, 222 Building, Third Avenue North, Nashville, Tennessee, at approximately 9:32 a.m.

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

Others present: Justin Stack, Metro Human Resources, Nicki Eke, Attorney, Metro Legal Department and Dr. Celia Goodson, Civil Service Medical Examiner.

**A. MINUTES:** Chair Edna Jones 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 December 2, 2008. With no corrections, nothing further was noted and James Johnson moved for approval. Dorothy Shell-Berry 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 3, 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 3 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 4 through 11 for the length of time as recommended. Clyde Smith moved for approval of the recommendation to continue the disability pension reexaminations, items 4 through 11 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 deferral on the disability pension reexamination item 12 for one month. B.R. Hall moved for approval of the recommendation to defer the disability pension reexamination, item 12, for one month. James Johnson seconded and the Board approved without objection.

#### NEW REQUESTS:

	Name	Department	In Line of Duty or Medical Disability	Recommendation
1.	Andrew W. Bell	General Services	IOD	As moved, seconded and approved, this disability pension request was approved for six months, (July 2009), with re-exam at that time.
2.	James W. Bryant	Metro Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled re-exam.
3.	Debra I. Pruett	Fire	IOD	As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled re-exam.

**REEXAMINATIONS:**

	<b>Name</b>	<b>Department</b>	<b>In Line of Duty or Medical Disability</b>	<b>Recommendation</b>
4.	Brenda L. Dowell	Metro Nashville Public Schools	IOD	As moved, seconded and approved, this disability pension was continued for two months, (March 2009), with re-exam at that time.
5.	Debra R. Kohl	Police	IOD	As moved, seconded and approved, this disability pension was continued for two months, (March 2009), with re-exam at that time.
6.	Jerry D. Lee, Jr.	Fire	IOD	As moved, seconded and approved, this disability pension was continued for one year, (January 2010), with re-exam at that time.
7.	Billy J. Marlowe, Jr.	Police	Medical	As moved, seconded and approved, this disability pension was continued for one year, (January 2010), with re-exam at that time.
8.	Terry E. McAlister	Police	IOD	As moved, seconded and approved, this disability pension request was continued without stipulation of scheduled re-exam.
9.	Cherrion L. Pointer	Metro Nashville Public Schools	IOD	As moved, seconded and approved, this disability pension was continued for two months, (March 2009), with re-exam at that time.
10.	Richard D. Westfield	Parks	Medical	As moved, seconded and approved, this disability pension was continued for five months, (June 2009), with re-exam at that time.
11.	William T. White	Fire	IOD	As moved, seconded and approved, this disability pension request was continued without stipulation of scheduled re-exam.
12.	Michael E. Moore	Public Works	Medical	As moved, seconded and approved, this disability pension re-exam was deferred for one month, (February 2009), with re-exam at that time.

**RETURN TO WORK:**

There were no return to work requests.

**SOCIAL SECURITY REFERRALS:**

<b>Item</b>	<b>Name</b>	<b>Department</b>	<b>Review Originated From</b>	<b>Case Management Rec. for Referral</b>	<b>CSME Recommendation for Referral</b>
1	Michael Eva	Police	Pension Approval	No	No
2	Deborah Holt	Health	Pension Approval	No	No

**SOCIAL SECURITY REFERRALS:**

Item	Name	Department	Review Originated From	Case Management Rec. for Referral	CSME Recommendation for Referral
3	Brenda Lee	MNPS	Pension Approval	No	No
4	Jeffrey McKee	Water	Pension Approval	Yes	Yes
5	Michael Moore	Public Works	Pension Approval	No	No
6	Paul Porter, Sr.	General Services	Pension Approval	Yes	Yes
7	Mary Sowder	MNPS	Pension Approval	No	No

Dr. Celia Goodson reported to the Board the she concurs with the recommendations on the Social Security referrals. Dorothy Shell-Berry moved for approval of the recommendations on the Social Security referrals. James Johnson seconded and the Board approved without objection.

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

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

**Service**

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Gerald W. Ladd	Police	Police Officer 2	B	11/25/2008	12/31/2008
Willa D. Langford	MNPS	School Bus Driver	B	11/25/2008	12/31/2008
William E. Wilkerson	Sheriff	Warrant Officer 1	B	11/26/2008	12/31/2008
William T. Parker	Fire	Fire Captain	B	12/02/2008	01/10/2009
John A. Koerner	Health	Medical Admn. Assistant 2	B	12/02/2008	01/01/2009
Agnes C. Osborne	MNPS	Special Ed Educational Asst.	B	12/02/2008	12/06/2008
Wilbert Curry	MNPS	Custodian Helper	B	12/03/2008	01/01/2009
Judy K. McKenna	Bordeaux	Registered Nurse	B	12/03/2008	12/27/2008
Ray Barr	MNPS	Facilities Maintenance Engineer	B	12/04/2008	12/31/2008
Helen J. Gray	MNPS	School Bus Driver	A	12/04/2008	12/01/2008*
Charles B. Holmes	Health	Information Systems Division Manager	B	12/09/2008	01/24/2009
Emily M. Cothron	MNPS	Senior Secretary	B	12/11/2008	01/30/2009
Mark A. Wynn	Police	Police Lieutenant	B	12/12/2008	10/01/2008*
Naomi C. Manning	Parks	Museum Coordinator	B	12/15/2008	12/31/2008
Anna Theiss	MNPS	Pre-K Educational Assistant	B	12/16/2008	08/11/2008
Russanne L. Buchi-Fotre'	Health	Mental Health Specialist	B	12/17/2008	01/24/2009
Dorothy J. Johnson	MNPS	Cafeteria Assistant	B	12/18/2008	08/11/2008

\* Deferred Benefit

**Disability to service**

Employee	Department	Plan A/B	Effective Date of Conversion
James C. Stone	BLTC	A	09/01/2008
David McCandless	MNPS	B	11/01/2008
Bobbie E. Rediker	MNPS	B	11/01/2008
Robert A. Clayborne	Public Works	A	12/01/2008

**Options Elected**

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Bohan, Elizabeth M	Health	Service	B	11/1/2008	Normal	
Boyce, Jon P	Sheriff	Early Service	B	11/1/2008	Option E	

***Options Elected***

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Charleston, Vickie R	Metro Action Commission	Early Service	B	11/7/2008	Option E	
Emmons, Marvin B.	Sheriff	P&F Service	B	10/16/2008	Option E	
Fleming, Wayne D	Sheriff	P&F Service	B	11/15/2008	Option A	
Garrette, Freddie E.	Police	Early Service	B	11/8/2008	Normal	
McKee, Richard T.	Police	P&F Service	B	11/1/2008	Option A	3
Orman, William S	Health	Service	B	11/1/2008	Option E	3
Roberts, Ann V.	Historical Commission	Service	B	11/1/2008	Normal	
Vaughn, Mary R	Sheriff	Service	B	11/15/2008	Normal	3
Wayman, Christopher A.	Information Technology Service	Service	B	11/21/2008	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
William Cothran	Police	Tammy Cothran	B	11/22/08
Willie Arnold	Police	Ruth E. Arnold	B	11/24/08
Pamela Hunter	Police	Johnny Hunter	B	12/02/08
Betty Cooper	Trustee's Office	Hauley E. Cooper	B	12/15/08
James P. Godsey	Police	Corinne Godsey	Old County	12/18/08

**BENEFIT BOARD ITEMS**

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

1. Trust Fund balance discussion.

Justin Stack reported that after discussions to determine if a new policy is needed to protect the minimum balance of reserves, Bryan, Pendleton, Swats & McAllister have drafted a policy and the Treasurer has addressed the need to a minimum reserve balance.

Richard Riebeling moved to defer this item for one meeting. Christine Bradley seconded.

It was requested that the policy specifically state Self-Insured Medical Trust Fund.

A vote was taken on the motion to defer this item for one meeting and was approved without objection.

2. Blue Cross Blue Shield coordination of benefits.

This item was discussed with the Medical & Life Committee report (item 5.-b.).

3. Re-determination of disability pension amounts based on excess earnings.

Justin Stack reported that staff has identified disability pensioners who have exceeded their outside allowable earnings amount and, in accordance with the Code, are to have their disability pensions

3. Re-determination of disability pension amounts based on excess earnings. (continued)

adjusted accordingly. He also stated that one of the disability pensioners has requested a reconsideration review of the calculation.

There was discussion of allowing the individual to present information to the Board if they believe the calculation is inaccurate, taking action without allowing the individual to present their case and setting a precedent.

Nicki Eke, Metro Legal Department, stated that there is no indication that the amount has been miscalculated nor has the individual presented such evidence and the Board has no basis to proceed otherwise. She further stated that the re-determination of the disability pension amounts is a requirement by the Code.

\*Denotes the arrival of Ann Butterworth.

Richard Riebeling moved that the disability pensions be adjusted as outlined and if there is any information to be presented in regards to review of any calculation it be placed back on the agenda. Ann Butterworth seconded and the Board approved without objection.

4. In-Line of Duty Committee.

Justin Stack reported that the minutes from the October 8, 2008 and November 18, 2008 In Line of Duty Committee meetings are being presented for approval.

Ann Butterworth expressed concern related to a statement on the November 18, 2008 minutes under item 2 regarding workers compensation guidelines.

Clyde Smith moved for approval of the October 8, 2008 In Line of Duty Committee minutes. Dorothy Shell-Berry seconded and the minutes were approved without objection.

There was a correction to the statement on the November 18, 2008 minutes under item 2 regarding workers compensation guidelines to reflect that the statement was made by a Committee member.

Ann Butterworth moved for approval of the November 18, 2008 In Line of Duty Committee minutes with one correction. James Johnson seconded and the minutes were approved without objection.

5. Medical and Life Committee:

Justin Stack reported to the Board that the Medical and Life Committee met on Thursday, December 11, 2008 to discuss the role of the Civil Service Medical Examiner and the current process of medical appeals to the Board and coordination of benefits. He also stated the minutes from this meeting are being presented for approval.

a. Role of CSME.

Justin Stack reported that the Committee is recommending to the Board that any second level medical appeals first be presented to the Medical and Life Committee for review and determination of what medical professional, if any, will need to review the medical documentation for a recommendation to the Board.

Committee Chair B.R. Hall reviewed the Committee's recommendation regarding the role of the Civil Service Medical Examiner and medical appeals.

Clyde Smith moved for approval of the December 11, 2008 Medical and Life Committee meeting minutes and the recommendation that any second level medical appeals first be presented to the Medical and Life Committee for review and determination of what medical professional, if any, will need to review the medical documentation for a recommendation to the Board. Christine Bradley seconded and the minutes were approved without objection.

5. Medical and Life Committee: (continued)

Item 2, Blue Cross Blue Shield coordination of benefits will be discussed at this time.

b. Coordination of benefits.

Committee Chair B.R. Hall stated that the primary issue is withholding payments for failure to submit a coordination of benefits form.

Debbie Sims, Blue Cross Blue Shield, reviewed the coordination of benefits process.

After some discussion, the Board was in agreement with the explanation. Ann Butterworth moved for approval of the explanation on coordination of benefits with Blue Cross Blue Shield. James Johnson seconded and the Board approved without objection.

6. Correspondence:

- a. Utilization report from Blue Cross Blue Shield.
- b. Utilization report from CIGNA.
- c. Utilization report from Walgreens Health Initiatives.
- 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 your information:

- a. Return to work.
- b. Social Security approvals.
- c. Refund of pension contributions.
- d. Repayment of pension contributions.
- e. Reports from Treasury.
- f. Non-compliant disability pensioners.
- g. Pending litigations. (reported quarterly)
- h. Disability status reports.
- i. Denial log from Alternative Service Concepts.

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

There was some discussion on item 7.-e. regarding the consulting services budget.

8. Late item(s):

There were no late items reported at the meeting.

There was some discussion on the recent lack of medical information (i.e. diagnosis) being presented regarding the disability pension recommendations (i.e. approvals). There was also discussion of what information needs to be presented to the Board in order to make a decision, being sensitive to the amount/bulk of paperwork supplied and ways to simplify reviewing that information.

Dr. Celia Goodson stated that it may be helpful to provide a synopsis of each case giving explanation to the recommendation, supplying additional information on denials, and additional information if requested.

Ann Butterworth moved that the Pension Committee discuss what information needs to be presented regarding disability pensions. Clyde Smith seconded and the Board approved without objection.

With nothing further presented, the meeting adjourned at 10:08 a.m.

ATTEST:

APPROVED:

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

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***Ms. Edna J. Jones, Chair  
Employee Benefit Board***