

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

February 3, 2009

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday, February 3, 2009 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: Edna J. Jones; Vice Chair: G. Thomas Curtis; Members: Christine Bradley, Douglas D. Conquest, Sr., B.R. Hall, Sr., James H. Johnson, Richard M. Riebeling, Dorothy Shell-Berry and Clyde D. Smith.

Member Ann V. Butterworth was unable to be present.

Others present: Shannon B. Hall, Metro Human Resources, Nicki Eke, Attorney, Metro Legal Department and Dr. Celia Goodson and Dr. Cynthia Perry, Civil Service Medical Examiner's Office.

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 December 16, 2008 Special Called meeting and the last regular meeting held on January 6, 2009. With no corrections, nothing further was noted and Clyde Smith moved for approval of the December 16, 2008 Special Called meeting minutes. Christine Bradley seconded and the Board approved without objection. On the January 6, 2009 regular meeting minutes, Clyde Smith moved for approval. James Johnson 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. Celia Goodson reported to the Board that she recommends approval of the disability pension new requests, items 1 through 8, 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 8 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 14 for the length of time as recommended. Christine Bradley moved for approval of the recommendation to continue the disability pension reexaminations, items 9 through 14 for the length of time as recommended. Richard Riebeling seconded and the Board approved without objection.

Dr. Celia Goodson reported to the Board that she recommends deferral on the disability pension reexamination item 15 pending the results of a functional capacity evaluation. Clyde Smith moved for approval of the recommendation to defer the disability pension reexamination, item 15, pending the results of a functional capacity evaluation. Douglas Conquest seconded and the Board approved without objection.

Dr. Celia Goodson reported to the Board that she recommends approval on the return to work request, item 16. Dorothy Shell-Berry moved for approval of the return to work request, item 16. Clyde Smith seconded and the Board approved without objection.

On item 17, Dr. Celia Goodson reported to the Board that this disability pension was approved at the December 16th Special Called meeting without a re-exam date given at that time. She stated that on item 17 she recommends continuing the disability pension until September 2009. Richard Riebeling moved for approval of the recommendation to continue the disability pension until September 2009. Christine Bradley seconded and the Board approved without objection.

On item 18, Dr. Celia Goodson reported to the Board that she recommends the disability pension request be for a medical disability pension and the individual be placed on the return to work list in a civilian position. She stated the basis for changing the pension from in line of duty to medical is related to the heart and hypertension clause and the individual's medications.

There was discussion of a prior determination by the Board related to the whole circulatory system being covered under the heart and hypertension presumption.

After clarification of how the presumption relates to this individual, B.R. Hall moved that the disability pension request, item 18, remain as in line of duty. Douglas Conquest seconded and the Board approved without objection.

On item 18., Dr. Celia Goodson reviewed the potential risks associated with returning this individual to work in a sworn position and medications being taken.

The Board discussed the associated risks, the process for the individual to retain police and fire pension status if returned to work in a civilian position, and determining fitness for duty as it related to medications being taken by the individual.

Dana Lyons, Metro Police Department, was present and addressed the Board on sworn classifications.

There was further discussion of the individual's medications.

Richard Riebeling moved to place the individual on the return to work list in a civilian position. Christine Bradley seconded. A vote was taken on the motion and was approved with Douglas Conquest, B.R. Hall, Edna Jones, and Clyde Smith opposed.

The Board discussed the individual making a request to the Board to retain police and fire pension plan status and returning to work in a sworn position.

The individual was present and addressed the Board.

Shannon Hall made note of past cases where if an individual was approved to return to work in a civilian position and they did return to work in a civilian position, they were able to continue as a result of that motion in the police and fire pension plan. She also stated that staff generally does not bring this back as a separate motion.

The Board further discussed the process not being automatic for retaining police and fire pension plan status according to the Code.

Nicki Eke, Legal Department, indicated that if the individual has specifically requested in writing that they be returned to work in a civilian position, then that will meet that criteria.

NEW REQUESTS:

	Name	Department	In Line of Duty or Medical Disability	Recommendation
1.	Parris J. Clark	MNPS	IOD	As moved, seconded and approved, this disability pension request was approved for four months, (June 2009), with re-exam at that time.
2.	Sandra J. Endsley	Bordeaux	IOD	As moved, seconded and approved, this disability pension request was approved for four months, (June 2009), with re-exam at that time.

NEW REQUESTS:

	Name	Department	In Line of Duty or Medical Disability	Recommendation
3.	Louis E. Harp	MNPS	Medical	As moved, seconded and approved, this disability pension request was approved for five months, (July 2009), with re-exam at that time.
4.	Kenneth M. Hayes	Police	IOD	As moved, seconded and approved, this disability pension request was approved for six months, (August 2009), with re-exam at that time.
5.	Thom H. Hazelip	MNPS	IOD	As moved, seconded and approved, this disability pension request was approved for six months, (August 2009), with re-exam at that time.
6.	Myra A. Laird	Bordeaux	IOD	As moved, seconded and approved, this disability pension request was approved for three months, (May 2009), with re-exam at that time.
7.	James H. Murff	Police	Medical	As moved, seconded and approved, this disability pension request was approved for seven months, (September 2009), with re-exam at that time.
8.	Linda K. Thompson	MNPS	IOD	As moved, seconded and approved, this disability pension request was approved for four months, (June 2009), with re-exam at that time.

REEXAMINATIONS:

	Name	Department	In Line of Duty or Medical Disability	Recommendation
9.	Ronald T. Chambers	Water	Medical	As moved, seconded and approved, this disability pension was continued for three months, (May 2009), with re-exam at that time.
10.	Jose M. Diaz, Jr.	Police	IOD	As moved, seconded and approved, this disability pension was continued for seven months, (September 2009), with re-exam at that time.
11.	Rosary L. Elliott	MNPS	Medial	As moved, seconded and approved this disability pension was continued for one year, (February 2010), with re-exam at that time.
12.	Lisa Y. Lawrence	Police	Medical	As moved, seconded and approved this disability pension was continued without stipulation of scheduled re-exam.

REEXAMINATIONS:

	Name	Department	In Line of Duty or Medical Disability	Recommendation
13.	James W. McDerman	Police	IOD	As moved, seconded and approved this disability pension was continued for four months, (June 2009), with re-exam at that time.
14.	Paul E. Porter, Sr.	General Services	Medical	As moved, seconded and approved this disability pension was continued for six months, (August 2009), with re-exam at that time.
15.	Misty S. Reid	General Services	IOD	As moved, seconded and approved this disability pension was deferred for one month.

RETURN TO WORK:

	Name	Department	In Line of Duty or Medical Disability	Recommendation
16.	Michael E. Moore	Public Works	Medical	As moved, seconded and approved, this return to work request was approved.

OTHER:

	Name	Department	In Line of Duty or Medical Disability	Recommendation
17.	Jennifer L. Kee	MNPS	IOD	As moved, seconded and approved, this disability pension was continued for seven months, (September 2009), with re-exam at that time.
18.	John A. Thompson	Police	IOD	As moved, seconded and approved, this disability pension request was approved and the individual placed on the return to work list in a civilian position.

SOCIAL SECURITY REVIEWS:

Item	Name	Department	Review Originated From	Case Management Recommendation for Referral	CSME Recommendation for Referral
1	James Bryant	MNPS	Pension Approval	Yes	Yes
2	Jerry Lee Jr.	Fire	Pension Approval	No	No
3	Debra Prueett	Fire	Pension Approval	Yes	Yes
4	Terry McAlister	Police	Pension Approval	No	No
5	Richard Westfield	Parks	Pension Approval	No	No

Dr. Celia Goodson reported to the Board that she concurs with the recommendations on the Social Security referrals. Clyde Smith moved for approval of the recommendations on the Social Security referrals. B.R. Hall seconded and the Board approved without objection.

Dr. Celia Goodson introduced Dr. Cynthia Perry, the new Civil Service Medical Examiner, to the Board.

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

MOTION: Dorothy Shell-Berry 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
Richard A. Jones	Sheriff	Case Worker 2	B	12/23/2008	01/24/2009
Clara Joanie Young	Circuit Court Clerk	Warrant Officer 1	B	01/06/2009	01/24/2009
Charles P. Lindaman	Fire	Emergency Medical Technician 2	B	01/06/2009	02/10/2009
James L. Tanner	MNPS	Custodian Helper	B	01/06/2009	01/01/2008*
Barbara J. Holleman	Police	School Crossing Guard	B	01/07/2009	02/01/2009
Robert L. Parker, Jr.	Fire	Fire Captain	B	01/07/2009	02/14/2009
Carole A. Garrett	Circuit Court Clerk	Deputy Clerk	B	01/08/2009	03/01/2009*
Robin E. Street	Water	Technical Services Coordinator	B	01/13/2009	02/07/2009
Walter R. Davis	Fire	Fire Engineer	B	01/21/2009	02/18/2009
Betty J. Adams	Juvenile Court Clerk	Office Support Rep 3	B	01/21/2009	03/01/2009
Carolyn F. LeCompte	Police	Police Officer 2	B	01/22/2009	03/16/2009
Ronald E. Russell	Water	System Services Asst. Manager	B	01/22/2009	02/28/2009
William H. Edwards	Fire	Paramedic 2	B	01/22/2009	01/28/2009

Disability to service

Employee	Department	Plan A/B	Effective Date of Conversion
Charles W. Covington	MNPS	B	06/01/2007
Sanford E. Rogers	MNPS	A	09/01/2008
Larry E. Moore	MNPS	B	01/01/2009
Elaine L. Vance	MNPS	A	01/01/2009

Options Elected

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Ashley, Terry W.	Police	P&F Service	B	12/31/2008	Option E	1
Curry, Wilbert	MNPS	Service	B	12/18/2008	Normal	
Dorsey, Danny W	Sheriff	P&F Service	B	11/29/2008	Option F	
Drake, Harold Dennis	Fire	P&F Service	B	12/8/2008	Option F	
Gentry, Judith G	MNPS	Service	A	11/1/2008	Normal	
Gentry, William H.	Sheriff	Service	B	11/29/2008	Option A	
Hodges, James F	General Services	Service	B	12/27/2008	Option E	2
Hutcherson, John R.	Sheriff	P&F Service	B	11/27/2008	Normal	
Jones, James E.	Public Works	Early Service	B	12/19/2008	Normal	
Kinsolving, Julia D	Health	Early Service	B	11/27/2008	Normal	
Kinsolving, Otie C	Codes Admn.	Service	B	12/13/2008	Option E	
Ladd, Gerald W.	Police	P&F Service	B	12/31/2008	Normal	
Miller, Wayne S.	Police	P&F Service	B	12/11/2008	Option E	
Osborne, Agnes C	MNPS	Service	B	11/22/2008	Normal	1
Patterson, Patricia A	Sheriff	P&F Service	B	11/29/2008	Normal	
Propes, Feli C	Health	Service	B	12/27/2008	Option F	
Putnam, Brad S.	Police	P&F Service	B	12/13/2008	Option A	

Options Elected

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Pyland, Dorothy Clemmons	Police	Early Service	B	12/18/2008	Option D	
Reid, James Earl	MNPS	Early Service	B	12/19/2008	Option A	
Russell, Jerry W	Water Services	Service	B	12/27/2008	Normal	
Sheffield, Yetteva D.	Health	Service	B	12/19/2008	Normal	
Spain, Frank A	Codes Admn.	Service	B	12/23/2008	Option A	
Stayton, Patricia A.	Sheriff	Service	B	11/1/2008	Option D	
Stephens, Kay H	Metropolitan Clerk	Service	B	12/27/2008	Option D	
Turner, Larry B	Water Services	Service	A	12/1/2008	Option E	
White, William C.	Police	P&F Service	B	12/13/2008	Option E	2
Wilson, Randall D.	State Trial Courts	Service	B	11/15/2008	Option D	

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

Drop Elections

1 - 1 year drop
 2 - 2 year drop
 3 - 3 year drop

Survivor

Employee Name	Department	Survivor Name	Plan Membership	Effective Date
Steven L. Bowman	MNPS	Carolyn Bowman	B	01/02/09
Gerald Hyder	Fire	Linda Hyder	A	01/04/09
Lonnie Pinkston	MNPS	Johnnie Pinkston	B	01/05/09
Cleo Chambers	MNPS	Billy Chambers, Jr.	B	01/07/09
Elmer Nicholson	Parks	Donna Nicholson	A	01/15/09
Farris E. Bryant, Jr.	Parks	Marva Bryant	B	01/15/09
Carol Bennett	Social Services	Allen Bennett	B	01/19/09
Leon K. Myers	Water Services	Peggy Myers	B	01/20/09
Shirley DeBerry	Health	Mederia DeBerry	A	01/25/09

BENEFIT BOARD ITEMS

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

1. In line of duty claims administration.

Shannon Hall reported that the Board approved a six month pilot program effective August 2008 utilizing Blue Cross Blue Shield as an alternate network for the in line of duty network for all claims not billed as in patient or out patient facility services. She stated that this arrangement has been successful and it is recommended that the pilot program be extended in order to obtain additional data to determine the program savings. As requested, a suggested timeline for the extension is being presented for the Board's review.

Ms. Hall reviewed the timeline with the Board. She stated that it is suggested that the pilot program be extended through the end of July 2009 with review at that time to determine whether or not this should be extended.

Clyde Smith moved for approval of extension of the pilot program through July 2009. Christine Bradley seconded and the Board approved without objection.

2. Final results of pension plan valuation.

Richard Riebeling requested that this item be deferred.

Clyde Smith moved that this item be discussed at a Special Called meeting to be held on February 17, 2009. Dorothy Shell Berry seconded and the Board approved without objection.

3. Committee Reports:

a. Medical and Life Committee – (Chair: B.R. Hall, Sr.; Vice-Chair: Dorothy Shell-Berry; Members: Ann V. Butterworth, James H. Johnson, Richard M. Riebeling and Clyde D. Smith. Alternates: G. Thomas Curtis and Edna J. Jones)

Shannon Hall reported to the Board that the Medical and Life Committee met on Thursday, January 22, 2009 to deliberate on one self insured Cigna Choice Fund plan appeal and one self insured PPO plan appeal. She stated that there are no recommendations for the Board on these items at this time and the minutes from this meeting will be presented at the March Board meeting for approval.

b. In Line of Duty Committee - (Chair: James H. Johnson; Vice-Chair: Christine Bradley; Members: Ann V. Butterworth and Clyde D. Smith. Alternates: B.R. Hall, Sr. and Dorothy Shell-Berry)

Shannon Hall reported to the Board that the In Line of Duty Committee met on Thursday, January 22, 2009 to deliberate on one IOD medical care request and one IOD disability pension request. She stated that there are no recommendations for the Board on these items at this time and the minutes from this meeting will be presented at the March Board meeting for approval.

4. Correspondence:

- a. Utilization report from Blue Cross Blue Shield.
- b. Utilization report from CIGNA.
- c. Utilization report from Alternative Service Concepts. (reported quarterly)
- d. Letter regarding reinstatement of health coverage.

On item 4.-d. Shannon Hall distributed additional information. She reported to the Board that staff is in receipt of a letter from a disability pensioner requesting that their spouse be reinstated to their health coverage. She stated that in accordance with the self insured plan document and Board approved policies and procedures, pensioners may drop dependents, however, they can not be added again unless the dependent qualifies and experiences a life changing event. Ms. Hall reviewed the language in the self insured plan document (page 20), the Board approved procedure, the benefit confirmation statement and additional documents from the individual electing removal of the spouse, and communication of the Board policy. Ms. Hall further stated that the Board has previously upheld these provisions in other similar requests.

The Board discussed the timeline of events related to this issue, the individual's intent, and differences in the Board approved policy for active employees and pensioners for adding/deleting dependents.

Justin Stack, Human Resources, reviewed details of the individual's situation, the timeframe of the correction period, how dependents are removed from coverage and any forms necessary to make those changes.

Douglas Conquest moved to reinstate the spouse to the individual's health insurance coverage. B.R. Hall seconded.

There was discussion of past cases like this where those individuals were not allowed to reinstate dependents to their coverage. There was also discussion of the motion being in direct violation of the Board's policy.

4. Correspondence: (continued)

d. Letter regarding reinstatement of health coverage.

A vote was taken on the motion to reinstate the spouse's health insurance coverage and failed with a vote of 3/6 (Douglas Conquest, Sr., B.R. Hall, Sr., and Clyde D. Smith - affirmative; Christine Bradley, G. Thomas Curtis, James H. Johnson, Edna J. Jones, Richard Riebeling, Dorothy Shell Berry - opposed)

The Board discussed making sure that this information is communicated to the individual.

e. Buck Consultants – Metro Project List.

f. Resolution No. – RS2008-589.

g. Correspondence regarding ECC employees in Police and Fire pension plan.

The items listed under 4 were for information only with the exception of item 4.-d.

5. Reports for your information:

a. Return to work.

b. Social Security approvals.

c. Refund of pension contributions. (none to report)

d. Repayment of pension contributions.

e. Reports from Treasury. (not available)

f. Non-compliant disability pensioners.

g. Pending litigations. (reported quarterly)

h. Disability status reports.

i. Denial log from Alternative Service Concepts.

j. Vocational case management requests.

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

On the response to the correspondence item 4.-g. one Board member expressed disagreement with the wording in reference to a legal opinion and the Study and Formulating Committee having to make recommendations.

6. Late item(s):

There were no late items reported at the meeting.

With nothing further presented, the meeting adjourned at 10:33 a.m.

ATTEST:

APPROVED:

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

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