

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

March 3, 2009

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday, March 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., Richard M. Riebeling, Dorothy Shell-Berry and Clyde D. Smith.

Members Ann V. Butterworth and James H. Johnson were unable to be present.

Others present: Shannon B. Hall, Metro Human Resources, Nicki Eke, Attorney, Metro Legal Department and Cynthia Perry, 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 February 3, 2009 and the February 17, 2009 Special Called meeting. With no corrections, nothing further was noted and Clyde Smith moved for approval of the February 3, 2009 regular meeting minutes. Christine Bradley seconded and the Board approved without objection. On the February 17, 2009 Special Called meeting minutes, Christine Bradley moved for approval. Clyde Smith 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.

*Denotes the arrival of G. Thomas Curtis.

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. Cynthia Perry reported to the Board that she recommends approval of the disability pension new requests, items 1 through 4, for the length of time as recommended. Dorothy Shell-Berry moved for approval of the recommendation to approve the disability pension new requests, items 1 through 4 for the length of time as recommended. Thomas Curtis seconded and the Board approved without objection.

Dr. Cynthia Perry reported to the Board that she recommends approval for continuing the disability pension reexaminations, items 5 through 13 for the length of time as recommended. She also stated that she is recommending a physical medicine and rehabilitation consult on item 9 and deferral on item 13 pending additional medical information. After discussion of the current case management status on item 9, Dorothy Shell-Berry moved for approval of the recommendation to continue the disability pension reexaminations, items 5 through 13 for the length of time as recommended. Christine Bradley seconded

After some discussion regarding restrictions and returning to work in their previous positions on items 11 and 12, staff informed the Board that both individuals have returned to work in their previous positions.

A vote was taken on the motion to approve the disability pension reexaminations items 5 through 13 for the length of time as recommended and was approved without objection.

Shannon Hall gave an update on the return to work request, item 14. She stated that the individual has made written application to retain police and fire credited service. Clyde Smith moved for approval of the request for the individual to retain police and fire credited service. Dorothy Shell-Berry seconded and the Board approved without objection.

NEW REQUESTS:

	Name	Department	In Line of Duty or Medical Disability	Recommendation
1.	Gloria J. Baker	MNPS	Medical	As moved, seconded and approved, this disability pension request was approved for four months, (July 2009), with re-exam at that time.
2.	Roberta Bowden	MNPS	Medical	As moved, seconded and approved, this disability pension request was approved for six months, (September 2009), with re-exam at that time.
3.	John M. Brummett, Jr.	MNPS	IOD	As moved, seconded and approved, this disability pension request was approved for one year, (March 2010), with re-exam at that time.
4.	Leslie C. Carter	Parks	Medical	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
5.	Phyllis Bell	Bordeaux	IOD	As moved, seconded and approved, this disability pension was continued for six months, (September 2009), with re-exam at that time.
6.	Claudyne B. Jefferson	Health	Medical	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
7.	Debra R. Kohl	Police	IOD	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
8.	Cherrion L. Pointer	MNPS	IOD	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
9.	Misty S. Reid	General Services	IOD	As moved, seconded and approved, this disability pension was continued for six months, (September 2009), with re-exam at that time and additional examinations.
10.	Milton S. Rose	Circuit Court	Medical	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
11.	Brenda L. Dowell	MNPS	IOD	As moved, seconded and approved, this disability pension was continued and the individual placed on the return to work list.

REEXAMINATIONS:

	Name	Department	In Line of Duty or Medical Disability	Recommendation
12.	Deborah F. Holt	Health	IOD	As moved, seconded and approved, this disability pension was continued and the individual placed on the return to work list.
13.	Thomas R. Rediker, II	Public Works	Medical	As moved, seconded and approved, this disability pension re-exam was deferred for one month, (April 2009).

OTHER:

	Name	Department	In Line of Duty or Medical Disability	Recommendation
14.	John A. Thompson	Police	IOD	As moved, seconded and approved, this request to retain police and fire credited service was approved.

LATE ITEMS:

15.	Victoria L. Elliott	Library	Medical	As moved, seconded and approved, this disability pension request was approved for one year, (March 2010), with re-exam at that time.
16.	Terri B. Owens	Criminal Court	Medical	As moved, seconded and approved, this disability pension request was approved for one year, (March 2010), with re-exam at that time.

Dr. Cynthia Perry reported to the Board that she recommends approval of item 15 for the length of time as recommended. Clyde Smith moved for approval of the recommendation on item 15 for the length of time as recommended. B.R. Hall seconded and the Board approved without objection.

Dr. Cynthia Perry reported to the Board that she recommends approval of item 16 for the length of time as recommended. Richard Riebeling moved for approval of the recommendation on item 16 for the length of time as recommended. Dorothy Shell-Berry seconded and the Board approved without objection.

SOCIAL SECURITY REFERRALS:

Item	Name	Department	Review Originated From	Case Mgmt Rec for Referral	CSME Rec for Referral	Comments
1	Ronald Chambers	Water	Pension Approval	No	No	review again 5/09
2	Jose Diaz, Jr.	Police	Pension Approval	No	No	
3	Kenneth Hayes	Fire	Pension Approval	No	No	review again 8/09
4	Louis Harp	MNPS	Pension Approval	Yes	Yes	
5	Thom Hazelip	MNPS	Pension Approval	No	No	review again 8/09

SOCIAL SECURITY REFERRALS: (continued)

Item	Name	Department	Review Originated From	Case Mgmt Rec for Referral	CSME Rec for Referral	Comments
6	Jennifer Kee	MNPS	Pension Approval	No	No	
7	Deborah Kohl	Police	Pension Approval	Yes	Yes	
8	James McDerman	Police	Pension Approval	No	No	
9	James Murff	Police	Pension Approval	Yes	Yes	

OTHER RECOMMENDATION:

Emaly Thompson:

A consultative examination is recommended for the purpose of her Social Security disability claim which is pending at the Office of Disability Adjudication and Review.

Dr. Cynthia Perry 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. Dorothy Shell-Berry 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. B.R. Hall seconded and the Board approved without objection.

Service

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
C. Travis Lowery	Bordeaux LTC	Clinical Supervisor-Nursing	B	01/27/2009	03/01/2009
Frederick A. Cloud, Jr.	Police	Police Officer 2	B	01/27/2009	03/01/2009
Susan K. Tidwell	Sheriff	Caseworker 3	B	01/23/2009	03/01/2009
Edith M. Walker	Social Services	Program Specialist 2	B	01/29/2009	05/01/2008*
Bettie J. Goodman	MNPS	Manager 2 – Food Service	B	01/30/2009	01/30/2009
Anita D. Lewis	MNPS	Data Specialist	B	02/03/2009	02/28/2009
Charles A. Campbell	Juvenile Court	Probation Officer – Chief	B	02/03/2009	04/01/2009
John S. Stephens	Parks	M&R District Supervisor	B	02/11/2009	04/01/2009
Campbell M. Carter	Fire	Fire Captain	B	02/11/2009	03/09/2009
James H. White	General Services	Building Maintenance Lead Mechanic	B	02/12/2008	06/15/2009
Willie L. Owens, Jr.	Public Works	Skill Craft Worker 1	B	02/12/2009	03/07/2009
Sandra E. Weston	MNPS	School Secretary/Bookkeeper	B	02/13/2009	01/06/2009
Henry L. Bean	Bordeaux LTC	Maintenance Supervisor	B	02/17/2009	05/01/2009
Ronald W. Osborne	Human Resources	HR Analyst 3	B	02/17/2009	04/01/2009*
Mary E. Moore	MNPS	Attendance Officer	B	02/18/2009	03/28/2009

* Deferred Benefit

Disability to service

Employee	Department	Plan A/B	Effective Date of Conversion
Stephen L. Phillips	Water	B	12/01/2008
Mary A. Clifton	Parks	A	01/01/2009
Mary E. Pruitt	MNPS	B	01/01/2009

Disability to service

Employee	Department	Plan A/B	Effective Date of Conversion
Jeanie L. West	MNPS	A	01/01/2009
Mary K. Wright	MNPS	A	02/01/2009
Eddie L. Woodside	Parks	B	01/01/2009
Willie E. Mosley	MAC	B	02/01/2009
Roberta A. Adams	MNPS	A	02/01/2009

Options Elected

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Barr, Ray	MNPS	Service	B	1/1/2009	Option F	3
Bass, David Lee	MNPS	Service	B	1/3/2009	Option A	3
Bush, Charles E	Water Services	Service	B	1/3/2009	Option F	
Castleman, William G.	Police	P&F Service	B	1/16/2009	Option A	3
Cothron, Emily S	MNPS	Service	B	1/29/2009	Option E	
Davis, Ruby G	MNPS	Early Service	B	1/1/2009	Normal	
Derrick, Doris M	MNPS	Service	B	12/30/2008	Option E	2
Duncan, Wilma C	MNPS	Service	B	1/1/2009	Normal	
Farley, Mary Sue	MNPS	Early Service	B	1/13/2009	Normal	
Gaston, Janet L.	Bordeaux	Early Service	B	12/30/2008	Normal	
Gray, Helen	MNPS	Service	A	12/1/2008	Normal	
Halliburton, Billy G.	County Clerk	Service	B	1/3/2009	Option A	
Hardy, George T	Water Services	Service	B	12/30/2008	Normal	
Hibdon Jr, Homer C	MNPS	Service	B	1/29/2009	Option E	
Holleman, Barbara J.	Police	Service	B	2/1/2009	Option A	
Jones, Richard A.	Sheriff	Service	B	1/24/2009	Option C	
Koerner, John A.	Health	Service	B	12/27/2008	Normal	
Langford, Willa D	MNPS	Service	B	12/27/2008	Option F	3
Larobardiere, Margaret	Circuit Court Clerk	Early Service	B	12/31/2008	Option E	
Manning, Naomi C	Parks	Early Service	B	12/31/2008	Option E	
McKenna, Judy K.	Bordeaux	Early Service	B	1/10/2009	Normal	
Pennington Sr, John E.	Police	P&F Service	A	12/31/2008	Option B	2
Petty, Evelyn F	MNPS	Service	B	12/30/2008	Normal	
Richardson, John R	Fire	P&F Service	B	11/8/2008	Option A	3
Smith, Jolene J.	Bordeaux	Service	B	1/1/2009	Normal	
Stringer, Valerie C.	Fire	P&F Service	B	1/11/2009	Normal	
Tanner, James L	MNPS	Service	B	1/1/2008	Normal	
Wilkerson, William E	Sheriff	P&F Service	B	12/31/2008	Option A	
Wooten Jr, George B	Water Services	Early Service	B	12/31/2008	Normal	
Young, Clara J.	Circuit Court Clerk	Early Service	B	1/24/2009	Normal	

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
Gary W. Crowe	Fire	Janice Crowe	B	02/03/2009
Robert W. Slate	Fire	Ruth Slate	Old County	02/12/2009
Dorothy Bullington	General Hospital	Steve Bullington	B	02/18/2009
Randall Robertson	Sheriff	Kelly Robertson	B	02/15/2009

BENEFIT BOARD ITEMS

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

1. In line of duty death benefit for Thomas H. Allen.

Shannon Hall reported to the Board that this individual was an active employee of the Fire Department at the time of his death. As a result of his death, his surviving spouse was granted a survivor pension benefit, however she recently indicated that she was not aware of the in line of duty death benefit. Ms. Hall stated that research has revealed no such request for payment has ever been considered by the Board or paid to the estate. She stated that the request is now being made on behalf of the surviving wife and staff has provided a copy of the death certificate, 101 form, and a letter from the surviving wife. Ms. Hall further stated that the Legal Department has advised that the opinion provided in a previous case would also apply to this case.

Douglas Conquest moved for approval of the in line of duty death benefit for Thomas H. Allen. B.R. Hall seconded and the Board approved without objection.

2. Return to work appeal - Employee of the Police Department.

Shannon Hall reported to the Board that this former disability pensioner made a request to be cleared to return to work in either her former position of police officer, a sworn position, or a civilian position. She stated that the individual has returned to work in a civilian position but contends that she is capable of returning to a sworn position and is requesting that the Board review her request to return to work in a sworn position.

The individual was present and addressed the Board.

Dr. Cynthia Perry reported to the Board that after review of the request, she recommends that another functional capacity examination be completed.

The Board discussed fitness for duty situations, the right jurisdiction for such discussion and the actual decision to return the individual to work as a police officer being made by the Police Department and the Civil Service Commission.

Clyde Smith moved for approval of the functional capacity examination. B.R. Hall seconded and the Board approved without objection.

3. Request for cost analysis.

Shannon Hall reported to the Board that the staff has received a request from the Firefighters Union for a cost analysis on two proposed benefit changes. She stated that generally when an organization makes a request for a cost analysis, they are paid for by the requesting organization.

After discussion of previous analyses done, benefit changes going before the Study and Formulating Committee, the union negotiations process, and who pays for requests for costing analyses during negotiations, and this being properly before the Board, the Board requested additional information related to previous studies done on the two proposals from the actuary.

Dorothy Shell-Berry also made the Board aware that there are no funds available for the cost analysis from the Human Resources budget.

4. 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)

4. Committee Reports - a. Medical and Life Committee (continued)

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 the minutes from this meeting are being presented for approval.

Committee Chair B.R. Hall reviewed the minutes from the January 22, 2009 Medical and Life Committee meeting. Clyde Smith moved for approval of the January 22, 2009 Medical and Life Committee meeting minutes. Dorothy Shell-Berry seconded and the minutes were approved without objection.

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 the minutes from this meeting are being presented for approval.

Christine Bradley moved for approval of the January 22, 2009 In Line of Duty Committee meeting minutes. Clyde Smith seconded and the minutes were approved without objection.

c. Pension Committee – (Chair: Edna J. Jones; Vice-Chair: Christine Bradley; Members: Ann V. Butterworth, B.R. Hall, Sr. Alternates: G. Thomas Curtis and Clyde D. Smith)

Shannon Hall reported to the Board that the Pension Committee met on Thursday, February 12, 2009 to deliberate on 1) medical information on disability pensions; 2) disability pension reviews and 3) public safety pension clarification for the Fire Department Communication Division.

She stated that on item 1 the Committee agreed to have the Civil Service Medical Examiner continue providing a brief synopsis on disability pension items. On item 2, the Committee recommends that the Board place these disability pension reviews in the re-examination process and on item 3, the Department of Law advised that in accordance with the Metro Code certified emergency medical technicians (EMTs), paramedics and certified EMT dispatchers in the ambulance division were part of the fire and police pension plan.

Committee Chair Edna Jones reviewed the minutes from the February 12, 2009 Pension Committee meeting. B.R. Hall moved for approval of the February 12, 2009 Pension Committee meeting minutes. Clyde Smith seconded and the minutes were approved without objection.

Dorothy Shell-Berry moved for approval of the Committee recommendations. Christine Bradley seconded and the Board approved without objection.

5. Correspondence:

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

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

Shannon Hall made note of item 5.-d.

6. 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.

6. Reports for your information: (continued)
- f. Non-compliant disability pensioners. (none to report)
 - g. Pending litigations. (reported quarterly)
 - h. Disability status reports.
 - i. Denial log from Alternative Service Concepts.

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

On item 6.-a., Clyde Smith made note of the individuals that have been returned to work.

7. Late item(s):

The items listed under this section were reported at the meeting and have been incorporated into these minutes in section C.

With nothing further presented, the meeting adjourned at 10:12 a.m.

ATTEST:

APPROVED:

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

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