

## **MINUTES**

### **METROPOLITAN EMPLOYEE BENEFIT BOARD**

**April 7, 2009**

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday April 7, 2009 in the Civil Service Conference Room, Suite 163, 222 Building, Third Avenue North, Nashville, Tennessee, at approximately 9:36 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, Dorothy Shell-Berry and Clyde D. Smith.

Member **Richard M. Riebeling** was unable to be present.

Others present: Shannon B. Hall, Metro Human Resources, Nicki Eke, Attorney, Metro Legal Department and Dr. 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 March 3, 2009. There was a statement made by a Board member (Doug Conquest) indicating that he was in disagreement with the last sentence of the first paragraph on item 3. Request for cost analysis, with regard to who would pay for the for cost analysis. With no corrections, nothing further was noted and Dorothy Shell-Berry moved for approval. Christine Bradley 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. Cynthia Perry reported to the Board that she recommends approval of the disability pension new requests, items 1 through 10, for the length of time as recommended and deferral on item 6 pending additional information.

Shannon Hall stated that the applicant on item 5 indicated they would be present and this request was for a medical disability pension and not in line of duty.

There was some discussion on the reason for deferral on item 6.

Douglas Conquest moved for approval of the recommendation to approve the disability pension new requests, items 1 through 10 for the length of time as recommended and deferral on item 6. James Johnson 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 11 through 19 for the length of time as recommended, return to work on item 20 and deferral on item 21.

Shannon Hall stated that the individual on item 20 is present and would like to address the Board.

Ann Butterworth moved for approval of the recommendation to continue the disability pension reexaminations, items 11 through 19 for the length of time as recommended and deferral on item 21 for one month. Christine Bradley seconded and the Board approved without objection.

On item 20 the individual was present and addressed the Board with concerns regarding disability pension status.

After some discussion that returning to work does not prohibit anyone from re-applying for a disability pension if the medical condition dictates and on-going treatments, Clyde Smith moved for approval of the recommendation on item 20 to return the individual to work. James Johnson seconded and the Board approved without objection.

Dr. Cynthia Perry reported to the Board that she recommends approval of the return to work request, item 22 with restrictions.

There was some discussion of the department being able to comply with the restrictions.

Paula Krebs, Eckman/Freeman & Associates, reported that she has recommended a position for the individual but there has been no response from the department. She also indicated that the individual's restrictions are permanent, but that could change as pain management is continued.

After some discussion of returning the individual to work, the department accommodating the restrictions and case management services, Clyde Smith moved to defer this return to work request for one month and assign case management services. B.R. Hall seconded.

There was discussion of the return to work process regarding contact with the departments.

Jane Bussell, Human Resources Department, reviewed the process with case management and the departments.

A vote was taken on the motion on item 22 to defer the return to work request for one month and assign case management was approved with a vote of 5/4 with Ann Butterworth, Christine Bradley, Tom Curtis and Dorothy Shell-Berry opposed.

**NEW REQUESTS:**

	<b>Name</b>	<b>Department</b>	<b>In Line of Duty or Medical Disability</b>	<b>Recommendation</b>
1.	John T. Alexander	MNPS	IOD	As moved, seconded and approved, this disability pension request was approved for three months, (July 2009), with re-exam at that time.
2.	ShaRhonda D. Cartwright	MNPS	IOD	As moved, seconded and approved, this disability pension request was approved for three months, (July 2009), with re-exam at that time.
3.	Renaldo Hall	MNPS	Medical	As moved, seconded and approved, this disability pension request was approved for six months, (October 2009), with re-exam at that time.
4.	Robert E. Holt	MNPS	Medical	As moved, seconded and approved, this disability pension request was approved without the stipulation of scheduled re-exam.
5.	Denise S. Hooper	Fire	Medical	As moved, seconded and approved, this disability pension request was approved without the stipulation of scheduled re-exam.
6.	Jeffrey S. Howe	Police	IOD	As moved, seconded and approved, this disability pension request was deferred pending additional information.

**NEW REQUESTS: (continued)**

	<b>Name</b>	<b>Department</b>	<b>In Line of Duty or Medical Disability</b>	<b>Recommendation</b>
7.	Thomas E. Matthews, Jr.	Criminal Court Clerk	Medical	As moved, seconded and approved, this disability pension request was approved for three months, (July 2009), with re-exam at that time.
8.	Gerald M. Napier	Information Technology	Medical	As moved, seconded and approved, this disability pension request was approved for three months, (July 2009), with re-exam at that time.
9.	John D. Smith	Planning Commission	Medical	As moved, seconded and approved, this disability pension request was approved without the stipulation of scheduled re-exam.
10.	Sandra F. Smith	Water	Medical	As moved, seconded and approved, this disability pension request was approved for three months, (July 2009), with re-exam at that time.

**REEXAMINATIONS:**

	<b>Name</b>	<b>Department</b>	<b>In Line of Duty or Medical Disability</b>	<b>Recommendation</b>
11.	Johnny R. Clinard	MNPS	IOD	As moved, seconded and approved, this disability pension was continued for six months, (October 2009), with re-exam at that time.
12.	Brenda K. Crowder	Bordeaux	Medical	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
13.	Thomas R. Jones, Jr.	Police	Medical	As moved, seconded and approved, this disability pension was continued for one year, (April 2010), with re-exam at that time.
14.	Jennifer F. Lanier	MNPS	Medical	As moved, seconded and approved, this disability pension was continued for six months, (October 2009), with re-exam at this time.
15.	Thomas R. Rediker, II	Public Works	Medical	As moved, seconded and approved, this disability pension was continued for three months, (July 2009), with re-exam at that time.
16.	Gregory S. Sullivan	Fire	IOD	As moved, seconded and approved, this disability pension was continued for six months, (October 2009), with re-exam at this time.

**REEXAMINATIONS: (continued)**

	<b>Name</b>	<b>Department</b>	<b>In Line of Duty or Medical Disability</b>	<b>Recommendation</b>
17.	Marcia L. Turntine	General Hospital	Medical	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
18.	Doris V. Vance	MNPS	Medical	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
19.	Daulton K. Walker	State Fair Grounds	IOD	As moved, seconded and approved, this disability pension was continued for three months, (August 2009), with re-exam at that time.
20.	Deborah A. Bruton-Reed	Metro Action Commission	IOD	As moved, seconded and approved, this disability pension was continued and the individual placed on the return to work list.
21.	Sharon M. Evans	General Services	Medical	As moved, seconded and approved, this disability pension re-exam was deferred pending additional medical information.

**RETURN TO WORK:**

	<b>Name</b>	<b>Department</b>	<b>In Line of Duty or Medical Disability</b>	<b>Recommendation</b>
22.	Myra A. Laird	Bordeaux	IOD	As moved, seconded and approved, this return to work request was deferred for one month and vocational case management assigned.

**SOCIAL SECURITY REFERRALS:**

<b>Item</b>	<b>Name</b>	<b>Dept.</b>	<b>Review Originated From</b>	<b>Case Mgmt. Rec. for Referral</b>	<b>CSME Rec. for Referral</b>	<b>Comments</b>
1	Gloria Baker	MNPS	Pension Approval	No	No	Recheck 7/09
2	Roberta Bowden	MNPS	Pension Approval	No	No	Recheck 9/09
3	Leslie Carter	Parks	Pension Approval	Yes	Yes	
4	Victoria Elliott	Library	Pension Approval	Yes	Yes	
5	Terri Owens	Criminal Court	Pension Approval	Yes	Yes	
6	Cherion Pointer	MNPS	Pension Approval	Yes	Yes	

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. Douglas Conquest seconded and the Board approved without objection.

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

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

**Service**

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Gary N. Chapman	Parks	Building & Grounds Electrician	B	02/25/2009	02/28/2009
Billy W. Wilson	Water	Equipment Operator 2	B	02/26/2009	03/14/2009
Marvin L. Moskovitz	Water	Industrial Technician Master	B	02/26/2009	03/21/2009
Cynthia H. VanBrackle	Health	Public Health Nurse 2	B	02/26/2009	04/04/2009
William J. Curran III	Fire	Fire Deputy Chief	B	03/03/2009	04/01/2009
Janna D. Phillips	Bordeaux LTC	Respiratory Therapist-Certified	B	03/04/2009	03/10/2009
Valena J. Watson	Police	Police Identification Specialist 2	B	03/04/2009	02/24/2009
Billy R. Phillips	Mayor's Office	Deputy Mayor	B	03/09/2009	07/01/2009*
Annie R. Parrish	MNPS	Cashier Cluster Lead Worker	B	03/10/2009	05/23/2009
Phillip W. Martin	General Services	Equipment Mechanic	B	03/10/2009	04/04/2009
Connie L. Sanders	MNPS	General School Assistant	B	03/10/2009	06/01/2009*
Ernest G. Washington	MNPS	Custodian Helper	B	03/11/2009	04/11/2009
Lois J. Sawyers	MNPS	PreK Education Assistant	B	03/13/2009	05/23/2009
Lee Ann Morrow	MNPS	Special Services Assistant	B	03/13/2009	05/23/2009
Henry H. Jones	Water	Industrial Technician Master	B	03/16/2009	03/17/2009
James Walters	MNPS	Campus Supervisor	B	03/17/2009	05/23/2009
Albert L. Fendley	MNPS	Custodian Helper	B	03/18/2009	03/28/2009
Kenneth W. Deardorff	Public Works	M&R Leader 2	B	03/18/2009	03/21/2009
Linda B. Holder	Police	School Crossing Guard	B	03/19/2009	05/23/2009
Merry June Carlisle	MNPS	Senior Secretary	B	03/19/2009	03/28/2009
Ann M. Marshall	General Hospital	Patient Accounts Representative	B	02/24/2009	03/12/2009
Joan G. Fussell	MNPS	Senior Mechanic	B	03/25/2009	04/23/2009
Dorris Ray Anderson	General Hospital	Orthopedic Technician 2	B	03/26/2009	04/04/2009
Perry Buck	Police	Police Officer 3	B	03/26/2009	04/25/2009

\* Deferred Benefit

**Disability to service**

Employee	Department	Plan A/B	Effective Date of Conversion
Barbara R. Bean	MNPS	B	02/01/2009
Ronald A. Senter	MNPS	B	01/01/2009
Mike C. Nash	Water	B	02/01/2009
Robert E. Lea	Police	A	02/01/2009
Richard T. Bell	Police	A	02/01/2009
Barbara A. Simpson	Health	B	03/01/2009
Jennings B. Loring Jr.	Police	A	03/01/2009
Marie A. Veard	Health	B	03/01/2009
William T. Lancaster	Public Works	A	02/01/2009
Frederick D. Hill	MNPS	A	03/01/2009
Thomas R. Humphrey	Gen Hospital	B	03/01/2009
Edward Mills III	Gen Svcs	B	03/01/2009

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

**Disability to service (continued)**

Employee	Department	Plan A/B	Effective Date of Conversion
Josephine D. Felts	MNPS	B	03/01/2009
Richard E. Arnold, Jr.	Circuit Court	B	02/01/2009
John A. Brewer Jr.	Sheriff	A	01/01/2009

**Options Elected**

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Chapman, Gary N	Parks	Service	B	2/21/2009	Option E	
Cloud Jr, Frederick	Police	P&F Service	B	2/27/2009	Option C	
Edwards, William H	Fire	P&Fh Service	B	1/28/2009	Option B	
Franklin, Sarah A	MNPS	Early Service	B	1/9/2009	Normal	
Holmes, Charles B.	Health	Early Service	B	1/24/2009	Option A	
Johnson, Dorothy J	MNPS	Service	B	8/11/2008	Normal	
Lewis, Anita D	MNPS	Service	B	2/25/2009	Normal	2
Lindaman, Charles P	Fire	P&F Service	B	2/10/2009	Option A	3
Lowery, Cecil T.	Bordeaux	Service	B	3/7/2009	Option F	
Owens, Willie L.	Public Works	Service	B	3/7/2009	Normal	
Parker Jr, Robert L	Fire	P&F Service	B	2/17/2009	Option F	
Parker, William T	Fire	P&F Service	B	1/9/2009	Option B	
Russell, Ronald E	Water Services	Service	B	2/21/2009	Option B	1
Street, Robin E.	Water Services	Early Service	B	2/7/2009	Option C	
Theiss, Roberta Anna	MNPS	Service	B	8/11/2008	Normal	
Tidwell, Susan K.	Sheriff	Service	B	3/7/2009	Option F	
Weston, Sandra E	MNPS	Early Service	B	1/6/2009	Option F	
Wynn, Mark A.	Police	P&F Service	B	10/1/2008	Option E	

**Key Codes:**

Options	Drop Elections
Normal - life annuity (no option elected)	1 - 1 year drop
Option A - Joint & Survivor - 100% to surviving beneficiary	2 - 2 year drop
Option B - Joint & Survivor - 50% to surviving beneficiary	3 - 3 year drop
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
Billy J. Whitley	Public Works	Macie Whitley	Old County	2/15/2009
Richard Toivonen	Water Services	Brenda Toivonen	B	2/25/2009
William Watson	MNPS	Bessie Watson	B	3/14/2009
Stephen Hastings	Public Works	Valerie Hastings	B	3/18/2009
Leslie Daniel	Water Services	Bertha Daniel	B	3/21/2009
Charles D. Wimberly	General Services	Dorothy Wimberly	A	3/20/2009
Reginald Cunningham	Health	Sandra Cunningham	B	3/27/2009
Robert L. Baker	MNPS	Janet L. Baker	B	3/29/2009
Melvin Haley	Police	Juanita Haley	A	3/29/2009

## **BENEFIT BOARD ITEMS**

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

1. Benefit Board Budget.

Lannie Holland, Finance Department, passed out an updated budget showing more detail as requested by the Board. He reviewed the changes (formatting and additional detail regarding consulting services, Health Department support staff and the wellness program) to the pension and medical plan budgets.

There was some discussion of the allocation for consulting services, authorization of expenditures, and Human Resources staff having vendors proceed with projects with the Board's approval. There was discussion past precedent where once the budget was approved, it was spent appropriately on the recurring expenditures each year and how to project additional funds that will be spent. There was also discussion of reporting these expenditures to the Board or at the Committee level.

Ann Butterworth moved for approval of the Benefit Board budget. Christine Bradley seconded and the Board approved without objection.

2. Police and Fire wellness program update.

Shannon Hall reported to the Board that, as requested at the March Study Session, the Health Department will be giving an update on the police and fire wellness program.

Alisa Haushalter, Tara Beever, and Sarah Vaughn of the Health Department were present and addressed the Board on the police and fire wellness program. They discussed staffing changes, goals and objectives for the upcoming year, providing future updates, and services.

The Board discussed what information they would like to see reported back, the funding of this program and eventually having the Police and Fire departments split the cost.

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

3. Pension overpayment appeal – Beneficiary of a service pensioner.

Shannon Hall reported to the Board that staff was recently notified of the death of a service pensioner and administered the appropriate benefits. She stated that the pensioner's beneficiary was due a refund of the insurance premium, however, when the check was sent to the beneficiary it was issued as another pension check, an amount higher than the premium refund due, resulting in the beneficiary being overpaid by \$250.13.

Ms. Hall stated that in accordance with Metro Code section 3.08.230 the individual is requesting this overpayment be waived.

Douglas Conquest moved for approval to waive the overpayment. Clyde Smith seconded.

There was some discussion on the practice regarding accepting requests for waivers on overpayments, meeting the criteria set out in the Code and recouping of the funds.

Nicki Eke, Legal Department, reviewed the Code provisions and the process once the Board has approved waiving an overpayment.

A vote was taken on the motion to approve waiving the overpayment and was approved without objection.

4. 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 requested that the Board review her request to return to work in a sworn position. Ms. Hall stated that at the March meeting, the Board ordered a functional capacity evaluation and Dr. Perry will be reviewing those results with the Board.

Sue Bibb, Police Department, was present.

Dr. Cynthia Perry reported to the Board that after review of the functional capacity evaluation results, she recommends that the individual begin the process necessary to return to work in her previous position.

She stated that the individual is aware of having to go back through the necessary training (the academy) for their previous position.

Ann Butterworth moved for approval of returning the individual to work in their previous position.

There was discussion of the process for the individual to follow, having to resign from their civilian position, the possibility of losing their job, and salary supplements.

There was some discussion of fitness for duty.

Nicki Eke, Legal Department, addressed the issue of where a police officer has voluntarily decided to return to a civilian position. She stated that they can at any time choose to return to pension on the basis that for police officers you are still considered disabled until you are able to perform the duties of a police officer. She further stated the individual can return to pension status and be placed on the return to work list.

B.R. Hall moved to reinstate the individual's police and fire disability pension and place them on the return to work list in a sworn capacity. Douglas Conquest seconded.

Ann Butterworth withdrew her motion.

A vote was taken on the motion to reinstate the individual's police and fire pension and place them on the return to work list in a sworn capacity and was approved without objection.

5. Committee Reports:

a. Medical and Life Committee.

Shannon Hall reported to the Board that the Medical and Life Committee met on Tuesday, March 10, 2009 to deliberate on two self insured PPO plan appeals and discuss appeals regarding bariatric surgery medical policy. She stated that the minutes from this meeting are being presented for approval. Ms. Hall stated the Committee has two recommendations: 1) the Board approve and pay the charges on the flu vaccine appeal as in-network for this case only; and 2) the Board allow staff to work with the benefit consultant and other appropriate parties to review the plan administrators medical necessity policies/criteria for bariatric surgery. Ms. Hall also reported that staff has been notified by Blue Cross Blue Shield that information has been received that satisfies the medical criteria for bariatric surgery on the PPO plan appeal considered at the Committee meeting, therefore resolving this appeal.

Committee Vice-Chair Dorothy Shell-Berry reviewed the minutes from the March 10, 2009 Medical and Life Committee meeting. Ann Butterworth moved for approval of the March 10, 2009 Medical and Life Committee meeting minutes. Christine Bradley seconded and the minutes were approved without objection.

5. Committee Reports: (continued)

a. Medical and Life Committee.

B.R. Hall moved for approval of the recommendations from the Committee to 1) approve and pay the charges on the flu vaccine appeal as in-network for this case only; and 2) the Board allow staff to work with the benefit consultant and other appropriate parties to review the plan administrators medical necessity policies/criteria for bariatric surgery. 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 Alternative Service Concepts. (reported quarterly)
- d. Letter from Legal Department.
- e. Letter from retiree.

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

There was some discussion on item 6.-d. regarding the status on the matter.

Nicki Eke, Legal Department, reviewed the time line, court rulings and process for this case. Ms. Eke indicated that after the Administrative Law Judge makes an initial decision, it comes back to the Board to either accept the Administrative Law Judges decision or modify it.

\*Denotes Ann Butterworth, Christine Bradley and Thomas Curtis leaving the meeting.

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. (none to report)
- 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.

B.R. Hall stated that he would like to see item 6.-e., Letter from retiree, referred to the Medical and Life Committee for discussion.

8. Late item(s):

Items to be listed under this section will be reported at the meeting.

With nothing further presented, the meeting adjourned at 11:30 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***