

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

September 1, 2009

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday, September 1, 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, *Ann V. Butterworth, B.R. Hall, Sr., James H. Johnson, Richard M. Riebeling, Rita Roberts-Turner and Clyde D. Smith.

Member Douglas D. Conquest, Sr. 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 August 4, 2009. With no corrections, nothing further was noted and Clyde Smith 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 there are 8 new disability pension requests.

Without objection, the Board took item 8 separately.

Dr. Cynthia Perry 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. Christine Bradley moved for approval of the recommendation to approve the disability pension new requests, items 1 through 7 for the length of time as recommended. Rita Roberts-Turner seconded and the Board approved without objection.

On item 8, Dr. Perry reported to the Board that she does not recommend approval of the in line of duty disability pension request, but would recommend approval of a medial disability pension. Dr. Perry discussed the basis for that decision and the heart, lung, and hypertension act.

The individual and Worrick Robinson, attorney, were present and discussed the nature of the injury and how other in line of duty recurrences are related to it.

*Denotes the arrival of Ann Butterworth.

There was discussion of the individual previously receiving injury on duty leave and a prior action taken by the Board that all diseases of the circulatory system are to be covered under the heart, lung and hypertension act. There was also discussion of diagnosis and causation.

Nicki Eke, Legal Department, reviewed the heart, lung and hypertension statute with the Board.

There was discussion of ASC's approval of the injury based on the heart, lung and hypertension act and the department's denial of injury on duty leave based on no indication of it being related to a previous injury.

Lieutenant Dana Lyon, Police Department, was present and addressed the Board regarding the injury on duty leave and the basis for the denial.

There was discussion of what the Charter states as it relates to interpreting the benefit plans.

Vickie Hampton, ASC, was present and addressed the Board on their approval being based only on the heart, lung and hypertension act.

After some discussion of the medical information received and the review of that information, Ann Butterworth moved to defer any action at this time and have Dr. Perry further review the medical record. Christine Bradley seconded.

After discussion of the individual's pay status and granting the medical disability pension at this time, Ann Butterworth withdrew/restated her motion to grant the individual a medical disability pension and defer the in line of duty disability pension request until such time as Dr. Perry has reviewed all of the medical information in order to make a decision.

A vote was taken on the motion and was approved with B.R. Hall, Clyde Smith and Edna Jones opposed and James Johnson abstaining.

The Board was informed that the in line of duty medical care request will be addressed at the Committee level. There was also discussion of this item being two fold and having to go through two Board processes.

Dr. Cynthia Perry reported to the Board that she recommends approval for continuing the disability pension reexaminations, items 9 through 21 for the length of time as recommended. Ann Butterworth moved for approval of the recommendation to continue the disability pension reexaminations, items 9 through 21 for the length of time as recommended. Tom Curtis seconded.

After some discussion of the length of time on some of the recommendations, a vote was taken on the recommendation to continue the disability pension reexaminations, items 9 through 21 for the length of time as recommended and the Board approved without objection.

On items 22 through 25, Dr. Cynthia Perry reported to the Board that she is recommending deferral for one month, pending additional medical information. Christine Bradley moved for approval of the recommendation to defer items 22 through 25 for one month. Ann Butterworth seconded and the Board approved without objection.

NEW REQUESTS:

	Name	Department	In Line of Duty or Medical Disability	Recommendation
1.	Thyra F. Beal	General Hospital	IOD	As moved, seconded and approved, this disability pension request was approved for six months, (March 2010), with re-exam at that time.
2.	Deborah J. Davis	MNPS	IOD	As moved, seconded and approved, this disability pension request was approved for four months, (January 2010), with re-exam at that time.
3.	Danny M. Harris	Information Technology	Medical	As moved, seconded and approved, this disability pension request was approved for one year, (September 2010), with re-exam at that time.
4.	Deborah W. McCord	State Trial Courts	Medical	As moved, seconded and approved, this disability pension request was approved for four months, (January 2010), with re-exam at that time.
5.	Helen F. Owen	General Services	Medical	As moved, seconded and approved, this disability pension request was approved for six months, (March 2010), with re-exam at that time.

NEW REQUESTS: (continued)

	Name	Department	In Line of Duty or Medical Disability	Recommendation
6.	Devita M. Roberts	MNPS	IOD	As moved, seconded and approved, this disability pension request was approved for one month, (October 2009), with re-exam at that time.
7.	Paula Robertson	General Hospital	Medical	As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled re-exam.
8.	John B. Corcoran	Police	Medical	As moved, seconded and approved, this disability pension request was approved as a <i>medical</i> disability pension, for one year, (September 2010), with deferral of the in line of duty request.

REEXAMINATIONS:

	Name	Department	In Line of Duty or Medical Disability	Recommendation
9.	Roberta Bowden	MNPS	Medical	As moved, seconded and approved, this disability pension was continued for four months, (January 2010), with re-exam at that time.
10.	Jose M. Diaz, Jr.	Police	IOD	As moved, seconded and approved, this disability pension was continued for four months, (January 2010), with re-exam at that time.
11.	Samuel Ensley	MNPS	Medical	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
12.	Sharon M. Evans	General Services	Medical	As moved, seconded and approved, this disability pension was continued for six months, (March 2010), with re-exam at that time.
13.	Kenneth Hayes	Police	IOD	As moved, seconded and approved, this disability pension was continued for one year, (September 2010), with re-exam at that time.
14.	Jeffrey S. Howe	Police	IOD	As moved, seconded and approved, this disability pension was continued for six months, (March 2010), with re-exam at that time.
15.	Carol J. Itoh	MNPS	Medical	As moved, seconded and approved, this disability pension was continued for four months, (January 2010), with re-exam at that time.

REEXAMINATIONS: (continued)

16.	Princess A. Martindale	Water	Medical	As moved, seconded and approved, this disability pension was continued for one year, (September 2010), with re-exam at that time.
17.	James H. Murff	Police	Medical	As moved, seconded and approved, this disability pension was continued for six months, (March 2010), with re-exam at that time.
18.	Thomas A. Owens	General Services	IOD	As moved, seconded and approved, this disability pension was continued for four months, (January 2010), with re-exam at that time.
19.	Julie A. Sloan	Fire Department	IOD	As moved, seconded and approved, this disability pension was continued for three months, (December 2009), with re-exam at that time.
20.	Stanley K. Tidwell	Public Works	Medical	As moved, seconded and approved, this disability pension was continued for four months, (January 2010), with re-exam at that time.
21.	Mary S. Whitley	General Hospital	Medical	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
22.	Teresa Brogdon	MNPS	IOD	As moved, seconded and approved, this disability pension re-exam was deferred for one month, (October 2009), with re-exam at that time.
23.	Jennifer Kee	MNPS	IOD	As moved, seconded and approved, this disability pension re-exam was deferred for one month, (October 2009), with re-exam at that time.
24.	Pamela Love	MNPS	IOD	As moved, seconded and approved, this disability pension re-exam was deferred for one month, (October 2009), with re-exam at that time.
25.	Michelle F. Woodberry	General Hospital	Medical	As moved, seconded and approved, this disability pension re-exam was deferred for one month, (October 2009), with re-exam at that time.

LATE ITEM:

Dr. Cynthia Perry reported to the Board that she recommends approval of the disability pension new request, item 26, for the length of time as recommended. Ann Butterworth moved for approval of the disability pension new request, item 26, for the length of time as recommended. B.R. Hall seconded and the Board approved without objection.

LATE ITEM: (continued)

	Name	Department	In Line of Duty or Medical Disability	Recommendation
26.	Tammy D. Smith-Talbot	Public Works	Medical	As moved, seconded and approved, this disability pension request was approved for one year, (September 2010), with re-exam at that time.

SOCIAL SECURITY REFERRALS:

Item	Name	Department	Review Originated From	Case Management Rec for Referral	CSME Rec for Referral	Comments
1	William Caruthers	Public Works	Pension Approval	Yes	Yes	
2	Rita Castleman	MNGH	Pension Approval	Yes	Yes	
4	Joyce Chandler	Social Services	Pension Approval	No	No	
5	Michael Cox	MNPS	Pension Approval	No	No	
6	Deborah Gregoire	Fairgrounds	Pension Approval	Yes	Yes	
8	Thom Hazelip	MNPS	Pension Approval	Yes	Yes	
9	Velma Odem	Health	Pension Approval	No	Yes	Assist with RIB*
10	Phillip Meador	Police	Pension Approval	No	No	
11	Bobby Robertson	Parks	Pension Approval	No	No	
12	Virginia Russell	MNPS	Pension Approval	Yes	Yes	
13	Charlene Tatum	Sheriff	Pension Approval	Yes	No	FCM first**
14	Josephine Williamson	MNPS	Pension Approval	Yes	No	FCM first**

*Due to severe illness, CSME requested assistance in applying for appropriate Social Security benefits, i.e. early retirement vs. disability

**Field case manager to coordinate with Social Security unit in further evaluation of eligibility for Social Security disability benefits.

Dr. Cynthia Perry reviewed the recommendations on the Social Security referrals. James Johnson moved for approval of the recommendations. Clyde Smith seconded and the Board approved without objection.

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

MOTION: Tom Curtis moved for approval of the pensions. Rita Roberts-Turner seconded and the Board approved without objection.

Service

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Shelly E. Gray	Water	Equipment Operator 3	B	07/28/2009	09/05/2009
Barbara C. Smoot	General Services	Emergency Telecommunication Trainer	B	07/28/2009	09/05/2009

Service (continued)

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Sandra J. Mullins	MNPS	Educational Assistant	B	07/30/2009	08/14/2009
Corine B. Jackson	Community Education Alliance	Program Manager 1	B	08/05/2009	08/15/2009
Lawrence E. Whitmore	MNPS	Senior Custodian	B	08/05/2009	08/29/2009
Bonnie K. Jackson	MNPS	School Library Clerk	B	08/07/2009	08/14/2009
Hety Marie West (Morris)	Election Commission	Office Support Rep 2	B	07/26/2009	06/27/2009
Sandra J. Bledsoe	MNPS	School Bus Driver	B	08/07/2009	08/14/2009
Vernon D. Thomas	Public Works	Equipment Operator 3	B	08/12/2009	09/05/2009
Linda C. Norton	Health	Office Support Specialist 1	B	08/12/2009	09/17/2009
Linda A. Anderson	Library	Librarian 1	B	08/11/2009	09/01/2009
Ronald L. Cook	MNPS	WDCN-TV	B	08/13/2009	05/01/2009*
Jeffrey L. Garton	MNPS	Lead-A/C & Refrigeration	B	08/13/2009	09/26/2009
Lawrence E. Cole, Jr.	Fire	Fire District Chief	B	08/13/2009	08/14/2009
Nancy R. Potts	Assessor of Property	Administrative Services Officer 4	B	08/25/2009	09/05/2009
David C. Bennett, Sr.	Fire	Fire Fighter 3	B	08/20/2009	09/01/2009
Donna C. Shumate	Library	Circulation Assistant 1	B	08/20/2009	09/01/2009*
Harvey L. Rucker, Jr.	Fire	Emergency Medical Technician 2	B	08/25/2009	08/25/2009
Bouakham Phrachak	Social Services	Group Care Worker	B	08/25/2009	09/01/2009*

* Deferred Benefit

Disability to service

Employee	Department	Plan A/B	Effective Date of Conversion
James E. Martin	Public Works	A	07/01/2009
John S. Balma	Public Works	A	08/01/2009
Jennie Dromgoole	Bordeaux Hospital	A	08/01/2009
Francis M. Ferguson	Police	A	08/01/2009
Mary E. Ford	General Hospital	B	07/01/2009
Michael L. Shields Sr.	Police	A	08/01/2009

Options Elected

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Adams, Betty Jean	Juvenile Court	Service	B	7/8/2009	Normal	
Adkins, Mary L.	Public Library	Service	B	7/25/2009	Normal	
Alexander Jr, Richard P.	Bordeaux Long Term Care	Service	B	7/1/2009	Option F	
Berry, Dorothy S.	Human Resources	Service	B	7/23/2009	Option A	
Burch, Ronnie B.	Public Works	Early Service	B	7/11/2009	Normal	
Carney, Sue W.	Health	Service	B	7/1/2009	Normal	
Ciero, Richard C	Information Technology Service	Service	B	7/1/2009	Option E	
Crissup, Larry A.	Bordeaux Long Term Care	Service	B	7/25/2009	Option B	
Eubank, David F	Parks	Service	B	7/1/2009	Option E	2
Farmer, Barney	MNPS	Service	B	6/20/2009	Normal	3
French, James	Water Services	Service	B	7/4/2009	Option B	2
Keeler, Belinda C.	General Hospital	Early Service	B	7/4/2009	Normal	

Options Elected

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
King, Demetrius C	Sheriff	Early Service	B	7/1/2009	Option D	
Lambert, Raymond	MNPS	Service	B	8/1/2009	Option B	
Lawrence, David C.	Public Library	Service	B	7/1/2009	Option A	
Lee, Steven B	Sheriff	P&F Service	B	7/1/2009	Option F	3
Lovier, James L	Water Services	Service	B	7/14/2009	Normal	
Morales, Steve	Sheriff	Early Service	B	7/1/2009	Option E	
Neathery, Richard W.	General Services	Service	B	7/1/2009	Option E	1
Oxley, Kenrick M	MNPS	Early Service	B	7/1/2009	Option D	
Phillips, Andy Lee	MNPS	Service	B	7/4/2009	Normal	
Prosch, Stephen J	Fire	P&F Service	B	8/1/2009	Option E	
Rucker, Joan Ann	MNPS	Service	B	7/1/2009	Normal	3
Sadler Jr, Earl J.	Sheriff	P&F Service	B	6/27/2009	Option A	3
Sellars, Nancy L.	Public Library	Service	B	7/24/2009	Option D	
Shockney, Mary V	MNPS	Service	B	6/20/2009	Option E	
Smith, Walter L.	Sheriff	P&F Service	B	7/1/2009	Option E	3
Swing, Joe E.	Register of Deeds	Early Service	B	7/22/2009	Option E	
Taylor, Thomas L.	Police	P&F Service	B	8/1/2009	Option E	3
Thompson, Dorothy E.	General Hospital	Service	B	7/9/2009	Option D	1
Thompson, George W.	General Services	Service	B	7/1/2009	Option D	
Williams, Kay E	MNPS	Service	B	7/1/2009	Normal	
Williams, Margaret A	Municipal Auditorium	Service	B	7/1/2009	Normal	
Winters, Dennis C	Sheriff	P&F Service	B	7/1/2009	Option F	
Woolwine III, Earl G.	Parks	Service	B	7/1/2009	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
Lynn Crader	Sheriff	Mary Beverly Crader	A	07/25/09
James C. Stone, Jr.	Bordeaux	Joan Stone	A	07/25/09
Dianne E. Saunders	General Hospital	David M. P. Johnson	B	07/27/09
Richard Gibson	State Trial Courts	Wanda C. Gibson	B	07/30/09
Kenneth Reid	MNPS	Linda Reid	B	07/31/09
Jereleane Long	MNPS	Valerie Long	B	07/31/09
Jimmy L. Swarner, Sr.	Public Works	Brandy Swarner	B	08/12/09
Terri Bayne Owens	Crim Court Clerk	Harvey E. Owens, Jr.	B	08/18/09
David Adams	Public Works	Emily R. Adams	B	08/17/09

Survivor (continued)

Employee Name	Department	Survivor Name	Plan Membership	Effective Date
Larry Turner	Water Services	Mildred Turner	A	07/24/09
Linda Robinson	MNPS	William Robinson	B	07/31/09

BENEFIT BOARD ITEMS

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

1. Presentation of resolution.

Shannon Hall reported to the Board that this item is being deferred to the October meeting.

2. Summary plan documents compliance update

Shannon Hall reported to the Board after further consideration, it has been determined that notwithstanding the special enrollment rights provided to Council Members in the Metro Code, those Council Members that do enroll in the medical plans in a manner that is consistent with IRS Regulations may participate in the cafeteria plan and make pre-tax premium contributions. In order to treat those Council Members that do enroll in the medical plans in a manner consistent with IRS Regulations similarly to Metro employees (respecting pre-tax contributions), the cafeteria plan amendment and the Board rules respecting Council Members have been revised. She further stated that the Legal Department recommends that the Benefit Board rescind its previous action taken to adopt these rules and adopt the revised amendment and rules.

Ann Butterworth moved to rescind the Board's previous action taken to adopt the rules regarding Council members. Rita Roberts-Turner seconded and was approved unanimously.

There was some discussion of the differences between a Council member and regular employee regarding enrollment rights.

Ann Butterworth moved to adopt the revised rules and amendment regarding eligibility elections and contributions by Council members under the plans. Tom Curtis seconded and the Board approved without objection.

3. Custom Care Solutions program update.

Shannon Hall reported to the Board that the Custom Care solutions program is being presented so that the Board can take the next appropriate steps with regards to the program for 2010.

Debbie Sims and other Blue Cross Blue Shield representatives were present and gave an overview of the program.

After some discussion of the cost for the program being included in the premium rates, Clyde Smith moved for approval of continuing the program for 2010. James Johnson seconded and the Board approved without objection.

4. Disability pensioner compliance update.

Shannon Hall reported to the Board that this individual was granted an IOD disability pension. Due to his restrictions, he was unable to perform his previous position and other similar positions and based on his current education completion, he is currently unable to pursue other job opportunities with the Metropolitan Government. As a result, the Board also granted vocational case management for GED monitoring to assist him pursuing his GED completion paid by the Board. Ms. Hall stated that the case manager is reporting that the individual has become compliant with pursuit of their GED.

Paula Krebs, Eckman/Freeman, was present to address any questions the Board may have regarding the individual's progress and indicated that there would be another update accordingly.

5. Wells Fargo Advantage target date funds.

Lannie Holland, Finance Department, reported to the Board that the Investment Committee asked Segal Advisors to conduct a search for a more conservative fund for those in later stages (retirement or those approaching retirement). He stated that the committee is recommending the Wells Fargo Advantage Dow Jones Target Date funds to replace the ING Life Cycle funds.

Tom Curtis moved for approval of the Committee recommendation to replace the ING Life Cycle funds with the Wells Fargo Advantage Dow Jones Target Date funds. Ann Butterworth seconded and the Board approved without objection.

6. Correspondence:

- a. Utilization/disease management report from Blue Cross Blue Shield.
- b. Utilization report from CIGNA.
- c. Utilization report from Alternative Service Concepts. (reported quarterly)
- d. Blue Cross Blue Shield upcoming mailing.
- e. In line of duty claims administration renewal 2010.

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

Shannon Hall made note of items 6.-a., 6.-d. and 6.-e.

7. Reports for your information:

- a. Return to work. (none to report)
- 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. (none to report)
- g. Pending litigations. (reported quarterly)
- h. Disability status reports.
- i. Denial log from Alternative Service Concepts.
- j. Voluntary insurance annual reports.

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

Shannon Hall made note of item 7.-j.

The Board asked for some additional information on the voluntary insurance annual report from American General regarding total in premiums for annuities.

There was also a question regarding an individual on the disability status reports.

There was a brief discussion on educating employees regarding the use of minute clinics, taking the health risk assessments in the Choice Fund Plan, and the programs available at General Hospital.

8. Late item(s):

At this time the Board took a break and then reconvened with the late item.

The item(s) 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 10:42 a.m.

ATTEST:

APPROVED:

***Mrs. Rita Roberts-Turner, Director
Human Resources***

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