

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

May 12, 2010
(rescheduled from May 4, 2010)

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Wednesday, May 12, 2010 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; Members: Charles D. Clariday, Sr., B.R. Hall, Sr., Richard M. Riebeling, Rita Roberts-Turner and Clyde D. Smith.

Vice Chair Christine Bradley and Members Ann V. Butterworth, G. Thomas Curtis, and James H. Johnson were unable to be present.

Others present: Shannon B. Hall, Metro Human Resources, Nicki Eke, Attorney, Metro Legal Department and Dr. Celia Goodson for 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 April 6, 2010. With one correction, (page 8, item 1), nothing further was noted and Rita Roberts-Turner 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.

C. DISABILITY PENSIONS: (new requests, reexaminations, return to work and social security 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 approval is recommended for the disability pension new requests, items 1 through 10, 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 10 for the length of time as recommended. Rita Roberts-Turner seconded and the Board approved without objection.

On items 11 and 12, Dr. Celia Goodson reported to the Board that denial is recommended of the in line of duty disability pension new requests with approval as a medical disability for the length of time as recommended.

On item 11, the individual and their son were present and addressed the Board on the disability pension request.

Dr. Celia Goodson stated that based on the medical information, the source of the individual's condition is not related to an in line of duty injury and that is the basis for the recommendation of a medical disability pension.

There was some discussion of findings by ASC that according to three different physicians, there is no relation to the current condition/diagnosis and the injury and whether or not the condition could have been exacerbated by the injury.

Clyde Smith moved to approve the new disability pension request, item 11 as a medical disability pension for the length of time as recommended and have the in line of duty request referred to the In Line of Duty Committee for review. B.R. Hall seconded and the Board approved without objection.

Dr. Celia Goodson stated that denial is recommended on the in line of duty disability pension new request, item 12, with approval as a medical disability for the length of time as recommended.

On item 12, the individual was present and addressed the Board.

After discussion of some pending medical information, Clyde Smith moved to approve the new disability pension request, item 12 as a medical disability pension for the length of time as recommended and have the in line of duty request referred to the In Line of Duty Committee for review. Charles Clariday seconded and the Board approved without objection.

Dr. Celia Goodson reported to the Board that approval is recommended for continuing the disability pension reexaminations, items 13 through 15 for the length of time as recommended. Clyde Smith moved for approval of the recommendation to continue the disability pension reexaminations, items 13 through 15 for the length of time as recommended. Charles Clariday seconded and the Board approved without objection.

On items 16 through 18, Dr. Celia Goodson reported to the Board that return to work is recommended. Clyde Smith moved for approval of the recommendation on items 16 through 18 to return the individual to work. Rita Roberts-Turner seconded and the Board approved without objection.

On item 19, Dr. Celia Goodson reported to the Board that return to work (with restrictions) is recommended. Clyde Smith moved for approval of the recommendation on item 19 to return the individual to work. Charles Clariday seconded and the Board approved without objection.

Dr. Celia Goodson reported to the Board that deferral is recommended on items 20 and 22 for one month pending additional medical information. Clyde Smith moved for approval of the recommendation to defer on items 20 and 22 for one month. Charles Clariday seconded and the Board approved without objection.

NEW REQUESTS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
1.	Donnie R. Bobbitt	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension request was approved for one year, (May 2011), with re-exam at that time.
2.	Howard R. Brake	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension request was approved for five months, (October 2010), with re-exam at that time.
3.	Michael G. Bunch	Fire	In Line of Duty	As moved, seconded and approved, this disability pension request was approved for six months, (November 2010), with re-exam at that time.
4.	Kenneth M. Carduff	Water	Medical	As moved, seconded and approved, this disability pension request was approved for seven months, (December 2010), with re-exam at that time.
5.	Thomas Kiesling	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension request was approved for six months, (November 2010), with re-exam at that time.
6.	Noor S. Noor	Metropolitan Nashville Public Schools	In Line of Duty	As moved, seconded and approved, this disability pension request was approved for four months, (September 2010), with re-exam at that time.

C. DISABILITY PENSIONS: (new requests, reexaminations, return to work and social security referrals)

NEW REQUESTS: (continued)

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
7.	Kenneth N. Rabideau	Sheriff	In Line of Duty	As moved, seconded and approved, this disability pension request was approved for six months, (November 2010), with re-exam at that time.
8.	John W. Shepherd	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension request was approved for six months, (November 2010), with re-exam at that time.
9.	Charles W. White	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension request was approved for four months, (September 2010), with re-exam at that time.
10.	Elizabeth K. Woelk	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension request was approved for six months, (November 2010), with re-exam at that time.
11.	Hossein I. Hossein	Metropolitan Nashville Public Schools	In Line of Duty	As moved, seconded and approved, this disability pension request was approved as a medical disability for one year, (May 2011), with re-exam at that time.
12.	Cheryl L. Nunley	Water	In Line of Duty	As moved, seconded and approved, this disability pension request was approved as a medical disability for four months, (September 2010), with re-exam at that time.

REEXAMINATIONS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
13.	Mitzie R. Curtis	Parks	Medical	As moved, seconded and approved, this disability pension was continued for four months, (September 2010), with re-exam at that time.
14.	Jennifer F. Lanier	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam at that time.
15.	Tina M. Wright	General Hospital	Medical	As moved, seconded and approved, this disability pension was continued for six months, (November 2010), with re-exam at that time.

C. DISABILITY PENSIONS: (new requests, reexaminations, return to work and social security referrals)

REEXAMINATIONS: (continued)

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
16.	Ian J. Abbott	Police	In Line of Duty	As moved, seconded and approved, this disability pension was continued and the individual returned to work.
17.	Jessie J. Meadows	Police	In Line of Duty	As moved, seconded and approved, this disability pension was continued and the individual returned to work.
18.	Stanley K. Tidwell	Public Works	Medical	As moved, seconded and approved, this disability pension was continued and the individual returned to work.
19.	Faye J. Jordan	Bordeaux	In Line of Duty	As moved, seconded and approved, this disability pension was continued and the individual returned to work.
20.	Deborah F. Gregoire	State Fair Grounds	Medical	As moved, seconded and approved, this disability pension re-exam was deferred for one month, (June 2010), with re-exam at that time.
21.	Jamie J. Reeser	Police	In Line of Duty	As moved, seconded and approved, this disability pension re-exam was deferred for one month, (June 2010), with re-exam at that time.
22.	Victoria Windoloski	Sheriff	In Line of Duty	As moved, seconded and approved, this disability pension re-exam was deferred for one month, (June 2010), with re-exam at that time.

SOCIAL SECURITY REFERRALS:

Dr. Celia Goodson reported to the Board approval is recommended on the referrals as submitted. Rita Roberts-Turner moved for approval of the recommendations on the social security referrals. Clyde Smith seconded and the Board approved without objection.

Item	Name	Department	Review Originated From	Case Management Rec. for Referral	CSME Rec. for Referral	Comments
1	Helen Alongi	General Hospital	Pension Approval	Yes	Yes	
2	Judy Bush	Social Services	Pension Approval	Yes	Yes	
3	Suzanne Butler	Police	Pension Approval	No	No	Pending FCE
4	Howard Carter	MNPS	Pension Approval	Yes	Yes	
5	Gloria Etter	Social Services	Pension Approval	No	No	
6	Terry Gibson	Health	Pension Approval	No	No	

C. DISABILITY PENSIONS: (new requests, reexaminations, return to work and social security referrals)

SOCIAL SECURITY REFERRALS: (continued)

Item	Name	Department	Review Originated From	Case Management Rec. for Referral	CSME Rec. for Referral	Comments
7	Ronald Hayes	Water	Pension Approval	Yes	Yes	
8	Carolyn Hewitt	Bordeaux	Pension Approval	Yes	Yes	
9	Thomas R. Jones	Police	Pension Approval	No	No	
10	Jennifer Kee	MNPS	Pension Approval	No	No	
11	Randall Maupin	MNPS	Pension Approval	No	No	
12	Beverly Valentine	MNPS	Pension Approval	No	No	Has attorney
13	J.C. Walton, Jr.	Sheriff	Pension Approval	No	No	
14	Sandra F. Smith	Water	Pension Approval	No	No	
15	Lee Watkins	MNPS	Pension Approval	Yes	Yes	
16	Carol Wheeler	Police	Pension Approval	No	No	
17	Marcia Williams	HR	Pension Approval	Yes	Yes	

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

Clyde Smith moved for approval of the pensions. Charles Clariday seconded and the Board approved without objection.

Service

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Doris Johnson	General Hospital	Dietary Technician	B	03/24/2010	03/12/2010
Barbara Farmer	Social Services	Homemaker	B	03/24/2010	07/01/2010
Daisy Buggs	Police	Executive Chief	B	03/31/2010	06/01/2010
Robert Cleveland	Water	Welder	B	03/23/2010	06/01/2010
Raymond Morris	Police	Police ID Supervisor	B	03/31/2010	04/01/2010
Jimmie Tucker	Fire	EMT-Paramedic	B	03/31/2010	05/01/2010
Ernest Sanders	MNPS	Chief Op Storeroom	B	04/01/2010	05/01/2010
Carolyn Hood	Social Services	Nutrition	B	03/24/2010	07/01/2010
Douglas Howse	MNPS	Truck Driver	B	03/30/2010	05/01/2010
Imogene Crowley	MNPS	Accounting Tech	B	04/06/2010	06/01/2010
James A. Davis	MNPS	Custodian Helper	B	04/06/2010	06/01/2010
Lee V. Allen	MNPS	School Bus Driver	B	04/06/2010	06/01/2010
Terry Coleman	Fire	Emer Med Tech	B	03/30/2010	06/01/2010
Mary Goodloe	MNPS	Office Assistant	B	03/20/2010	06/01/2010
Linda Hansford	MNPS	Custodian Helper	B	04/07/2010	06/01/2010
Mary G. Smith	MNPS	School Bus Monitor	B	04/07/2010	06/01/2010
James Johnson	MNPS	Senior Custodian	B	04/07/2010	06/01/2010
Susan Gray	Sheriff	Chaplain	B	03/23/2010	05/01/2010
Willie P. Taylor	MNPS	School Bus Driver	B	04/08/2010	06/01/2010
Eleanor D. Barbour	MNPS	Cusodian Helper	B	04/09/2010	06/01/2010
Saundra G. Coleman	MNPS	School Bus Driver	B	04/09/2010	06/01/2010
Carl A. Davis	MNPS	Senior Custodian	B	04/09/2010	06/01/2010
Beverly A. Hooper	MNPS	School Bus Driver	B	04/09/2010	06/01/2010

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

Service

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Mary Alice Bailey	MNPS	School Bus Driver	B	04/09/2010	06/01/2010
Andra L. Akins	MNPS	Lead Custodian	B	04/09/2010	07/01/2010
Robert R. Stewart	MNPS	Lead Custodian	B	04/09/2010	07/01/2010
Kenneth L. Ward	MNPS	Custodian Helper	B	04/09/2010	07/01/2010
Johnny O. Caples	MNPS	Senior Custodian	B	04/09/2010	07/01/2010
James L. Buchanan, Jr.	MNPS	Lead - Warehouse	B	04/10/2010	06/01/2010
Marvin T. Bryant	MNPS	Custodian Helper	B	04/13/2010	05/04/2010
Teddy R. Frazier	Parks	Building & Grounds Electrician	B	04/14/2010	08/06/2010
Deborah S. Sykes	Parks	Stores Supervisor	B	04/15/2010	04/30/2010
David E. Biggs	MNPS	Senior Electrician/Electronics	B	04/01/2010	05/07/2010
Bettie Lynn Scarborough	Police	Police Crisis Counselor 2	B	04/08/2010	07/01/2010
Kathy M. Bracey	MNPS	Senior Custodian	B	04/12/2010	01/28/2010
Taylor E. Watts, Jr.	Farmer's Market	Building Maintenance Supervisor	B	04/13/2010	06/01/2010
Mohammed Ibrahim	NCAC	Career Coach	B	04/13/2010	06/01/2010
Michael F. Hauer	Finance	Finance Officer 2	B	04/15/2010	06/01/2010*
Janice O. Denson	Police	Police Operations Coordinator 2	B	04/20/2010	05/08/2010
Abdullah M. Tayip	MNPS	Custodian Helper	B	04/20/2010	06/01/2010
Vahid H. Maksud	MNPS	Senior Custodian	B	04/20/2010	06/01/2010
Shukry S. Ahmad	MNPS	Custodian Helper	B	04/20/2010	07/02/2010
Howard L. Clark	MNPS	Lead Custodian	B	04/21/2010	05/22/2010
Richard B. Mavity	Police	Police Officer 2	B	04/21/2010	07/16/2010
Ronnie G. Gentry	MNPS	Custodian Helper	B	04/16/2010	06/01/2010
John R. Clark	General Services	Radio Technician 3	B	04/19/2010	04/20/2010

Disability to service

Employee	Department	Plan A/B	Effective Date of Conversion
Patricia A. Baker	MNPS	A	04/01/2010
Frances A. Kain	Water	B	04/01/2010
Brenda L. Elmore	General Hospital	B	08/01/2008
Juanita S. Neal	Bordeaux	B	04/01/2010
William L. Cummings	Fire	B	04/01/2010
Dana H. McCutcheon	Water	B	04/01/2010
Roger D. Barker	Sheriff	B	04/01/2010
Tony W. Flatt	Sheriff	B	04/01/2010

Options Elected

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Abernathy, Robert W.	Sheriff	P&F Service	B	4/3/2010	Option E	2
Beason, Mack	MNPS	Service	B	3/20/2010	Option D	
Bencito, Jeremias D.	Bordeaux	Early Service	B	3/13/2010	Option D	
Bradley, Michael A.	Finance	Service	B	4/1/2010	Option A	
Cauthron, Barry D.	Water Services	Service	B	4/1/2010	Normal	
Collins, Daniel F.	Police	P&F Service	B	3/16/2010	Normal	
Grigsby, Willie D.	MNPS	Service	B	1/1/2010	Option A	

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

Options Elected

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Harris, III, Tom B.	Police	P&F Service	B	4/1/2010	Option E	
Johnson, Doris J.	General Hospital	Early Service	B	3/12/2010	Option D	
Pardue, Anne F.	State Trial Courts	Early Service	B	3/10/2010	Normal	
Posey, Gerald E	MNPS	Service	B	4/1/2010	Normal	
Ryan, Darrell E.	Police	P&F Service	B	3/16/2010	Option E	2
Stroud, III, Joseph R.	Fire	P&F Service	B	4/1/2010	Option E	
Tucker, Julia P.	Juvenile Court	Service	B	4/3/2010	Option D	3

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
Roger Ellithorpe	Water Services	Pamela Ellithorpe	B	03/24/2010
John Behaylo	Police	Josie Behaylo	A	04/02/2010
John Ayers	Bordeaux Hospital	Willa Jean Ayers	A	04/11/2010
James B. Key, Jr.	MNPS	Viola Key	B	03/27/2010
Robert Hailey	Codes	Ann Hailey	B	04/16/2010

BENEFIT BOARD ITEMS

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

1. Second retirement pension calculation policy.

Shannon Hall reported to the Board that at the March Study Session, the Board reviewed a policy regarding those who take their Metro pension, then are subsequently rehired with Metro working more than 20 hours per week and then retire again. She stated some Board members had questions regarding the use of the 5 year requirement for electing a new option. She stated the actuary has advised that the five year requirement is consistent with the vesting schedule and is expected to have no significant impact on the plan cost. She further stated this cost neutral approach is consistent with other Board interpretations on the plan.

Christi Mayo, Metro Human Resources, and Alan Pennington, Bryan, Pendleton, Swats & McAlister, were present to address Board members questions.

After some discussion of issues with beneficiaries and method of payment, Richard Riebeling moved for approval of the second retirement pension calculation policy. Rita Roberts-Turner seconded and the motion failed with a vote of 3/3 (Richard Riebeling, Rita Roberts-Turner, Edna Jones/B.R. Hall, Clyde D. Smith, Charles Clariday).

Per the by-laws, this item will be referred to the appropriate Committee.

2. Pension overpayment appeal - Disability pensioner.

Justin Stack reported to the Board that staff has received a request to waive an overpayment. He stated that during a recent review, the staff discovered that the individual's disability pension was not adjusted in a timely manner due to receipt of social security benefits. He stated that although her disability pension has been adjusted going forward they were overpaid. He also reviewed Metro Code Section 3.08.230 regarding overpayments.

Rita Roberts-Turner moved for approval of waiving the overpayment. Clyde Smith seconded and the Board approved without objection.

3. Disability pension request appeal(s) - Applicant from Metro Nashville Public Schools.

Shannon Hall reported to the Board that at the December 2009 meeting, the Board denied the applicant's request for an in line of duty disability pension and the applicant has requested to appeal that decision. Ms. Hall stated that at the April 2010 meeting, the Board deferred this item and requested additional clarification regarding reconsideration of items in accordance with the Board's bylaws. Ms. Hall also stated that attached is an excerpt of minutes showing the Board's action from the December 2009 meeting, excerpt of the bylaws regarding reconsideration as well as a memo from the Legal Department. Ms. Hall further stated that review of 11 past appeals from 2004 to current show that the Board practice has varied (4 were subject to action and 7 were not).

There was some discussion of the memo from the Legal Department, referring the bylaws to the appropriate committee for review and possible revisions, and when an item is an appeal versus a reconsideration and their definitions. There was also discussion on the criteria to meet in order for a reconsideration to be reviewed/presented. There was also some discussion of any new/additional information that could affect the outcome of a case.

Richard Riebeling moved to proceed to the next item on the agenda. Rita Roberts-Turner seconded.

Clyde Smith called for a point of clarification.

Nicke Eke, Legal Department, informed the Board that no motion would be necessary to proceed to the next item.

4. Medical and Life Committee.

- a. Medical and Life Committee: (Chair: Clyde D. Smith; Vice-Chair: Rita Roberts-Turner; Members: Ann V. Butterworth, B.R. Hall, Sr., James H. Johnson and Richard M. Riebeling. Alternate members: Edna J. Jones and G. Thomas Curtis)

Shannon Hall reported to the Board that the Medical and Life Committee met on Wednesday, April 21, 2010 to deliberate on a Blue Cross Blue Shield plan appeal, a Cigna Choice Fund plan appeal, and two flexible spending account (FSA) appeals. Ms. Hall stated the minutes from this meeting are being presented today for approval and there are two recommendations from the Committee for consideration by the Board.

Committee Chair Clyde Smith asked if there were any amendments, corrections or questions of the minutes from the Medical and Committee meeting held on April 21, 2010. With no corrections, nothing further was noted, Rita Roberts-Turner moved for approval of the Medical and Life Committee minutes. B.R. Hall seconded and the Board approved without objection.

Shannon Hall stated that on recommendation one, the plan appeal regarding the predetermination denial of interspinous distraction XSTOP device, the Committee recommends the Board approve coverage for this procedure for this case only based on the facts of this case. On recommendation 2, the plan appeal regarding the denial of pathfinder TG testing, the Committee recommends the Board approve coverage for this testing for this case only based on the facts of this case.

4. Medical and Life Committee. (continued)

- a. Medical and Life Committee: (Chair: Clyde D. Smith; Vice-Chair: Rita Roberts-Turner; Members: Ann V. Butterworth, B.R. Hall, Sr., James H. Johnson and Richard M. Riebeling. Alternate members: Edna J. Jones and G. Thomas Curtis)

B.R. Hall moved for approval of the recommendations on the plan appeal regarding the predetermination denial of interspinous distraction XSTOP device, to approve coverage for this procedure for this case only based on the facts of this case; and the plan appeal regarding the denial of pathfinder TG testing, to approve coverage for this testing for this case only based on the facts of this case. Charles Clariday 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. Blue Cross Blue Shield hard drive theft update. (nothing to report at this time)
e. Correspondence from pensioner.

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

On item 5.-e., there was some discussion of reviewing the tiered structure for pensioners and health care reform.

6. Reports for your information:

- a. Return to work.
b. Social Security approvals.
c. Refund of pension contributions. (none to report at this time)
d. Repayment of pension contributions.
e. Reports from Treasury. (not available)
f. Non-compliant disability pensioners. (none to report at this time)
g. Pending litigations. (reported quarterly)
h. Disability status reports.
i. Denial log from Alternative Service Concepts.

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

7. Late item(s):

There were no late items reported at the meeting.

With nothing further presented, the meeting adjourned at 10:48 a.m.

ATTEST:

APPROVED:

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

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

