

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

December 7, 2010

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday, December 7, 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; Vice Chair: Christine Bradley; Members: Ann V. Butterworth, Charles D. Clariday, Sr., G. Thomas Curtis, B.R. Hall, Sr., James H. Johnson, Rita Roberts-Turner and Clyde D. Smith.

Member Richard M. Riebeling was unable to be present.

Others present: Justin Stack, Metro Human Resources, Nicki Eke, Attorney, Metro Legal Department and Dr. Celia Goodson, 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 November 2, 2010. With no corrections, nothing further was noted and Ann Butterworth moved for approval. Rita Roberts-Turner seconded and the Board approved without objection.

B. APPEAL ANNOUNCEMENT:

Justin Stack 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 she recommends approval of the disability pension new requests, items 1 through 10, for the length of time as recommended. Ann Butterworth moved for approval of the recommendation to approve the disability pension new requests, items 1 through 10 for the length of time as recommended. Clyde Smith seconded and the Board approved without objection.

On items 11 and 12, Dr. Celia Goodson reported to the Board that she recommends approval of the disability pension new requests and a return to work with restrictions. Ann Butterworth moved for approval of the recommendation to approve the disability pension new requests, items 11 and 12 and the individuals be returned to work. Charles Clariday seconded.

After some discussion of the restrictions, accommodation of those restrictions and vocational case management a vote was taken on the motion to approve the disability pension new requests, items 11 and 12 and the individuals be returned to work was approved without objection.

On item 13, Dr. Celia Goodson reported to the Board that she recommends denial of the disability pension new request.

After some discussion of the medical information presented and having the individual work with case management, Clyde Smith moved for deferral of item 13. Rita Roberts-Turner seconded.

After some discussion on the length of the deferral, the distinction between the initial recommendation and the motion on the floor, a vote was taken on the motion to defer item 13 and was approved with Ann Butterworth opposed.

On item 14, Dr. Celia Goodson reported to the Board that she recommends denial of the disability pension new request based on a lack of medical information to support the request. Richard Riebeling moved for approval of the recommendation to deny the disability pension new request, item 14. Ann Butterworth seconded and the Board approved without objection.

Chair Edna Jones reported to the Board that a deferral has been requested on item 15. Christine Bradley moved for approval of deferring item 15. Clyde Smith seconded.

After some discussion on how many times this issue has been deferred and if any new information will be presented, a vote was taken on the motion to defer item 15 and was approved with Ann Butterworth opposed and James Johnson abstaining.

Dr. Celia Goodson reported to the Board that on item 16, she did not supply a recommendation based on this item being deferred to the In Line of Duty Committee to determine disability status, however, she would recommend approval of a disability pension. Clyde Smith moved for approval of a medical disability pension on item 16, with the question of in line of duty or medical deferred to the In Line of Duty Committee. B.R. Hall seconded and the Board approved with Rita Roberts-Turner abstaining.

Dr. Celia Goodson reported to the Board that she recommends approval for continuing the disability pension reexaminations, items 17 through 34 for the length of time as recommended. Clyde Smith moved for approval of the recommendation to continue the disability pension reexaminations, items 17 through 34 for the length of time as recommended. Ann Butterworth seconded and the Board approved without objection.

On items 35 through 37, Dr. Celia Goodson reported to the Board that she recommends deferral for one month pending additional medical information. Christine Bradley moved for approval of the recommendation on items 35 through 37 to defer for one month. James Johnson seconded and the Board approved without objection.

Dr. Celia Goodson reported to the Board that on item 38, she recommends approval of the return to work request without restrictions.

The individual was present and addressed the Board.

Ann Butterworth moved for approval of the recommendation on item 38 to return the individual to work. Clyde Smith seconded.

David Birdwell, Fire Department, indicated that currently the individual is not licensed in the State of Tennessee and can not return in the same capacity.

There was discussion of the licensure issues, the timeframe and requirements for obtaining that license, assigning case management and the individual having to return to work in the same capacity versus another position.

Nicki Eke, Legal Department, stated that the Code stipulates the requirements for return to work.

There was discussion of the individual being returned to work in another capacity while working towards their certification.

Paula Krebs, Eckman Freeman, was present and addressed the individual's request to return to work and the assistance they have received from vocational case management to date.

There was discussion of the return to work process, the Civil Service rules and the hiring process as it relates to disability pensioners returning to work.

A vote was taken on the motion on item 38 to return the individual to work and was approved without objection.

Dr. Celia Goodson reported to the Board that on item 39, she recommends approval of the return to work request without restrictions.

Sue Bibb, Police Department, was present and addressed the Board on returning the individual to work.

Charles Clariday moved for approval of the recommendation on item 39 to return the individual to work. B.R. Hall seconded and the Board approved without objection.

Dr. Celia Goodson reported to the Board that item 40 is a request for return to work. She stated that medical issues make him unable to return to work in his previous capacity and recommends approval of the return to work request with vocational case management to assist with placement.

The individual's spouse was present and addressed the Board.

David Birdwell, Fire Department, addressed the Board on positions for the individual.

Clyde Smith moved to defer the return to work request for one month pending a vocational case management assessment. James Johnson seconded.

There was discussion of the basis (i.e. Code requirements and medical assessment) for the individual not being able to return to work in their previous capacity.

A vote was taken on the motion on item 40, to defer the return to work request for one month pending a vocational case management assessment and was approved without objection.

On item 41, Tim Townsend and Theresa Pulmer, State Trial Courts, reported to the Board that the department is able to return the individual to work.

Dr. Celia Goodson stated that she recommends approval of the return to work on item 41. Clyde Smith moved for approval of the recommendation on item 41 to return the individual to work. James Johnson seconded and the Board approved without objection.

Dr. Celia Goodson reported to the Board that item 42 was requested by the department.

On item 42, Tammy Carpenter, Metropolitan Nashville Public Schools, was present and requested that the individual be removed from the return to work list because they no longer meet the minimum qualifications for a position within the department. She also stated they are requesting she remain on pension until she completes the vocational training and obtains a GED (general education diploma).

Paula Krebs, Eckman Freeman, reviewed the individual's progress to date.

Clyde Smith moved for approval of removing item 42, from the return to work list with review in six months. Rita Roberts-Turner seconded and the Board approved without objection.

NEW REQUESTS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
1.	Deborah A. Berryhill	Police	In line of duty	As moved, seconded and approved, this disability pension request was approved for four months, (April 2011), with re-exam at that time.
2.	Valerie R. Chapman	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension request was approved for four months, (April 2011), with re-exam at that time.
3.	Robyn L. Denney	Water	Medical	As moved, seconded and approved, this disability pension request was approved for six months, (June 2011), with re-exam at that time.
4.	Gary W. Dorman, Jr.	Fire	In line of duty	As moved, seconded and approved, this disability pension request was approved for one year, (December 2011), 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
5.	William E. Dotson	General Services	In line of duty	As moved, seconded and approved, this disability pension request was approved for one year, (December 2011), with re-exam at that time.
6.	Deborah G. Heavener	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension request was approved for nine months, (September 2011), with re-exam at that time.
7.	Marcella A. James	Water	Medical	As moved, seconded and approved, this disability pension request was approved for one year, (December 2011), with re-exam at that time.
8.	Lynette L. Oaks	General Hospital	Medical	As moved, seconded and approved, this disability pension request was approved for four months, (April 2011), with re-exam at that time.
9.	Jozetta Shaw	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension request was approved for six months, (June 2011), with re-exam at that time.
10.	Andrea D. Whitelow	Metropolitan Nashville Public Schools	In line of duty	As moved, seconded and approved, this disability pension request was approved for six months, (June 2011), with re-exam at that time.
11.	Chityka R. Rodgers	Metropolitan Nashville Public Schools	In line of duty	As moved, seconded and approved, this disability pension request was approved and the individual returned to work.
12.	Patrice A. Rogers	Bordeaux	In line of duty	As moved, seconded and approved, this disability pension request was approved and the individual returned to work.
13.	Beverly C. Hall	Parks	Medical	As moved, seconded and approved, this disability pension request was deferred.
14.	Barbara K. Johnson	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension request was denied.
15.	William K. Stone	Police	In line of duty	As moved, seconded and approved, this disability pension request was deferred.
16.	Rebecca L. Pigg	Fire		As moved, seconded and approved, this disability pension request was approved as a <i>medical</i> disability pension.

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

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
17.	Suzan E. Blacksmith	Health	In line of duty	As moved, seconded and approved, this disability pension was continued for one year, (December 2011), with re-exam at that time.
18.	Kevin T. Bloomfield	Fire	In line of duty	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
19.	Elaine F. Browning	Police	Medical	As moved, seconded and approved, this disability pension was continued for one year, (December 2011), with re-exam at that time.
20.	Brenda S. Burgess	Fire	In line of duty	As moved, seconded and approved, this disability pension was continued for one year, (December 2011), with re-exam at that time.
21.	Kenneth M. Carnduff	Water	Medical	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
22.	Jose M. Diaz, Jr.	Police	In line of duty	As moved, seconded and approved, this disability pension was continued for one year, (December 2011), with re-exam at that time.
23.	Debra M. Goad	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension was continued for one year, (December 2011), with re-exam at that time.
24.	James Gray	Metropolitan Nashville Public Schools	In line of duty	As moved, seconded and approved, this disability pension was continued for three months, (March 2011), with re-exam at that time.
25.	Jacqueline D. Jones	General Hospital	Medical	As moved, seconded and approved, this disability pension was continued for six months, (June 2011), with re-exam at that time.
26.	Larry G. McCord	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension was continued for six months, (June 2011), with re-exam at that time.
27.	Gerald M. Napier	Information Technology	Medical	As moved, seconded and approved, this disability pension was continued for six months, (June 2011), with re-exam at that time.

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

REEXAMINATIONS: (continued)

28.	Claudia L. Powell	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension was continued for one year, (December 2011), with re-exam at that time.
29.	Debra L. Russell	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension was continued for six months, (June 2011), with re-exam at that time.
30.	Vivian J. Scott	Metropolitan Nashville Public Schools	In line of duty	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam.
31.	Abdullah T. Sindy	Metropolitan Nashville Public Schools	In line of duty	As moved, seconded and approved, this disability pension was continued for one year, (December 2011), with re-exam at that time.
32.	Julie A. Sloan	Fire	In line of duty	As moved, seconded and approved, this disability pension was continued for one year, (December 2011), with re-exam at that time.
33.	Jackie P. Vaughn, Sr.	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension was continued for six months, (June 2011), with re-exam at that time.
34.	Victoria Windoloski	Sheriff	In line of duty	As moved, seconded and approved, this disability pension was continued for one year, (December 2011), with re-exam at that time.
35.	Henry J. Brackman	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension re-exam was deferred for one month, (January 2011), with re-exam at that time.
36.	Jamal Sharif	Metropolitan Nashville Public Schools	In line of duty	As moved, seconded and approved, this disability pension re-exam was deferred for one month, (January 2011), with re-exam at that time.
37.	Carol L. Wheeler	Police	Medical	As moved, seconded and approved, this disability pension re-exam was deferred for one month, (January 2011), with re-exam at that time.

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

RETURN TO WORK:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
38.	Michael E. Doss	Fire	In line of duty	As moved, seconded and approved, this return to work request was approved.
39.	Lukas P. Merithew	Police	In line of duty	As moved, seconded and approved, this return to work request was approved.
40.	Thaddeus Pinkston	Fire	In line of duty	As moved, seconded and approved, this return to work request was deferred.

OTHER:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
41.	Deborah McCord	State Trial Courts	Medical	As moved, seconded and approved, this individual was returned to work.
42.	Tiwana Lumpkin	Metropolitan Nashville Public Schools	In line of duty	As moved, seconded and approved, this individual was removed from the return to work list.

Dr. Celia Goodson reported to the Board that she concurs with the case management recommendations on the social security referrals. James Johnson moved for approval of the recommendations on the social security referrals. B.R. Hall seconded and the Board approved without objection.

SOCIAL SECURITY REVIEWS AND REFERRALS

Item	Name	Department	Review Originated From	Case Mgmt Rec Referral	CSME Rec for Referral	Comments
1	Michael Bunch	Fire	Pension Approval	No	No	
2	Kenny Bush	Criminal Court	Pension Approval	No	No	Review 5/11
3	Kimberly Goff	Library	Pension Approval	No	No	Review 3/11
4	Joseph Haywood	Police	Pension Approval	No	No	
5	Thomas Kiesling	MNPS	Pension Approval	No	No	Review 4/11
6	Walter Knox, Jr.	Water	Pension Approval	No	No	Review 5/11
7	Bonita Osborne	MNPS	Pension Approval	Yes	Yes	
8	Kenneth Rabideau	Sheriff	Pension Approval	Yes	Yes	
9	Jess Randle	Public Works	Pension Approval	Yes	Yes	Has attorney
10	Geraldine Reed	MNPS	Pension Approval	Yes	Yes	
11	Samuel Triplett	Water	Pension Approval	Yes	Yes	

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

Christine Bradley moved for approval of the pensions. Rita Roberts-Turner seconded and the Board approved without objection.

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

Service

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Brenda Mullins*	General Hospital	Medical Technician	B	10/20/2010	01/01/2011
Marion F. Smith	MNPS	Bus Monitor	B	10/27/2010	11/01/2010
Jeanne Meriweather	MNPS	Sp Ed Life Skills Ed Asst	B	10/27/2010	01/01/2011
Bobby Nesbitt	Water	Treatment Plant Tech 2	B	10/27/2010	12/11/2010
Barbara Stewart	Police	Police Officer 2	B	10/27/2010	11/19/2010
Coleen Williams*	MNPS	School Asst	B	10/27/2010	08/01/2010
Brenda J. Mustoe*	MNPS	Senior Clerk	B	10/27/2010	08/01/2010
Stanley Jablonski	District Atty Office	Criminal Investigator	B	10/27/2010	11/01/2010
Joan R. Evans	MNPS	General School Asst	B	10/27/2010	09/10/2010
Patti Deer	Water	Technical Engineer	B	10/27/2010	11/01/2010
Bart N. Perkey	Health	Bureau Director	B	11/01/2010	01/01/2011
Johnnie E. Webb, Jr	Fire	Fire District Chief	B	11/02/2010	12/01/2010
Raymond E. Matthews	MNPS	Landscape/Nursery Tech	B	11/03/2010	12/01/2010
Betty D. Davis	MNPS	School Bus Monitor	B	11/03/2010	01/01/2011
James E. Downes*	Convention Center	CC Set Up Leader	B	11/03/2010	01/01/2011
George J. Kimble	Water	Water Quality Analyst 3	B	11/03/2010	01/18/2011
William R. Ives*	Finance	Finance Manager	B	11/03/2010	12/01/2010
Ruth D. Lester	Circuit Court	Circuit Court Clerk	B	11/03/2010	10/29/2010
Thomas H. Jaynes	Tax Assessor	Administrative Specialist	B	11/09/2010	12/01/2010
Susan Stiddum	Police-CV	Administrative Assistant	B	11/10/2010	08/27/2010
Judy Polston	MNPS	Bus Driver	B	07/27/2010	11/06/2010
Martha E. Hayes	General Hospital	Patient Account Rep	B	11/11/2010	01/01/2011
Fred T. Wheeler, Jr.	Water	Treatment Plant Tech 2	B	11/11/2010	01/01/2011
Jerry L. Coleman	Police	Police Officer 2	B	11/11/2010	01/24/2011
Willie M. Tulloss	MNPS	Lead Mechanic	B	11/11/2010	01/01/2011
Carol Ann Wilson	MNPS	General Assistant	B	11/11/2010	01/04/2011
Mary L. Ewing	General Hospital	Register Nurse-CC	B	11/11/2010	01/01/2011
Edna Atler	MNPS	Bus Driver	B	11/11/2010	01/01/2011
William T. Jeffers	Police	Police Officer 2	B	11/11/2010	01/02/2011
Denise A. Barrow	BLTC	Nurse Asst-Certified 2	B	11/16/2010	02/01/2011
Zamrud O. Barmani*	MNPS	Parent Outreach Translat	B	10/27/2010	12/01/2010
Robert W. Cornwell	Police	Sergeant	B	11/17/2010	01/01/2011
Robert W. Thurman, Jr	Fire	EMT-2	B	11/17/2010	01/01/2011
Sandra L. Bissinger	MNPS	Bus Driver	B	11/17/2010	12/03/2010
Veronica L. Porter	MNPS	Bus Driver	B	11/17/2010	01/08/2011
Georgia M. Gooch	MNPS	Educational Assistant	B	11/17/2010	12/18/2010
Dollie S. Collins	MNPS	Secretary Bookkeeper	B	11/17/2010	12/17/2010
Sharon K. Simpson*	MNPS	Bus Driver	B	11/17/2010	01/01/2010
Robert J. DeBerry, Jr.	Police	Police Officer 2	A	11/17/2010	01/05/2011
Bobby L. Russell, Jr	MNPS	Bus Driver	B	11/17/2010	12/17/2010
Lester H. Lyle	MAC	Custodian	B	11/15/2010	11/16/2010
Anthony R. Bush	General Hospital	Nurse Assistant 1	B	11/23/2010	01/14/2011
Ola A. Cook	BLTC	Nurse Assistant 1	B	11/23/2010	12/15/2010
Thomas G. Baker	Water	Main & Repair Worker 2	B	11/23/2010	01/01/2011
Norma J. Hawk*	Juvenile Court Clerk	Court Clerk	B	11/23/2010	01/01/2011
Patricia E. Geasley	Social Services	Nutrition Site Coordinator	B	11/23/2010	12/31/2010
Gwendolyn Hill	MNPS	Bus Driver	B	11/23/2010	12/17/2010

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

Service (continued)

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
James V. Mueller	MAC	Headstart Bus Driver	B	11/23/2010	01/01/2011
Raymond L. Barrett	Election Commission	Administ of Election	B	11/30/2010	01/01/2011

*deferred benefit

Disability to service

Employee	Department	Plan A/B	Effective Date of Conversion
Sherry Raymond	Bordeaux	B	09/01/2010

Options Elected

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Akers, Terri C.	Water Services	Service	B	10/21/2010	Normal	
Blanton, Michael E.	Police	P&F Service	B	11/1/2010	Normal	1
Brock, Roy M	Public Works	Early Service	B	10/23/2010	Option F	
Bryant, Pauline K	MNPS	Service	B	5/28/2010	Option F	3
Buggs, Josephine R	MNPS	Service	B	11/1/2010	Option D	
Campbell, Vincent L.	Police	P&F Service	B	10/16/2010	Option F	2
Dawson, Woodrow S	Water Services	Service	B	10/16/2010	Option F	
Evans, Joan R	MNPS	Service	B	9/11/2010	Option D	
Gray, Theresa A	Metro Action	Service	B	10/30/2010	Option D	3
Hamilton, Ramona R	MNPS	Early Service	B	7/1/2010	Option D	3
Havis, Joe Edward	Sheriff	P&F Service	B	9/1/2010	Normal	
Hinsley, Larry Lee	Fire	P&F Service	B	9/1/2010	Option A	
Hite, Foster D.	Police	P&F Service	A	10/16/2010	Option E	1
Holland, James R.	Bordeaux	Service	B	10/1/2010	Option A	
Jordan, John W.	Police	P&F Service	B	10/30/2010	Option E	3
Miller, Gregory	MNPS	Early Service	B	7/1/2010	Normal	
Miller, Jennifer J.	General Hospital	Early Service	B	10/1/2010	Option C	
Miller, Leonard M.	Police	P&F Service	B	10/19/2010	Option F	
Mizrany, David C.	Police	P&F Service	B	10/1/2010	Option F	
Morgan, Sheila Gayle	MNPS	Early Service	B	9/30/2010	Normal	
Perry, Donna F.	General Hospital	Early Service	B	10/1/2010	Normal	
Pierce, Vernon C	Fire	P&F Service	B	10/16/2010	Option A	3
Polk, Dorise Ann C.	Police	P&F Service	B	10/16/2010	Normal	2
Putnam, Pamela D.	General Hospital	Early Service	B	9/18/2010	Normal	
Ray, Gayle E.	Sheriff	Service	B	11/1/2010	Normal	
Rolfe, Joseph C.	Criminal Court	Service	B	10/14/2010	Option E	
Rushing, Mary E	MNPS	Service	B	10/30/2010	Option E	1
Sharp, Virginia C	Human Resources	Service	B	10/15/2010	Option E	
Shaw, Brenda H	MNPS	Early Service	B	9/1/2010	Option B	
Staggs, Patricia A	Social Services	Early Service	B	10/13/1010	Option A	
Weller, Paula J	MNPS	Early Service	B	10/15/2010	Option B	
Whitely, William M	Juvenile Court Clek	Service	B	10/2/2010	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

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

Survivor

Employee Name	Department	Survivor Name	Plan Membership	Effective Date
Kenneth Hackett	Finance	Donna Hackett	B	10/17/2010
Thomas Mayberry	Fire	Linda Mayberry	A	10/31/2010
John Ervin	Police	Joan Ervin	Old Closed	11/06/2010
James A. Freeman	Social Services	Sylvia Freeman	A	11/25/2010
Robert Crutcher	Sheriff	Yvonne Crutcher	B	11/29/2010
John Keenan	Sheriff	Phyllis Keenan	B	11/24/2010

BENEFIT BOARD ITEMS

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

1. Election of Metropolitan Employee Benefit Board Chair and Vice-Chair for 2011.

Justin Stack reviewed the procedures to conduct the election of Chair and Vice-Chair for 2011 and opened the floor to nominations.

Clyde Smith nominated Edna Jones for Metropolitan Employee Benefit Board Chair for 2011. Rita Roberts-Turner seconded the nomination.

Edna Jones nominated Christine Bradley for Metropolitan Employee Benefit Board Vice-Chair for 2011. Ann Butterworth seconded the nomination.

Clyde Smith moved all nominations cease. B.R. Hall seconded all nominations cease.

A vote was taken on the nomination for Chair and Edna Jones was elected Chair for the Metropolitan Employee Benefit Board for 2011 and Christine Bradley will serve as Vice-Chair.

2. Pension overpayment appeal – Disability pensioner.

Justin Stack reported to the Board that during a recent review the staff discovered that this individual's disability pension was not adjusted timely upon receipt of Social Security disability benefits, which resulted in an overpayment. He stated that in accordance with the Code the disability pension has been adjusted and they are seeking a waiver of the overpayment due to be assessed on the pension. Mr. Stack reviewed the relevant Code section related to waiving overpayments.

The spouse of the disability pensioner was present.

There was clarification on what the individual is requesting (i.e. waiving the overpayment and not an adjustment, which the Board has no authority to grant)

Clyde Smith moved to waive the overpayment. James Johnson seconded.

The spouse of the disability pensioner addressed the Board regarding the overpayment and not reducing the pension payment.

There was discussion of the determination of pension amounts being set forth in the Code of law and it being the discretion of this Board to apply the law as written.

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

3. Determination of pension plan status – Employee from Police Department.

Christi Mayo reported to the Board that this item was deferred from the November meeting pending additional review/information. Ms. Mayo stated that upon further review, there is no documentation reflecting this change and reviewed the information (minutes and daily stats) in regards to this issue. She stated that all records show that the individual is in Division A and did not make an election to transfer to Division B.

There was discussion of individuals remaining/defaulting in Division A if they did not make an election and no other complaints of elections not being made properly from Police Department employees.

Christine Bradley moved to deny the appeal and that the individual remain in Division A. Ann Butterworth seconded.

The individual and Robert Weaver, Fraternal Order of Police, (FOP) representative was present and addressed the Board.

There was discussion of individuals that did not make elections, files with no elections, and notices sent indicating pension plan status.

There was discussion of employees being defaulted if they did not make an election, and whether or not that was approved by the Board and any others that have been allowed to change pension plan status.

Nicki Eke, informed the Board that under the Code an employee was not required to make any election and if they did not they remained in Division A. Ms. Eke also stated that an affirmative election had to be made to transfer.

There was also some discussion of the materials submitted in support of the individual's appeal.

Christine Bradley called for the question closing off any further debate.

A vote was taken on the motion to deny the appeal and was approved with Charles Clariday, B.R. Hall, James Johnson and Clyde Smith opposed.

4. Cost of living adjustments for Division A and B pension plans.

Justin Stack reported to the Board that the cost of living adjustments are offered in accordance with the Metro Code. He stated that as a result of the 1.144% increase in the consumer price index, all retirees eligible to receive a cost of living increase beginning January 1, 2011 are eligible for an increase of 1.00% under Division A and no cost of living increase under Division B.

Kevin Sullivan was present to address the Board's questions.

Richard Riebeling moved to accept the report from the actuary indicating a 1.00% cost of living increase for retirees in Division A and no cost of living increase for Division B effective January 1, 2011. James Johnson seconded and the Board approved without objection.

5. In Line of Duty Committee report: (Chair: Clyde D. Smith; Vice-Chair: Christine Bradley; Members: Charles Clariday and Richard Riebeling. Alternate members: B.R. Hall, Sr. and Rita Roberts-Turner)

Justin Stack reported to the Board that the In Line of Duty Committee met on Tuesday, October 19, 2010 to deliberate on several items. Mr. Stack stated that at the November meeting a request was received for a deferral on item 6, the in line of duty medical care request from the Election Commission and this item is being re-presented today. Mr. Stack reviewed the recommendation from the Committee to deny this claim as in line of duty compensable.

Ann Butterworth moved for approval of the recommendation to deny the claim as in line of duty compensable. Christine Bradley seconded.

The individual was present and addressed the Board.

A vote was taken on the motion to deny the claim as in line of duty compensable was approved without objection.

6. Pension Committee report: (Chair: Edna Jones; Members: Ann V. Butterworth, B.R. Hall, Sr., and Rita Roberts-Turner. Alternates: G. Thomas Curtis and Clyde D. Smith)

Justin Stack reported to the Board that the Pension Committee met on Tuesday, November 16, 2010 to deliberate on Project 98 and the review of the Board approved Vocational Rehabilitation policy. He stated that the minutes from this meeting are attached for approval. Mr. Stack reviewed the recommendations from the Committee; on item 1, the Committee recommends that the Board make the necessary changes/adjustments and notify the individuals of the requirements to seek a waiver of any overpayment. On item 2, the Committee recommends that the Board delete the last sentence of paragraph 18 of the vocational rehabilitation policy and substitute "does not successfully complete" with "willfully fails to successfully complete".

Christine Bradley moved for approval of the recommendations from the Pension Committee on item 1, to make the necessary changes/adjustments and notify the individuals of the requirements to seek a waiver of any overpayment; and on item 2, delete the last sentence of paragraph 18 of the vocational rehabilitation policy regarding garnishments of pension payments and substitute "does not successfully complete" with "willfully fails to successfully complete". James Johnson seconded.

There was some discussion on the deletion of the last sentence of paragraph 18 of the vocational rehabilitation policy regarding garnishments of pension payments and making the standard higher by changing "does not successfully complete" with "willfully fails to successfully complete". There was discussion of the input that would be received by case management regarding being in compliant with the policy.

Clyde Smith called for the question closing off any further debate.

There was discussion on voting on both recommendations together or separately and the maker of the motion was in agreement to take the recommendations separately.

A vote was taken on Committee recommendation 1, to make the necessary changes/adjustments and notify the individuals of the requirements to seek a waiver of any overpayment and was approved without objection.

A vote was taken on Committee recommendation item 2, to delete the last sentence of paragraph 18 of the vocational rehabilitation policy regarding garnishments of pension payments and substitute "does not successfully complete" with "willfully fails to successfully complete" and was approved with Christine Bradley opposed.

Committee Chair Edna J. Jones asked if there were any amendments, corrections or questions of the minutes from the Pension Committee meeting held on November 16, 2010. With no corrections, nothing further was noted the Committee minutes were approved without objection.

7. Correspondence:

- a. Utilization report from Blue Cross Blue Shield.
- b. Utilization report from CIGNA.
- c. Utilization report from Alternative Service Concepts. (reported quarterly)
- d. Annual Report to Council.

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

Justin Stack made note of item 7.-d.

B.R. Hall stated that he would like to have an issue regarding a letter from Alternative Service Concepts placed on the In Line of Duty Committee agenda. B.R. Hall moved to have this item placed on the In Line of Duty Committee agenda. James Johnson seconded and the Board approved without objection.

8. 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. (reported quarterly)
 - f. Non-compliant disability pensioners. (none to report)
 - g. Pending litigations. (reported quarterly)
 - h. Denial log from Alternative Service Concepts.
 - i. COBRA RFP.

Items 8.-a. through 8.-i. were for information only and no action was required.

Justin Stack made note of item 8.-i.

9. Late item(s):

There were no late items reported at the meeting.

With nothing further presented, the meeting adjourned at 11:17 a.m.

ATTEST:

APPROVED:

Mrs. Rita Roberts-Turner, Director
Human Resources

Ms. Edna J. Jones, Chair
Employee Benefit Board