

MINUTES
METROPOLITAN EMPLOYEE BENEFIT BOARD
PENSION COMMITTEE

April 29, 2025

The Metropolitan Employee Benefit Board's Pension Committee met on Tuesday, April 29, 2025 in the Sonny West Conference Room, Howard Office Building, 700 President Ronald Reagan Way, Nashville, TN at approximately 9:31 a.m.

Committee Members present: Chair: Jonathan Puckett; Vice-Chair: *G. Thomas Curtis; Members: B.R. Hall, Sr. and Shannon B. Hall. Alternate(s): Harold W. Finch, II and Christy Pruitt-Haynes.

Board Members present: Edna J. Jones

Others present: Christina Hickey, Metro Human Resources and Nicki Eke, Metro Legal Department.

Christina Hickey opened the floor to nominations for Committee Chair and Vice-Chair.

*Denotes the arrival of G. Thomas Curtis.

B.R. Hall nominated Jonathan Puckett for Committee Chair. Shannon Hall seconded. A vote was taken on the nomination for Committee Chair and was approved without objection.

B.R. Hall nominated G. Thomas Curtis for Committee Vice-Chair. Jonathan Puckett seconded. A vote was taken on the nomination for Committee Vice-Chair and was approved without objection.

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

Items pending before the Committee are as follows:

1. Public Comment Period

A maximum of five (5) persons who write their names on the sign-up sheet provided at the meeting will be allowed to comment on matters that are germane to items on the Agenda. Comments are limited to a maximum of two (2) minutes per person. To provide comment, you must sign up prior to the beginning of the meeting.

There were no public comments.

2. Determination of pension plan status.

Christina Hickey reported to the Committee that employee Troy M. Hendrickson recently contacted our office inquiring as to which pension plan he is a participant of and according to staff records, Mr. Hendrickson is in the Division A pension plan. She stated he was hired on 5/15/1990 and Mr. Hendrickson contends that he was unaware of the election to transfer to the Division B pension plan during the participation window in 1995. Human Resources did not receive a written application to change from Division A to Division B for this employee and if an employee did not provide a written application requesting to change, they would remain in Division A.

Ms. Hickey stated the November 1995 Pension Committee minutes show the Board Office conducted 272 meetings regarding the new pension plan and stated the Board Office would notify department heads as to the employees who had not yet made an election. A report generated on December 15, 1995 lists Mr. Hendrickson as an employee who had not made an election and further, a printout of pension elections as of January 3, 1996 shows Mr. Hendrickson in Division A.

Ms. Hickey stated that Metro Human Resources has sent Mr. Hendrickson at least 28 communications that state he is in Division A. Every PERC (Pension Earnings Repository Calculation), Personal Benefit Statement, and Benefits Confirmation Statement and estimates received by Mr. Hendrickson indicates he is enrolled in Division A. Additionally, the ME Newsletters addressed the pension changes, scheduled pension meetings and included a copy of the written application. Also included in your packet is a 2017 presentation from BPS&M to the Board that provided historical data on the selection between Division A and B, including the number of general government and fire/police members who either elected to remain in Division A or stayed by default, along with the current remaining participants and comparison of liabilities.

The Metro Code is very specific about transfers into Division B of the plan. In order to transfer into Division B, an employee would have had to positively elect a transfer in writing before January 1, 1996 per Metro Code Section 3.12.031.

Ms. Hickey stated that a 2000 Benefit Board Performance and Operational audit performed by KPMG Investment Consulting Group found that the Board does not have the authority to allow transfers outside of the 1995 transfer window. At this time, Mr. Hendrickson is requesting the Benefit Board to allow him to transfer into the Division B pension plan.

The employee was present and addressed the Committee regarding his employment status during the time to transfer and how he was never notified or had the opportunity to change plans.

Dylan Lynch, Human Resources staff, was present for any questions.

There was discussion of what the Metro Code states and the Board not having any legal authority to allow someone to change pension plans.

Dylan Lynch addressed the Committee regarding this situation. He stated that this scenario in particular is very clear that there was not a signed form and he has to stay in Division A.

Nicki Eke, Legal Department, stated that the employee had to make an affirmative election to move from A to B.

There was some discussion regarding the communications sent to the individual that shows he is in Division A.

There was some discussion of the communications timeline.

Nicki Eke noted that any statements regarding what transpired by Human Resources should come from Human Resources staff and not from a member of the Board that is a part of the decision making body.

Ginger Hall, Human Resources, discussed how the transfer from Division A to B was handled.

There was discussion of any individuals that have been switched from A to B since 1996.

Nicki Eke stated that the Committee has to determine whether or not there is proof that this individual made an application to move from A to B before January 1, 1996 and the employee can show by a preponderance of the evidence that they did submit the form before the deadline.

There was further discussion regarding having the legal ability to allow the change.

Nicki Eke reviewed what the Code states and stated that the Board makes its decisions based on the law and the facts.

There was some discussion of future cases and due process with the Board.

There was also some discussion of how many employees are currently active in Division A and the cost to let those remaining to switch from A to B.

Kevin Sullivan, USI, was present and stated that individually it is not a significant cost, however, the reason why it had to be a positive election is that courts have determined that once you are in a public pension plan you have a right to that plan as long as you work and Metro cannot unilaterally move anyone to B.

Shannon Hall moved to deny the request to transfer to Division B in accordance with the provisions of the Metro Code. Tom Curtis seconded.

After some discussion regarding pending appeals of this type, the facts and circumstances of each case, whether or not the employee wants to withdraw the appeal, and due process after the Board's decision, a vote was taken and the motion failed with a tie vote, Shannon Hall and Tom Curtis in favor and B.R. Hall and Jonathan Puckett opposed.

With nothing further presented, the meeting adjourned at 10:43 a.m.

ATTEST:

APPROVED:

Shannon B. Hall, Director
Human Resources

Jonathan Puckett, Chair
Pension Committee