

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

May 4, 2021

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday, May 4, 2021 in the Sonny West Conference Room, Howard Office Building, 700 2nd Avenue North, Nashville, Tennessee, at approximately 9:30 a.m.

Benefit Board members: Chair: Edna J. Jones; Vice Chair: Christine Bradley; Members: Stephanie Bailey, Kevin Crumbo, G. Thomas Curtis, Harold W. Finch, II, B.R. Hall, Sr., Shannon B. Hall, Jeremy Moseley, and Stacey Rucker.

Others present: Christina Hickey, Metro Human Resources, Nicki Eke, Attorney, Metro Legal Department, (via Webex), and Dr. Gill Wright, 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, 2021 and the April 1, 2021 and April 22, 2021 Special Called meetings. With no corrections, nothing further was noted and Stephanie Bailey moved for approval. Harold Finch seconded and the Board approved with Harold Finch abstaining.

B. APPEAL ANNOUNCEMENT:

Christina Hickey 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. Gill Wright, Civil Service Medical Examiner, (CSME), and Claire Cobb, CSME Assistant, reviewed the disability pensions with the Board.

Dr. Gill Wright reported to the Board that he recommends approval of the disability pension new requests, items 1 and 2, for the length of time as recommended. Stacey Rucker moved for approval of the recommendation to approve the disability pension new requests, items 1 and 2 for the length of time as recommended. Jeremy Moseley seconded.

After some discussion regarding a non-work related injury on item 2, a vote was taken on the motion to approve the disability pension new requests, items 1 and 2 for the length of time as recommended and the Board approved without objection.

Dr. Gill Wright reported to the Board that he recommends approval for continuing the disability pension reexaminations, items 3 through 9 for the length of time as recommended with case management services where noted.

After some discussion regarding the additional services for items 4 and 7, Christine Bradley moved for approval of the recommendation to continue the disability pension reexaminations, items 3 through 9 for the length of time as recommended with case management services where noted. Stacey Rucker seconded.

After some discussion of potential non-compliance a vote was taken on the motion to continue the disability pension reexaminations, items 3 through 9 for the length of time as recommended with case management services where noted and the Board approved without objection.

At this time the Board took a break to make adjustments to those participating via WebEx.

Dr. Gill Wright reported to the Board that on item 10 additional information has been received and he recommends no re-exam. Harold Finch moved for approval of the recommendation of no re-exam on item 10. Christine Bradley seconded, and the Board approved without objection.

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

Dr. Gill Wright reported to the Board that on items 11 through 14, he requests a deferral for the length of time as recommended. Tom Curtis moved for approval of the request to defer items 11 through 14 for the length of time as recommended. Harold Finch seconded and the Board approved without objection.

Dr. Gill Wright reported to the Board that on item 15 he recommends approval of return to work.

The employee and his attorney were present.

Stacey Rucker moved for approval of the recommendation of return to work on item 15. Stephanie Bailey seconded, and the Board approved without objection.

Jamie Summers, Fire Department, stated they are prepared to return the individual to work.

Dr. Gill Wright reported to the Board that on item 16 additional information has been received and he recommends no re-exam.

After some discussion of the injury, Stacey Rucker moved for approval of the recommendation of no re-exam on item 16. Tom Curtis seconded, and the Board approved without objection.

Dr. Gill Wright reported to the Board that on items 17 and 18 he recommends a deferral for one month. Jeremy Moseley moved for approval of the request to defer items 17 and 18 for one month. Stacey Rucker seconded.

After some discussion of the deferral history on item 18, a vote was taken on the motion to defer items 17 and 18 for one month and the Board approved without objection.

NEW REQUESTS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
1.	Tisa M. Beard	Metropolitan Nashville Public Schools	Medical	As moved, seconded, and approved, this disability pension request was approved for one year, (May 2022), with re-exam at that time.
2.	Robert J. Smith	Metro Action Commission	Medical	As moved, seconded, and approved, this disability pension request was approved for six months, (November 2021), with re-exam at that time.

REEXAMINATIONS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
3.	Carlos C. Angulo, Jr.	Police	In Line of Duty	As moved, seconded, and approved, this disability pension was continued for two years, (May 2023), with re-exam at that time.
4.	Elizabeth M. Berry-Loucks	Police	In Line of Duty	As moved, seconded, and approved, this disability pension was continued with a functional capacity evaluation for six months, (November 2021), with re-exam at that time.

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

REEXAMINATIONS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
5.	Minda B. Brackman	General Hospital	Medical	As moved, seconded, and approved, this disability pension was continued without stipulation of scheduled re-exam.
6.	Clifton W. Chapman	Water	In Line of Duty	As moved, seconded, and approved, this disability pension was continued without stipulation of scheduled re-exam.
7.	Raeffel A. Grant, Sr.	Water	Medical	As moved, seconded, and approved, this disability pension was continued with case management for nine months, (February 2022), with re-exam at that time.
8.	Jeanette Leavell	Metropolitan Nashville Public Schools	Medical	As moved, seconded, and approved, this disability pension was continued for four months, (September 2021), with re-exam at that time.
9.	Sandra L. Schultz	Metropolitan Nashville Public Schools	Medical	As moved, seconded, and approved, this disability pension was continued without stipulation of scheduled re-exam at that time.

REEXAMINATIONS - DEFER:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
10.	Stephen C. Johnson	Fire	Medical	As moved, seconded, and approved, this disability pension was continued without stipulation of scheduled re-exam.
11.	Jonathan S. Lowe	Metropolitan Nashville Public Schools	In Line of Duty	As moved, seconded, and approved, this disability pension re-exam was deferred for two months, (July 2021).
12.	Steven A. McClure	Fire	In Line of Duty	As moved, seconded, and approved, this disability pension re-exam was deferred for two months, (July 2021).
13.	Tabitha K. Peach	Metropolitan Nashville Public Schools	Medical	As moved, seconded, and approved, this disability pension re-exam was deferred for two months, (July 2021).
14.	Jason W. Pierpoint	Police	Medical	As moved, seconded, and approved, this disability pension re-exam was deferred for three months, (August 2021).

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	Board Action Taken
15.	Brian J. Moat	Fire	In Line of Duty	As moved, seconded, and approved, this individual was returned to work.

OTHER:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
16.	Aaron R. Hunt	Fire	In Line of Duty	As moved, seconded, and approved, this disability pension was continued without stipulation of scheduled re-exam.
17.	Ruth A. Harris	Metropolitan Nashville Public Schools	Medical	As moved, seconded, and approved, this disability pension re-exam was deferred for one month, (June 2021).
18.	Brian S. McAfee	Fire	Medical	As moved, seconded, and approved, this disability pension re-exam was deferred for one month, (June 2021).

SOCIAL SECURITY REFERRALS:

Dr. Gill Wright reported to the Board that CSME's office concurs with the case management recommendations on the Social Security referrals.

Jeremy Moseley moved for approval of the referrals. Tom Curtis seconded, and the Board approved without objection.

				CM	CSME	
Item	Name	Department	Origin of Review	Referral Recommendation	Comments	
1	White, Euraleta L.	Police	Pension Approval	Yes	Yes	Meets SSA Guidelines, Listing 11.09A

D. PENSIONS: (service, disability to service, options elected, qualified domestic relations orders, (QDRO's), and survivor)

Christine Bradley moved for approval of the pensions. Harold Finch seconded and the Board approved without objection.

Service

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Todd Frye	Police	Police Sergeant	B	03/31/2021	05/01/2021
Mark Sydenstricker	Police	Police Officer 2	B	03/31/2021	04/08/2021
Leonard Peck Jr	Police	Police Officer 2	B	04/09/2021	08/11/2021
Robert Bogle	Fire	Fire Engineer	B	04/01/2021	07/01/2021
Donetta McKissack	MNPS	Para Pro Ex Ed	B	05/26/2021	03/26/2021
Dennis Downey	Fire	Fire Captain	B	03/29/2021	05/06/2021
Michael Crum	Fire	Fire Captain	B	03/22/2021	04/17/2021
Carmella Daniel	Police	Police Operations Asst	B	03/30/2021	04/01/2021

D. PENSIONS: (service, disability to service, options elected, qualified domestic relations orders, (QDRO's), and survivor)

Service (continued)

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
John Sanford	Fire	Fire Engineer	B	03/30/2021	04/03/2021
John Smith IV	Sheriff	Sheriff Warrant Officer 1	B	04/14/2021	05/01/2021
Deborah Yeater	County Clerk	Admin Svcs Officer 3	B	04/08/2021	06/01/2021
Kristine Bailey	Fire	Fire Captain	B	03/31/2021	04/24/2021
Kenneth Inman	Water Services	Indust Tech Master	B	03/09/2021	03/20/2021
Mavis Brewer	Water Services	Advmin Svcs Officer 4	B	03/26/2021	04/03/2021
Ted Carnahan	Water Services	Indust Tech Mechanic 2	B	03/29/2021	05/01/2021
Barry DeVault	Parks	Golf Course Asst Mgr	B	03/25/2021	05/09/2021
Kenneth Gann	Water Services	Engineer Technician	B	03/24/2021	05/06/2021
Renesa Davis	Public Works	Call Center Specialist Sr	B	03/30/2021	04/01/2021
Laura Robinson	State Trial Courts	Judicial Asst 2	B	04/08/2021	05/01/2021
Thelma Tate	General Hospital	Medical Secretary	B	04/19/2021	04/23/2021
Bonnie Reimels	Library	Circulation Asst	B	03/12/2021	05/12/2021
Cathy West	Finance	Finance Manager	B	04/07/2021	05/29/2021
John McLallen	Water Services	Admin Svcs Officer 3	B	04/13/2021	04/17/2021
Marc Overlock	General Hospital	General Counsel	B	03/31/2021	06/01/2021
Brenda Alcorn	MNPS	Mgr-Food Service III	B	03/28/2021	05/15/2021
Jerry Morton	MNPS	Supervisor-Safety Transportation	B	04/12/2021	05/29/2021
Mamie Moore	State Trial Courts	Group Care Worker	B	04/01/2021	04/15/2021
Arthur Jaramillo	Register of Deeds	Satellite position	B	04/12/2021	05/29/2021
Glenda Pingley	MNPS	Manager-Records	B	03/30/2021	05/01/2021
Patricia Talley	MNPS	Secretary-Clerk	B	03/29/2021	05/28/2021
Jackie Jones	MNPS	Para-Pro Ex Ed	B	04/19/2021	05/27/2021
Linda Lowery	MNPS	Cashier- Food Svc	B	04/22/2021	05/01/2021
Rhonda Becknell	Health	Public Health Nurse 1	B	04/16/2021	06/01/2021
Deborah Scott	MNPS	School Bus Driver	B	04/20/2021	05/27/2021
Anita Johnson *	MNPS	IT Trucker Driver	B	03/26/2021	05/01/2021
Richard Reed *	Library	Bldg Maintenance Superintendent	B	04/13/2021	05/01/2021
Alphie Duncan *	Juvenile Court	Probation Officer 1	B	03/26/2021	04/01/2021
Jeffrey Webber *	Water Services	Indust Mechanic 2	B	04/08/2021	04/01/2021

* Deferred Benefit

Disability to service – None to report

Options Elected

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	Drop Election
Scott McCormick	Public Works	Service With Option	B	03/13/2021	Option B	
James Duke	Police	Service Without Option	B	03/16/2021	Normal	
Donald Perry	Emergency Communication Center	Service With Option	B	03/20/2021	Option A	
Kalpana Deshpande	Fire	Service Without Option	B	04/01/2021	Normal	
William McKay	Police	Service Without Option	B	02/27/2021	Normal	
Todd Leach	Police	Service With Option	B	03/02/2021	Option A	
Samuel Heggie Jr.	Water Services	Service With Option	B	02/27/2021	Option F	3
J Huggins	Police	Service With Option	B	03/02/2021	Option F	
Carey Steel	Police	Service With Option	B	04/01/2021	Option F	3
Fred Page	Fire	Service With Option	B	01/05/2021	Option A	
Steven Henderson	Fire	Service Without Option	B	02/28/2021	Normal	3
James Woodard	Fire	Service Without Option	B	02/14/2021	Normal	1
Kenneth Hollis	Fire	Service Without Option	B	03/02/2021	Normal	1
Carmella Daniel	Police	Service With Option	B	03/19/2021	Option B	
Ila Bunch	Sheriff	Service With Option	B	02/27/2021	Option D	
Leslie Hamlet	Circuit Court Clerk	Service Without Option	B	03/06/2021	Normal	
Patricia Sloss	Sheriff	Service With Option	B	03/17/2021	Option D	3
Nancy Whittemore	General Services	Service Without Option	B	03/06/2021	Normal	
Tony Walker	Water Services	Service With Option	B	03/23/2021	Option F	1
Howard Carter	Water Services	Service Without Option	B	02/27/2021	Normal	3
Kenneth Inman	Water Services	Service With Option	B	03/20/2021	Option A	1

D. PENSIONS: (service, disability to service, options elected, qualified domestic relations orders, (QDRO's), and survivor)

Options Elected (continued)

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	Drop Election
Darrell Gant	Water Services	Service With Option	B	03/03/2021	Option A	3
Mark King	Water Services	Service With Option	B	02/13/2021	Option B	
Troy Hamilton	Water Services	Early Service Without Option	B	03/13/2021	Option C	
Lafayette Thomas Jr	State Trial Courts	Service With Option	B	03/13/2021	Option A	3
Sherron Chunn	MNPS	Early Service Without Option	A	02/23/2021	Normal	
David Hale	Fire	Service With Option	B	03/30/2021	Option E	
Elizabeth Sandberg	MNPS	Early Service With Option	B	01/22/2021	Option E	
Cynthia Cantrell	MNPS	Service With Option	B	02/12/2021	Normal	
Yvette Brunson	MNPS	Service With Option	B	01/08/2021	Option D	
William Calvo	MNPS	Early Service With Option	B	02/16/2021	Option A	
Francene Childers	MNPS	Service Without Option	B	03/04/2021	Normal	
Beverly Williams	MNPS	Service Without Option	B	03/12/2021	Normal	
Pamela Davenport	MNPS	Service With Option	B	01/22/2021	Option D	3
Kathy Kendall	MNPS	Early Service Without Option	B	03/12/2021	Normal	
Craig Ott	Finance	Service With Option	B	03/20/2021	Option F	
Betsy Moon	Juvenile Court	Service Without Option	B	01/01/2021	Normal	
Lucius High	General Hospital	Service With Option	B	03/01/2021	Option B	
Mattie King-Barr	Metro Action Commission	Service With Option	B	02/01/2021	Option A	
David Medley	Police	Service With Option	B	03/01/2021	Option A	

Key Codes	
Options	Drop Elections
Normal Form - life annuity, no payments guaranteed	1 - 1 year drop
Option A - Joint and 100% to Survivor	2 - 2 year drop
Option B - Joint and 50% to Survivor	3 - 3 year drop
Option C - Level Social Security option	
Option D - Life Income, 120 payments guaranteed	
Option E - Joint and 100% to Survivor with popup	
Option F - Joint and 50% to Survivor with popup	

QDRO

Employee	Alternate Payee	Plan A/B	Effective Date
Calvin Campbell	Tiny Campbell	B	04/01/2021

Survivor

Employee	Department	Survivor Name	Plan A/B	Effective Date
Clarence Gillespie	Health	Beverly Gillespie	A	03/21/2021
Steve Crowe	Fire	Phyllis Crowe	A	03/31/2021
Glenda Anderson	MNPS	Brodie Anderson	B	03/16/2021
Michael Hooper	Fire	Denise Cothron	B	03/27/2021
William Jones	Police	Lois Jones	B	04/08/2021
Billy Petty	MNPS	Peggy Petty	B	03/09/2021
John Narramore	Fire	Marianne Denault	B	04/22/2021
Terry Nunley	MNPS	Ramona Nunley	B	03/16/2021
Carl Knight	Police	Gloria Knight	C	03/27/2021

BENEFIT BOARD ITEMS

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

1. In Line of Duty Committee.

Christina Hickey reported to the Board that she is in receipt of an email from the appellants attorney requesting a deferral on this item to the next meeting.

After some discussion that this matter has been deferred twice, Jeremy Moseley moved to defer this item to the June meeting. Stacey Rucker seconded, and the Board approved without objection.

It was noted that they need to make plans to attend next months Board meeting as this has been deferred twice.

2. Pension overpayment appeals.

Christina Hickey reported to the Board that during a recent review of files, a calculation process error was discovered affecting eleven files which resulted in these pensioners receiving more in pension payments than they should have. She stated the Metro Code specifies the Division B survivor pension of a terminated vested member be based on Option A, whereas the survivor of an active employee is based on the higher of Option A or 25% of the last 12 months of earnings. There were 10 survivors from December 2018 to current who were affected and received the higher of the two benefits instead of the Option A benefit. A secondary issue on two files (one of which was already in this survivor review) connected service which was ineligible to be connected because the members had not been back to work for a period of 12 months. She stated that a list of the pensioners who have requested their overpayment be waived and the amount of their respective overpayments has been provided.

Metro Code Section 3.08.230 clearly states that "the board, upon discovery of such error shall correct the error..." and further states "In the event a member or beneficiary receives more pension benefit than he was entitled to receive, the board shall collect, by way of reducing pension payments." However, this same Code Section also states: C. Repayment of any amount overpaid to any member or beneficiary may be waived by the board where such overpayment was made through error committed by the board's staff and the board determines that the member or beneficiary: 1. Was without fault or knowledge of the error; 2. Did not participate in or induce the additional payment; 3. Had no way under the circumstances to know or, by the exercise of reasonable diligence, to know that an overpayment had been made; and 4. Would, due to repayment, be deprived of income required for ordinary and necessary living expenses.

Ms. Hickey stated the staff has confirmed that based on the facts surrounding this case, the pension overpayments made were done so through no fault of the pensioners and further, these cases meet the qualifications outlined in Metro Code Section 3.08.230 to waive overpayment should the Board choose to do so. Therefore, the staff recommends that the Board review and approve the new pension amount and related request for waiver of pension overpayments listed as attached.

Dylan Lynch, Pension Services, was present for any questions and reviewed the systems, processes, and the audit process.

Jeremy Moseley moved for approval of the waiver of the overpayments and redetermining the pension amount. Stephanie Bailey seconded.

After some discussion regarding if this has happened in the past and the time frame to correct any errors, a vote was taken on the motion for approval of the waiver of the overpayments and redetermining the pension amount and the Board approved without objection.

3. Consideration of Study & Formulating Committee's recommendation to offer Metro pensioners a Group Medicare Advantage plan as their only option. Pensioners and their dependents must be Medicare eligible.

Christina Hickey reported to the Board that as discussed at the Benefit Board Special Called meetings on April 1st and April 22nd 2021, the Study & Formulating Committee's Final Report recommended to make the Medicare Advantage plan be the only choice for health insurance offered by Metro to pensioners with Medicare and

3. Consideration of Study & Formulating Committee's recommendation to offer Metro pensioners a Group Medicare Advantage plan as their only option. Pensioners and their dependents must be Medicare eligible.

whose covered dependents also have Medicare. She stated the Board must decide if they wish to approve this recommendation, with the recommended effective date of January 1, 2023 to align with the start date of the next medical contract.

B.R. Hall moved to defer this item until after the request for proposal process has been completed. Stacey Rucker seconded.

The Board discussed the timeline and it was noted that this item can not be deferred as this change has to be included as part of the request for proposal process and will also require Council legislation.

After clarification from Nicki Eke, Legal Department that this is a valid motion a vote was taken on the motion to defer this item and failed with Edna Jones, B.R. Hall, and Stacey Rucker in favor and Christine Bradley, Shannon Hall, Harold Finch, Tom Curtis, Stephanie Bailey, Jeremy Moseley and Kevin Crumbo opposed.

Tom Curtis moved to approve the Study & Formulating Committee's recommendation to offer Metro pensioners a Group Medicare Advantage plan as their only option with pensioners and their dependents being Medicare eligible with the effective date of January 1, 2023. Christine Bradley seconded.

After some discussion of measures in place to assess the plan, taking choice away from pensioners, the OPEB liability and reporting back to the Board the paying off of that liability, Stephanie Bailey called for the question.

A vote was taken on the motion to approve the Study & Formulating Committee's recommendation to offer Metro pensioners a Group Medicare Advantage plan as their only option with pensioners and their dependents being Medicare eligible with the effective date of January 1, 2023 and a reporting back to the Board of paying off that liability and was approved with Christine Bradley, Shannon Hall, Harold Finch, Tom Curtis, Stephanie Bailey, and Kevin Crumbo in favor and Edna Jones, B.R. Hall, Jeremy Moseley and Stacey Rucker opposed.

4. Correspondence:

- a. Cigna correspondence.

Item 4.-a. was for information only and no action was required.

5. Reports for your information:

- a. Return to work.
- b. Repayment of pension contributions.
- c. Denial log from ASC.
- d. Benefit Board budget reports.

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

6. Late item(s):

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

With nothing further presented, the meeting adjourned at 10:49 a.m.

ATTEST:

APPROVED:

Shannon B. Hall, Director
Human Resources

Edna J. Jones, Chair
Employee Benefit Board