

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

September 4, 2012

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday, September 4, 2012 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: Charles D. Clariday, Sr., G. Thomas Curtis, B.R. Hall, Sr., Richard M. Riebeling, Rita Roberts-Turner and Clyde D. Smith.

Members Ann V. Butterworth and W. Todd Henry were unable to be present.

Others present: Shannon B. Hall, 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 August 7, 2012. With no corrections, nothing further was noted and Charles Clariday 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 she recommends approval of the disability pension new requests, items 1 through 3, for the length of time as recommended. Rita Roberts-Turner moved for approval of the recommendation to approve the disability pension new requests, items 1 through 3 for the length of time as recommended. Charles Clariday seconded.

After some discussion of the nature of the injury on item 1, a vote was taken on the motion to approve items 1 through 3 for the length of time as recommended and the Board approved without objection.

On item 4, Dr. Celia Goodson reported to the Board that she has changed her original recommendation from denial to approval of the disability pension with return to work, restrictions and assign vocational case management.

There was discussion of the basis for the change from the original recommendation being that the individual is not disabled from any other position within Metro. There was discussion regarding their employment status (trainee vs. police officer) for the purposes of being eligible for injury on duty, and who would be responsible for paying the pension after 60 days if the individual is not returned to work. After discussion of the physician's statements and the physician re-evaluating the condition/injury in six weeks, Clyde Smith moved to approve the disability pension new request item 4, with re-exam in two months, and assign vocational case management. Charles Clariday seconded and the Board approved with Edna Jones opposed and Richard Riebeling abstaining.

Dr. Celia Goodson reported to the Board that she recommends approval for continuing the disability pension reexaminations, items 5 through 19 for the length of time as recommended. Clyde Smith moved for approval of the recommendation to continue the disability pension reexaminations, items 5 through 19 for the length of time as recommended. Thomas Curtis seconded and the Board approved without objection.

Dr. Celia Goodson reported to the Board that she is requesting a deferral for one month on items 20 through 24. Thomas Curtis moved for approval of the recommendation to defer items 20 through 24. Clyde Smith seconded and the Board approved without objection.

Dr. Celia Goodson reported to the Board that on item 25, she recommends the individual be placed on the return to work list. Thomas Curtis moved for approval of the recommendation on item 25 to place the individual on the return to work list. Clyde Smith seconded and the Board approved without objection.

On the late item, Dr. Celia Goodson reported to the Board that she recommends approval of the disability pension new request late item for the length of time as recommended.

*Denotes Thomas Curtis leaving the meeting.

There was some discussion of the injury, restrictions and vocational case management being assigned. There was also discussion of the injury on duty status.

**Denotes the arrival of Christine Bradley.

***Denotes Thomas Curtis returning to the meeting.

There was also discussion of how much training was completed prior to the injury.

Clyde Smith moved for approval of the disability pension new request late item for the length of time as recommended with vocational case management. Charles Clariday seconded.

It was noted that the location where the injury occurred should probably be inspected.

A vote was taken on the motion to approve the late item and was approved with Christine Bradley, Thomas Curtis and Richard Riebeling abstaining.

NEW REQUESTS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
1.	Nartasha L. Bacon	Metropolitan Nashville Public Schools	In Line of Duty	As moved, seconded and approved, this disability pension request was approved for six months, (March 2013), with re-exam at that time.
2.	Edward R. Horn	Public Works	Medical	As moved, seconded and approved, this disability pension request was approved for six months, (March 2013), with re-exam
3.	Deberth A. Martin	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension request was approved for one year, (September 2013), with re-exam
4.	Brian J. Bretoi	Police	In Line of Duty	As moved, seconded and approved, this disability pension request was approved for two months, (November 2012), with re-exam at that time.

REEXAMINATIONS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
5.	JoAnne Alford	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension was continued for six months, (March 2013), with re-exam at that time.

REEXAMINATIONS: (continued)

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
6.	Michael G. Bunch	Fire	In Line of Duty	As moved, seconded and approved, this disability pension was continued for one year, (September 2013), with re-exam at that time.
7.	Terry D. Gibson	Health	In Line of Duty	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam at that time.
8.	Marshall E. Hammond	Health	In Line of Duty	As moved, seconded and approved, this disability pension was continued for four months, (January 2013), with re-exam at that time.
9.	Kenneth M. Hayes	Police	In Line of Duty	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam at that time.
10.	Jesse W. Henry	Health	Medical	As moved, seconded and approved, this disability pension was continued for one year, (September 2013), with re-exam at that time.
11.	Carol J. Itoh	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension was continued for one year, (September 2013), with re-exam at that time.
12.	James W. Johnson	General Hospital	In Line of Duty	As moved, seconded and approved, this disability pension was continued for four months, (January 2013), with re-exam at that time.
13.	Thomas H. Kiesling	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension was continued for three months, (December 2012), with re-exam at that time.
14.	Princess A. Martindale	Water	Medical	As moved, seconded and approved, this disability pension was continued for one year, (September 2013), with re-exam at that time.
15.	Gerald M. Napier	Information Technology	Medical	As moved, seconded and approved, this disability pension was continued for one year, (September 2013), with re-exam at that time.
16.	Donald D. Richer	Police	In Line of Duty	As moved, seconded and approved, this disability pension was continued for one year, (September 2013), with re-exam at that time.

REEXAMINATIONS: (continued)

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
17.	Nancy G. Starnes	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension was continued for six months, (March 2013), with re-exam at that time.
18.	Carl W. Stocks	Police	In Line of Duty	As moved, seconded and approved, this disability pension was continued for six months, (March 2013), with re-exam at that time.
19.	Stephany R. Wilson	Police	Medical	As moved, seconded and approved, this disability pension was continued for six months, (March 2013), with re-exam at that time.
20.	Sylvia S. Cobbins	Metropolitan Nashville Public Schools	In Line of Duty	As moved, seconded and approved, this disability pension re-exam was deferred for one month, (October 2012), with re-exam at that time.
21.	Tina C. Frazier	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension re-exam was deferred for one month, (October 2012), with re-exam at that time.
22.	Thomas R. Jones, Jr.	Police	Medical	As moved, seconded and approved, this disability pension re-exam was deferred for one month, (October 2012), with re-exam at that time.
23.	Teresa R. Kemper	Juvenile Court	Medical	As moved, seconded and approved, this disability pension re-exam was deferred for one month, (October 2012), with re-exam at that time.
24.	Debra L. Matthews	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension re-exam was deferred for one month, (October 2012), with re-exam at that time.

RETURN TO WORK:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
25.	Diane M. Nesbitt	Emergency Communications Center	Medical	As moved, seconded and approved, this return to work was approved.

LATE ITEM(S):

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
26.	Robert L. Simmons	Police	In Line of Duty	As moved, seconded and approved, this disability pension request was approved for two months, (November 2012), with re-exam at that time.

SOCIAL SECURITY REFERRALS:

Dr. Celia Goodson reported to the Board that she concurs with the case management recommendations on the Social Security referrals.

Christine Bradley moved for approval of the Social Security referrals as submitted. Charles Clariday seconded and the Board approved without objection.

Item	Name	Department	Review Originated From	Case Management Recommendation for Referral	CSME Recommendation for Referral	Comments
1	Duncan, Eric	Sheriff	Pension Approval	Yes	Yes	Client meets SSDI duration
2	Holder, Karen	Water	Pension Approval	No	No	Younger Worker
3	Grissom, Patricia	MNPS	Pension Approval	Yes	Yes	Eval-SSDI vs RIB
4	Kenney, Ronald	Fire	Pension Approval	No	No	Younger Worker
5	Mercer, Johnny	Fire	Pension Approval	No	No	Younger Worker
6	Nixon, Matthew	Police	Pension Approval	Yes	Yes	Evaluation
7	Rueger, Jeffrey	Finance	Pension Approval	No	No	SSA Windfall Elimination Procedures apply
8	Steele, Kevin	Police	Pension Approval	No	No	Younger Worker

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

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

Service

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Linda L. Gilbert	MNPS	Special Ed. Assistant	B	08/01/2012	08/01/2012
Henry C. Loftis	Fire	Fire LT	B	08/01/2012	08/01/2012

Service (continued)

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Judy F. Hayes	Police	Admin Svc Officer 3	B	08/01/2012	10/01/2012
Anthony E. Tomlinson	Fire	Captain	B	08/01/2012	08/18/2012
Gary W. Stuteville	Fire	EMT	B	08/01/2012	08/14/2012
Richard F. Rucker	Fire	Fire Fighter 2	B	08/01/2012	09/01/2012
Lennell Rayford	Health	Laboratory Tech 1	B	08/01/2012	08/31/2012
Lena A. Lucas	Parks	Specialized Skills Inst.	B	08/01/2012	09/04/2012
Rodney R. Smith	MNPS	Lead Therapist	B	08/08/2012	09/01/2012
Mannie B. Fisher	MNPS	Manager II Food Service	B	08/08/2012	08/02/2012
Judith O. Spears	MNPS	Cafeteria Assistant	B	08/08/2012	08/07/2012
Frank W. Owsley III	Public Works	Signal Tech 3	B	08/08/2012	08/25/2012
Thomas L. Gilbert Jr.	Sheriff	Correctional Officer 2	B	08/08/2012	09/01/2012
Janice D. Wiles	Finance	Application Tech 2	B	08/08/2012	08/31/2012
Cynthia D. Humphrey	ITS	Info System Manager	B	08/08/2012	10/01/2012
Sandra B. Jones *	State Trial Ct.	Judicial Asst 1	B	08/08/2012	10/01/2012
Patti Davis	ECC	Emer. Telecom. Officer 4	A	08/08/2012	10/01/2012
Betty K. Adams	Juvenile Ct.	Judge- Juvenile Ct.	B	08/09/2012	09/18/2012
John A. Walker	Public Works	Human Resources Mgr	B	08/15/2012	09/15/2012
Ada H. Knight	General Hospital	Care Partner II	B	08/15/2012	10/01/2012
Judy A. Lewis	General Services	Parts Supervisor	B	08/15/2012	09/29/2012
Brenda L. Hornbuckle	Clerk & Master	Deputy Clerk & Master II	B	08/15/2012	09/01/2012
Johnny Hansel	Police	Police Officer 3	B	08/15/2012	09/01/2012
Charlotte D. Morris	MNPS	Cafeteria Asst-Roving	B	08/15/2012	08/02/2012
Janice A Nicholas	Assessor's Office	Appraiser 2	B	08/15/2012	09/07/2012
Clarence A. Demonbreun III	Health	Inspector 2	B	08/13/2012	07/27/2012
Marvin T. Brown Sr.	Fire	District Chief	A	08/15/2012	08/20/2012
Ronald A. Matthews Sr.*	Juvenile Court	Warrant Officer 1	B	08/22/2012	09/01/2012
Eugene Scruggs	Water	Admin Svc. Officer 3	B	08/22/2012	10/01/2012
Phillip C. Bass	Water	Service Rep 2	B	08/22/2012	09/15/2012
Anthony R. Carter	Police	Police Commander	B	08/22/2012	09/10/2012
Kathryn A. Durbin	Health	Public Health Nurse 2	B	08/22/2012	10/01/2012
Carl E. Weatherly Jr.	Fire	Captain	B	08/22/2012	09/20/2012
Barbara A. Williamson	Police	Admin. Asst.	B	08/22/2012	08/20/2012
Rita L. Carter	General Hospital	Executive Assistant	B	08/22/2012	09/28/2012
Julia W. Fish	MNPS	Educational Assistant	B	08/22/2012	09/01/2012

* Deferred Benefit

Disability to service

Employee	Department	Plan A/B	Effective Date of Conversion
Diane Gilmore	MNPS	B	07/01/2012
Charles Suttle	Police	A	08/01/2012
Tommy Ledbetter	Fire	A	08/01/2012
Dorothy Harris	MNPS	B	07/01/2012
Mary Gooch	MNPS	B	08/01/2012

Options Elected

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Adams, Joyce M	Public Library	Service	B	7/11/2012	Normal	
Batey Jr, Andrew J	Parks	Service	B	8/4/2012	Option A	3
Betty, Anna R	Parks	Service	B	8/4/2012	Normal	
Bickel, Larry D	Sheriff	P&F Service	B	8/2/2012	Option E	

Options Elected (continued)

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Blunkall, William L.	Fire	Early Service	B	7/3/2012	Option E	
Boshers, Ada L	MNPS	Service	B	8/2/2012	Option D	
Caldwell, Robert R	MNPS	Early Service	B	6/30/2012	Option A	
Davis, Annie B	MNPS	Service	B	8/2/2012	Option D	
Fowler, Rose Marie	Health	Service	B	7/21/2012	Option E	3
Franklin li, Henry G	Fire	P&F Service	B	7/17/2012	Option E	2
Gazi, Musa	MNPS	Service	B	8/1/2012	Option E	
Ghee, Johnny D	Fire	P&F Service	B	7/29/2012	Normal	
Graves, Edward N.	Bordeaux	Service	B	7/7/2012	Option F	
Green, Patricia	MNPS	Service	B	8/2/2012	Option D	
Greene, Lorraine W.	Police	Early Service	B	7/7/2012	Option F	
Hawkins, Karon M	MNPS	Early Service	B	8/2/2012	Option A	
Holmes, Kathleen W	General Hospital	Service	B	8/4/2012	Option F	1
Holt, Kenneth W	General Sessions	Service	B	6/30/2012	Option B	
Holt, Ronald D	Fire	P&F Service	B	7/21/2012	Option A	
Jackson, Thomas A	Police	P&F Service	B	8/1/2012	Option E	
Jacob, Ruth K.	Health	Service	B	7/28/2012	Normal	
Jones, Karen K	Sheriff	P&F Service	B	8/1/2012	Option A	
Keller, Robert E	Health	Service	A	9/1/2011	Normal	
Luster, Wanda Louise	MNPS	Service	B	8/1/2012	Normal	
McPherson, Barbra J	Bordeaux	Early Service	B	6/13/2012	Option D	
Meadows, Ronald D.	Public Library	Service	B	6/30/2012	Option A	3
Owens, Harold L.	Public Works	Service	B	7/7/2012	Normal	2
Pickett, Karen S	Health	Service	B	8/1/2012	Option F	
Pope Bivens, Sandra	Social Services	Service	B	7/17/2012	Option E	
Pruitt, David M	Water Services	Service	B	7/14/2012	Option B	
Pruitt, Joe B	Fire	P&F Service	B	7/16/2012	Normal	3
Radish, Ronald A	Law	Service	B	8/1/2012	Option A	
Russell, Michael O.	Fire	P&F Service	B	8/1/2012	Option A	3
Simington, Kenneth R	MNPS	Service	B	8/1/2012	Option A	
Slayden, Larry E.	Public Works	Service	B	7/31/2012	Option D	
Smith, James R	MNPS	Service	B	7/1/2012	Normal	
Spence, Devita K	MNPS	Early Service	B	8/2/2012	Normal	
Thompson, Nancy L	MNPS	Service	B	8/2/2012	Option F	3
Townes Jr, Howell M.	State Fair Board	Service	B	7/17/2012	Option A	
Whisenant, Mary K.	Fire	Early Service	B	7/14/2012	Option D	
Williams, Ricky R.	Police	P&F Service	B	8/1/2012	Option B	
Williams, William A.	Municipal Auditorium	Early Service	B	8/4/2012	Option E	
Young, Janet I	MNPS	Service	B	8/2/2012	Normal	

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	

Survivor

Employee Name	Department	Survivor Name	Plan Membership
Mack Starks	BOE	Fannie Starks	A
Joe Whitaker	MAC	Harrietta Whitaker	B
George Etheridge	Fire	Helen Etheridge	Closed
Larry Rivers	BOE	Evelyn Rivers	B

BENEFIT BOARD ITEMS

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

1. Medical and Life Committee: (Chair: Clyde D. Smith; Vice-Chair: Ann V. Butterworth; Members: Charles D. Clariday, B.R. Hall, Sr., Richard Riebeling and Rita Roberts-Turner. Alternates: Christine Bradley and W. Todd Henry)

Shannon Hall reported to the Board that the Medical and Life Committee met on Thursday, August 2, 2012 to deliberate on one Choice Fund plan appeal. She stated the minutes from the meeting are attached for approval and there are no Committee recommendations at this time.

Committee Chair Clyde Smith asked if there were any amendments, corrections or questions of the minutes from the August 2, 2012 Medical and Life Committee meeting. With no corrections, Rita Roberts-Turner moved for approval of the Committee minutes. Charles Clariday seconded and the Committee minutes were approved without objection.

2. In Line of Duty Committee: (Chair: Christine Bradley; Vice-Chair: W. Todd Henry; Members: Richard Riebeling and Clyde D. Smith. Alternates: B.R. Hall, Sr. and Rita Roberts-Turner)

Shannon Hall reported to the Board that the In Line of Duty Committee met on Thursday, August 17, 2012 to deliberate on two in line of duty disability pension requests and 6 in line of duty medical care requests. She stated that the minutes from the meeting are attached for approval. She also stated that the Committee has made recommendations on some of those items.

There was some discussion of the by-laws as to what an abstention vote means and how it impacts/affects voting (i.e. a passing motion).

Nicki Eke, Legal Department, stated that if someone is abstaining, you cannot count them as voting in favor of or on a particular item.

There was further discussion of what the by-laws state regarding abstentions. Nicki Eke stated that there is ambiguity regarding that provision and if you interpret it to count an abstention in determining the majority vote, it changes the nature of an abstention.

There was discussion of the final vote being made by the full Board on Committee recommendations regardless of the vote.

There was also discussion of the minutes possibly containing something that may or may not be accurate within the by-laws of the Board.

Committee Chair Christine Bradley stated that the minutes will be presented as they stand and she moved for approval of the minutes from the August 17, 2012 In Line of Duty Committee meeting and recommended that the Legal Department review that provision of the by-laws going forward. Thomas Curtis seconded and the Board approved the Committee minutes with B.R. Hall, Charles Clariday, and Clyde Smith opposed.

Shannon Hall reviewed the recommendations with the Board.

Shannon Hall stated that on item 1: Court order requiring decision on the IOD disability pension – Disability pensioner from the Fire Department, the Committee recommends that the Board deny the IOD

2. In Line of Duty Committee:

disability pension request. Richard Riebeling moved to deny item 1, Court order requiring decision on the IOD disability pension – Disability pensioner from the Fire Department. Rita Roberts-Turner seconded.

Clyde Smith stated that he will be abstaining/recusing himself from the vote to avoid a conflict of interest on a personal matter.

Dewey Branstetter, attorney, and the individual were present. Mr. Branstetter addressed the Board regarding the request/court order. He also presented an additional affidavit from the treating physician that specifically addresses a diagnosis and how long the individual was being treated for that condition. Mr. Branstetter indicated that it is their position that the entire record of in line of duty medical care and the in line of duty disability pension request were remanded back to the Board for a determination based on the medical information.

Chair Edna Jones stated that only the decision of the in line of duty disability pension was sent back to this Board for a decision and asked of the Legal Department exactly what is before the Board.

Lora Fox, Metro Legal Department, stated that the court has stated that the decision regarding the in line of duty disability pension request has to be resolved and it was not necessary to revisit the previous decision regarding in line of duty medical care, unless the rules allowed for it and the Board deemed it appropriate. She stated that the in line of duty disability pension request was remanded back.

Chair Edna Jones stated that normally when someone applies for an in line of duty disability pension and a medical disability is granted instead, it has been assumed that the in line of duty was being denied.

Mr. Branstetter further addressed the Board regarding the court order indicating that the items (in line of duty medical care and the in line of duty disability pension) are interrelated.

Rita Roberts-Turner stated that even with the specific diagnosis, if the Board accepts the stress claim, a medical disability pension for that condition has been granted. She stated that cumulative stress does not meet the legal standard for a psychological in line of duty claim.

Mr. Branstetter addressed the criteria for stress claims. He also discussed an incident that was outside of their normal scope of employment citing that as the cause.

Rita Roberts-Turner reviewed notes in the medical record addressing several cumulative stressors, personal and job related.

Mr. Branstetter reviewed the specific traumatic event with the Board.

There was discussion of different traumatic situations related to the job and some of the individual's history from the medical record.

The Board further addressed the medical record, cumulative stress, and the individual's diagnosis. There was discussion of the criteria for psychological claims and discussion of the medical record citing numerous contributing stressors/factors. There was also further discussion of varied traumatic situations related to the job and the specific incident not being out of the normal scope, but a combination of things.

Richard Riebeling reviewed his basis for the motion to deny the in line of duty disability pension: 1) does not meet the criteria for in line of duty psychological disorders; 2) exposures/risks noted in the job description; and 3) the medical record shows cumulative stressors.

Mr. Branstetter stated that based on the criteria, it is his position that this is a legitimate case.

2. In Line of Duty Committee: (continued)

B.R. Hall stated that it is his opinion that the criteria has been met, an incident has been named, and the medical evidence supports this as an in line of duty injury.

David Birdwell, Fire Department, addressed the Board regarding the request. He mentioned a prior incident where the individual filled out an incident form when they worked for another department and addressed a claim related to harassment. He also stated that when the claim related to harassment was heard by the Administrative Law Judge (ALJ), the ALJ questioned the motives of what the individual was trying to achieve.

It was also noted that the individual's attorney in this matter represented the other individual involved in the harassment claim.

After further discussion of the medical information, cumulative stressors over a period of time and no specific incident, Christine Bradley called for the question closing off any further debate.

A vote was taken on the motion to deny item 1, Court order requiring decision on the IOD disability pension – Disability pensioner from the Fire Department and was approved with Christine Bradley, Thomas Curtis, Edna Jones, Richard Riebeling and Rita Roberts-Turner affirmative, B.R. Hall, and Charles Clariday opposed, and Clyde Smith abstaining.

Shannon Hall stated that on item 2, the IOD disability pension request – Employee from the Police Department, the individual's attorney is requesting a deferral for one month.

Shannon Hall stated that on item 5, the IOD medical care request from the Fire Department, the Committee recommends that the Board deny this IOD medical care claim. She also stated that the individual is present.

The individual addressed the Board regarding the claim and their secondary employment, additional medical information in support of the claim and some statistics associated with their condition.

After some discussion of there being additional medical information, Clyde Smith moved to refer this item back to the In Line of Duty Committee. Christine Bradley seconded and the Board approved without objection.

Shannon Hall stated that on item 6, the IOD medical care request from the Fire Department, the individual has requested a deferral.

There was some discussion regarding a basis for the deferral and it was noted that there needs to be a basis for requesting deferrals going forward. Shannon Hall stated that the individuals usually make her aware of the circumstances for requesting a deferral.

Shannon Hall stated that on item 7, the IOD medical care request from the Fire Department, the Committee recommends that the Board cover the IOD medical care treatment in clinical trial.

The individual was present.

Richard Riebeling moved to approve the Committee recommendation on item 7, the IOD medical care request from the Fire Department, to cover the IOD medical care treatment in clinical trial. Christine Bradley seconded and the Board approved without objection.

Shannon Hall stated that on item 8, the IOD medical care request from the Fire Department, the Committee recommends that the Board cover this IOD medical care claim. Christine Bradley moved for approval of the Committee recommendation on item 8 the IOD medical care request from the Fire Department to cover this IOD medical care claim. Charles Clariday seconded.

2. In Line of Duty Committee: (continued)
After some discussion of there being no medical information related to any condition listed in the presumption and underlying contributing factors, a vote was taken on the recommendation and the Board approved with Richard Riebeling opposed and Thomas Curtis abstaining.
3. Correspondence:
 - a. Utilization report from Blue Cross Blue Shield.
 - b. Utilization report from CIGNA.
 - c. Utilization report from Alternative Service Concepts. (reported quarterly)
 - d. Prudential to discontinue long term care insurance.

Items 3.-a. through 3.-d. were for information only and no action was required.

Shannon Hall made note of item 3.-d.

4. Reports for your information:
 - a. Return to work. (none to report)
 - 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.

Items 4.-a. through 4.-h. were for information only and no action was required.

There was discussion of what the by-laws state regarding deferrals and possibly modifying notices to individuals with language from the by-laws. There was also discussion regarding what items that language applies to and amending the by-laws.

Nicki Eke, Legal Department, stated that the Board has to take an appropriate action on any request regardless of whether or not the individual shows up.

After discussion of following the by-laws, Christine Bradley moved to have the Legal Department review the by-laws provision regarding individuals being present for items. Edna Jones seconded and the Board approved without objection.

5. Late item(s):

Items listed under this section were reported at the meeting and have been incorporated into these minutes.

With nothing further presented, the meeting adjourned at 10:58 a.m.

ATTEST:

APPROVED:

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

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