

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

November 6, 2012

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday, November 6, 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: Ann V. Butterworth, Charles D. Clariday, Sr., *G. Thomas Curtis, B.R. Hall, Sr., W. Todd Henry, Richard M. Riebeling, **Rita Roberts-Turner and Clyde D. Smith.

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 October 2, 2012. With one correction, nothing further was noted and Ann Butterworth moved for approval. Charles Clariday 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new requests, items 1 through 9, for the length of time as recommended, with the exception of item seven, which was withdrawn. Ann Butterworth moved for approval of the recommendation to approve the disability pension new requests, items 1 through 9 for the length of time as recommended, with the exception of item seven. Todd Henry seconded and the Board approved without objection.

*Denotes the arrival of G. Thomas Curtis.

Dr. Celia Goodson reported to the Board that she recommends approval for continuing the disability pension reexaminations, items 10 through 19 for the length of time as recommended. Ann Butterworth moved for approval of the recommendation to continue the disability pension reexaminations, items 10 through 19 for the length of time as recommended. Clyde Smith seconded and the Board approved without objection.

Dr. Celia Goodson reported to the Board that she recommends return to work on the disability pension reexaminations, items 20 and 21. Clyde Smith moved for approval of the recommendation of return to work on the disability pension reexaminations, item 20 and 21. Ann Butterworth seconded and the Board approved without objection.

On item 22, Dr. Celia Goodson reported to the Board that she recommends approval of the return to work request. Ann Butterworth moved for approval of the recommendation of return to work on item 22. Thomas Curtis seconded and the Board approved without objection.

NEW REQUESTS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
1.	Suprenia D. Bond	General Hospital	Medical	As moved, seconded and approved, this disability pension request was approved for six months, (May 2013), with re-exam at that time.

NEW REQUESTS: (continued)

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
2.	Sherrie R. Davids	State Trial Courts	Medical	As moved, seconded and approved, this disability pension request was approved for three months, (February 2013), with re-exam at that time.
3.	Brenda F. Dowell	Metropolitan Nashville Public Schools	In Line of Duty	As moved, seconded and approved, this disability pension request was approved for four months, (March 2013), with re-exam at that time.
4.	Emanuela Dunklee	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled re-exam.
5.	Marcella D. Hudson	Fire	In Line of Duty	As moved, seconded and approved, this disability pension request was approved for one year, (November 2013), with re-exam at that time.
6.	Kimberly D. Jackson	Metro Action Commission	Medical	As moved, seconded and approved, this disability pension request was approved for four months, (March 2013), with re-exam at that time.
7.	Wanda J. Peoples	Juvenile court	Medical	This request was withdrawn.
8.	William A. Summerlin	Police	In Line of Duty	As moved, seconded and approved, this disability pension request was approved for four months, (March 2013), with re-exam at that time.
9.	Victoria White	Parks	In Line of Duty	As moved, seconded and approved, this disability pension request was approved for six months, (May 2013), with re-exam at that time.

REEXAMINATIONS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
10.	Johnnie M. Biddix	Bordeaux	In Line of Duty	As moved, seconded and approved, this disability pension was continued for one year, (November 2013), with re-exam at that time.
11.	Janice H. Dewaal	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension was continued for six months, (May 2013), with re-exam at that time.
12.	Bryan A. Doersam	Police	In Line of Duty	As moved, seconded and approved, this disability pension was continued for four months, (March 2013), with re-exam at that time.

REEXAMINATIONS: (continued)

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
13.	Joseph O. Haywood	Police	In Line of Duty	As moved, seconded and approved, this disability pension was continued for one year, (November 2013), with re-exam at that time.
14.	William A. McNeil, Jr.	Assessor of Property	Medical	As moved, seconded and approved, this disability pension was continued for six months, (May 2013), with re-exam at that time.
15.	Patrice A. Rogers	Bordeaux	In Line of Duty	As moved, seconded and approved, this disability pension was continued for six months, (May 2013), with re-exam at that time.
16.	Robert L. Simmons	Police	In Line of Duty	As moved, seconded and approved, this disability pension was continued for two months, (January 2013), with re-exam at that time.
17.	Roy L. Tanksley	Fire	Medical	As moved, seconded and approved, this disability pension was continued for nine months, (August 2013), with re-exam at that time.
18.	Ricky Weatherly	Public Works	In Line of Duty	As moved, seconded and approved, this disability pension was continued for two months, (January 2013), with re-exam at that time.
19.	Allan Welch	Fire	In Line of Duty	As moved, seconded and approved, this disability pension was continued for one year, (November 2013), with re-exam at that time.
20.	Brian J. Bretoi	Police	In Line of Duty	As moved, seconded and approved, this individual was placed on the return to work list.
21.	Marshall Hammond	Health	In Line of Duty	As moved, seconded and approved, this individual was placed on the return to work list.

RETURN TO WORK:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
22.	Thomas B. Hobson	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this return to work request was approved.

SOCIAL SECURITY REFERRALS:

Dr. Celia Goodson reported to the Board that she concurs with the case management recommendations on the Social Security referrals. Ann Butterworth moved for approval of the referrals. Thomas Curtis seconded and the Board approved without objection.

SOCIAL SECURITY REFERRALS:

Item	Name	Department	Review Originated From	Case Management Recommendation for Referral	CSME Recommendation for Referral	Comments
1	Berryhill, Deborah	Police	Pension Approval	No	No	Younger worker
2	Burns, James	MNPS	Pension Approval	Yes	Yes	Evaluation
3	Cobbins, Sylvia	MNPS	Pension Approval	No	No	SSDI filed-Atty
4	Cook, Neil	Police	Pension Approval	No	No	Younger worker
5	Frazier, Tina	MNPS	Pension Approval	Yes	Yes	Evaluation
6	Gardner, Patricia	MNPS	Pension Approval	Yes	Yes	Evaluation
7	Jackson, LV	Fire	Pension Approval	No	No	Younger worker
8	Jones, Thomas Jr.	Police	Pension Approval	No	No	Younger worker
9	Kemper, Teresa	Juvenile Court	Pension Approval	Yes	Yes	Evaluation
10	Lakota, Melinda	Parks	Pension Approval	No	No	Younger worker
11	Matthews, Debra	MNPS	Pension Approval	No	No	SSDI filed-Atty
12	Osteen, Billy	Parks	Pension Approval	No	No	Younger worker
13	Parker, Christopher	Sheriff	Pension Approval	No	No	Younger worker
14	Pigg-Taylor, Rebecca	Fire	Pension Approval	No	No	Younger worker
15	Stanfill, Deborah	MNPS	Pension Approval	No	No	Does not meet SSDI Guidelines
16	Vanderpool, David	Fire	Pension Approval	No	No	SSDI filed-Atty
17	Walton, J.C. Jr.	Sheriff	Pension Approval	Yes	Yes	ME supports SSDI Claim

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

Charles Clariday moved for approval of the pensions. Todd Henry seconded and the Board approved without objection.

Service

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Karen S. Krause	Police	Police Officer 2	B	09/26/2012	11/01/2012
Lynda Bowling *	Finance	Info. Systems Advisor 1	B	09/26/2012	11/01/2012

Service (continued)

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Ronald T. Tomlinson Sr.	Water	Engineering Tech 3	B	09/26/2012	12/01/2012
Dorothy I Bridges	Gen Hospital	Registered Nurse- CC	B	09/26/2012	11/01/2012
Sherrie Rogers	MNPS	Bus Driver	B	09/26/2012	10/17/2012
Roth A. Putney	Police	Police Officer 2	B	10/03/2012	11/16/2012
Willie L. Hannah	Gen. Hospital	Radiologic Tech	B	10/03/2012	12/01/2012
Linda S. Smith	Clerk & Master	Deputy Clerk	B	10/03/2012	11/27/2012
Ronnie D. Merritt	Water	Application Tech 1	B	10/03/2012	10/05/2012
Rubye C. Parrish	Sheriff	Office Support Rep 2	B	10/03/2012	12/01/2012
Pamela J. Taylor	Health	Program Specialist 3	B	10/03/2012	10/04/2012
Donald J. Caudle	Gen. Hospital	Physical Therapist	B	10/03/2012	11/01/2012
Rita F. Griffin	Juvenile Court	Group Care Aide	B	10/03/2012	10/05/2012
Henry B. Stewart Jr.	Police	Police Officer 2	A	10/10/2012	11/16/2012
Timothy S. Sneed	Police	Police Officer 2	B	10/10/2012	10/31/2012
Mary L. McCord	Police	Police Operations Asst 3	B	10/10/2012	12/16/2012
Kathleen R. Miller	Health	Public Health Nurse 2	B	10/10/2012	01/01/2013
Lorrie R. Summers	Health	Animal Care & Control Officer 2	B	10/10/2012	10/11/2012
Carolyn E. Prowell	Police	School Crossing Guard	B	10/10/2012	10/04/2012
Kevin J. Kennedy*	Fire	Paramedic 2	B	10/10/2012	11/01/2012
Robbie L. Raney	Health	Environ Engineer 3	B	10/17/2012	12/01/2012
Willette J. Reynolds	Parks	Recreation Cntr Mgr	B	10/17/2012	12/15/2012
William L. Davidson	Public Works	Engineering Tech 2	B	10/17/2012	10/13/2012
Stephen R. Shouse	Water	Admin Assistant	B	10/17/2012	12/01/2012
Rebecca L. Nolen	BLTC	Environ. Svc Tech	B	10/17/2012	10/24/2012
Joe G. Chapman *	MNPS	Custodian	B	10/17/2012	12/01/2012
Sandra Brumit	Water	Application Tech 1	B	10/24/2012	12/26/2012
William W. Hassell Jr.	Parks	Recreation Cntr Manager	B	10/24/2012	01/01/2013
Deborah L. Williams	Knowles	LPN	B	10/24/2012	12/14/2012
Timothy B. Sullivan	Police	Police Officer 2-Fld Trng	B	10/24/2012	11/16/2012
Sandra D. Graves	County Clerk Office	Deputy Clerk 4	B	10/24/2012	11/10/2012
Vicky Crawford *	MNPS	Payroll Supervisor	B	10/24/2012	12/01/2012
Diane Martindale	Water	Engineering Tech3	B	10/29/2012	10/24/2012
Joe W. Johnson Jr.*	Water	Customer Svc Rep 3	B	10/22/2012	12/01/2012

* *Deferred Benefit*

Disability to service

Employee	Department	Plan A/B	Effective Date of Conversion
George C. Whitehead	MNPS	B	10/01/2012
Ronald T. Chambers	Water	B	10/01/2012
Floyd Woodley	Police	A	10/01/2012
Katherine Hardin	Bordeaux	B	08/01/2012
Alvin London	Police-cv	B	10/01/2012

Options Elected

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Abbott, Virginia A.	Trustee	Service	B	9/29/2012	Option F	
Bass, Philip C	Water Services	Service	B	9/15/2012	Option A	2
Bruce Iii, David F.	Police	Service	B	10/1/2012	Option E	
Carter, Anthony R.	Police	P&F Service	B	9/9/2012	Option F	1
Carter, Rita L.	General Hospital	Service	B	9/29/2012	Option F	
Coe Jr, Charles H	Fire	P&F Service	A	9/29/2012	Normal	3

Options Elected (continued)

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Coleman, Larry E.	General Hospital	Service	B	10/1/2012	Option D	
Davidson, Judy E.	General Hospital	Early Service	B	8/29/2012	Option C	
Driskell, Danny	Police	P&F Service	B	9/1/2012	Option A	
Farley, James	Public Works	Service	A	9/1/2012	Normal	
Fish, Julia Wherry	MNPS	Early Service	B	8/1/2011	Normal	
Hansel, Johnny	Police	P&F Service	B	9/16/2012	Option A	1
Hayes, Judy F	Police	Service	B	10/1/2012	Option A	1
Johnson, Shirley	MNPS	Early Service	B	8/11/2012	Option D	
Jones, Karen K	Sheriff	P&F Service	B	8/1/2012	Option A	
Jones, Sandra B.	State Trial Courts	Service	B	10/1/2012	Option D	
Lane, Robbie M.	General Hospital	Service	B	9/29/2012	Normal	3
Lawrence, Johnny	Police	P&F Service	B	9/6/2012	Option E	3
Lewis, Judy A	General Services	Service	B	9/29/2012	Normal	
Loring, Barbara L.	County Clerk	Service	B	8/23/2012	Option B	
Lucas, Lena A	Parks	Early Service	B	9/5/2012	Option E	
Meador, Steven R	Fire	P&F Service	B	9/29/2012	Option A	1
Mondelli Jr, Leslie	General Sessions	Service	B	9/15/2012	Normal	3
Nicholas, Janice A	Assessor of Property	Early Service	B	9/8/2012	Normal	
Nickins, Phillip	MNPS	Early Service	B	8/2/2012	Option D	
Simpkins, Thomas	Police	P&F Service	B	10/1/2012	Option E	3
Smith, Rodney R	MNPS	Early Service	B	9/1/2012	Normal	
Stanley, Betty K.	Bordeaux	Early Service	B	9/15/2012	Option F	
Turner, Joann	Knowles Home	Service	B	8/20/2012	Option D	
Walker, John A.	Public Works	Service	B	9/15/2012	Option F	
Wallace, Anna B	Health	Early Service	B	9/11/2012	Normal	
Weatherly Jr, Carl	Fire	P&F Service	B	9/19/2012	Option E	3
Wooten, Betty K	Juvenile Court	Service	B	9/18/2012	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	Effective Date
Dorothy Hardison	Hospital	Lester Hardison	A	09/28/2012
Charles Suttle	Police	Megan Suttle	A	10/02/2012
Charles Gann	Sheriff	Billie Gann	B	10/06/2012
Charles Adams	General Services	Wendy Adams	B	10/10/2012
Jeremy King	Parks	Shirley King	B	10/08/2012
Thomas Johnson	MNPS	Barbara Bradley	B	10/15/2012
Raymond Johnson	Fire	Sara Johnson	A	10/10/2012
Phillip York Sr.	Circuit Court	Linda York	B	10/17/2012
Roy Roberts*	Police	Holley Roberts	B	09/27/2012
Mildred Williams	MNPS	Billy Williams	A	10/23/2012
Sharon Stephens	Codes	Danny Stephens	B	10/30/2012

*Termed Vested

BENEFIT BOARD ITEMS

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

1. Updated Board policies – New benefit changes.

Shannon Hall reported to the Board that staff has updated several Board policies related to the recent benefit changes approved by the Metro Council, which will become effective January 1, 2013. She stated that the new policy related to the insurance opt out/opt in rights for service and survivor pensioners and several existing policies with the necessary updates are being presented for the Board's review and approval.

It was noted to have clarity on the effective/revision dates.

Todd Henry moved for approval of the new and revisions to the existing policies. Charles Clariday seconded and the Board approved without objection.

It was also noted that these changes in policy are related to the Study and Formulating Committee recommended changes.

2. Bylaws amendment – New benefit changes.

Shannon Hall reported to the Board that staff has updated applicable sections of the by-laws related to the benefit changes effective January 1, 2013.

Ann Butterworth moved for approval of the by-laws amendment. Clyde Smith seconded and the Board approved without objection.

3. 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 recently met on October 23, 2012 to deliberate on 4 IOD medical care requests. She stated that the minutes from this meeting are attached for approval. She stated that the Committee deferred action on a few items, but has two recommendations for the Board. On item 2, the in line of duty medical care request from the service pensioner from the Fire Department, the Committee recommends that the Board uphold ASC's determination to deny this additional request for medical care related to the IOD medical care claim. On item 3, the in line of duty medical care request from the disability pensioner from Metro Nashville Public Schools, the Committee recommends that the Board uphold ASC's determination to deny this additional request for medical care related to the IOD medical care claim.

Shannon Hall also reported that there is a recommendation from a previous Committee meeting (August 17th) that has been deferred from the past few Board meetings at the request of the member and/or their representatives. On item 2, the in line of duty disability pension request – Employee from the Police Department, the Committee recommends that the Board deny the IOD disability pension request. She stated the minutes for this meeting were approved at the September Board meeting and are attached for the Board's review on the item above.

In the absence of the Committee Chair Christine Bradley, Shannon Hall asked if there were any amendments, corrections or questions of the minutes from the October 23, 2012 In Line of Duty Committee meeting. With no corrections, Thomas Curtis moved for approval of the Committee minutes. Clyde Smith seconded and the Committee minutes were approved without objection.

Shannon Hall reviewed the recommendations from the October 23rd In Line of Duty Committee meeting and asked if they would be acted upon together or separately.

After clarification of taking the recommendations from the October 23rd meeting together, Richard Riebeling moved to uphold the Committee's recommendations to deny the additional request for medical care related to the IOD medical care claims on item 2, the in line of duty medical care request

from the service pensioner from the Fire Department and on item 3, the in line of duty medical care request from the disability pensioner from Metro Nashville Public Schools. Ann Butterworth seconded and the Board approved with B.R. Hall and Charles Clariday opposed.

In reviewing the recommendation from the August 17th In Line of Duty Committee meeting, it was noted that the minutes from that Committee meeting were not attached. The Board moved this recommendation to the end of the agenda and a copy of those minutes were obtained for the Board to review regarding item 2, the in line of duty disability pension request – Employee from the Police Department.

4. Correspondence:
 - a. Utilization report from Blue Cross Blue Shield.
 - b. Utilization report from CIGNA.
 - c. Utilization report from Alternative Service Concepts. (reported quarterly)

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

5. 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.
 - f. Non-compliant disability pensioners.
 - g. Pending litigations. (reported quarterly)
 - h. Denial log from Alternative Service Concepts.

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

Shannon Hall made note of item 5.-f., non-compliant disability pensioners.

The Board discussed the efforts made by staff to contact those individuals in a non-compliant status, those disability pension funds being held and for how long.

Nicki Eke, Legal Department, stated that the Metro Code states the pension is suspended until the individual becomes compliant.

Shannon Hall reviewed item 5.-c. refund of pension contributions.

Shannon Hall informed the Board that she will be polling the members to reschedule the January meeting.

3. 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)

Worrick Robinson, attorney for the individual, was present and presented additional information regarding the claim for in line of duty disability pension.

At this time, the Committee took a break and then reconvened with the remainder of item 3.

Shannon Hall reviewed the recommendation from the August 17th In Line of Duty Committee meeting on item 2, the in line of duty disability pension request – Employee from the Police Department, the Committee recommends that the Board deny the IOD disability pension request.

Worrick Robinson addressed the Committee regarding the claim, the guidelines regarding psychological claims, and a specific incident from 2001 in support of the claim.

3. In Line of Duty Committee: (continued)

There was some discussion of the job duties of a police officer and Todd Henry addressed some specifics related to the job and stated that at any point and time, a police officer can respond to any type of call from a traffic citation to a homicide.

Nicki Eke, Legal Department, stated that the issue is whether or not the psychological injury arises out of and in the course of employment. She reviewed the standard/criteria for psychological injuries; 1) there must be a specific incident of stress, 2) the psychological injury must be caused by an identifiable stressful work related event producing a sudden mental stimulus such as fright, shock, or excessive unexpected anxiety and 3) the stress produced may not be usual stress, but must be extraordinary and unusual in comparison to the stress or narrowly experienced by an employee in the same type of duty. She stated that the stress can not be gradual accumulated employment stress building up over a period of time.

**Denotes the arrival of Rita Roberts-Turner.

After some discussion of the criteria for psychological injuries and reaching the threshold of that criteria, Richard Riebeling moved to uphold the Committee's recommendation to deny item 2, the in line of duty disability pension request – Employee from the Police Department. Ann Butterworth seconded and the Board approved with B.R. Hall, Charles Clariday, and Clyde Smith opposed. Rita Roberts-Turner abstained.

4. Late item(s):

There were no late items reported at the meeting.

With nothing further presented, the meeting adjourned at 10:12 a.m.

ATTEST:

APPROVED:

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

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