MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

***January 7, 2014***

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday, January 7, 2014 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, Charles D. Clariday, Sr., Veronica T. Frazier, B.R. Hall, Sr., Jerry Hall, W. Todd Henry, and Richard M. Riebeling.

Member G. Thomas Curtis 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 December 3, 2013**.** With a few grammatical corrections, nothing further was noted and Christine Bradley moved for approval. Doug Clariday seconded and the Board approved without objection.

At this time, item 1, Presentation of resolution, under Benefit Board items was taken out of order.

Veronica Frazier and Edna Jones presented Shannon Hall with a resolution acknowledging her service to the Employee Benefit Board.

### 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.

Edna Jones stated that a revised/new disability pensions spreadsheet was submitted for the Board to review. She indicated that there may be some adjustments to this spreadsheet as soon as the Pension Committee can meet to discuss the changes made by the Civil Service Medical Examiner.

Dr. Celia Goodson informed the Board that she was under the assumption that the spreadsheet presented in the packets was only a communication tool coming from the Civil Service Medical Examiner’s office to the Board and did not realize that the spreadsheet was an official document developed and approved by the Board. She also stated that she developed the new spreadsheet to accommodate the information requested by the Board.

Dr. Celia Goodson reported to the Board that the spreadsheet presented for the Board to review does not have the recommendations on it that the Board is accustomed to. She stated that based on past discussions regarding recommendations it does not seem appropriate for her to make a recommendation regarding approval or denial of a pension, but rather to relay the medical information for the Board’s review.

Dr. Celia Goodson reported that for items 1 through 4 she reviewed the medical record and is giving an assessment of fitness for duty citing whether or not they are fit for their current position and or an alternate position. She stated that in consideration of all the factors that weigh in the Board’s decision for approval or denial are not within her medical assessment/duties and therefore is only giving her medical opinion based on review of the medical record.

Dr. Celia Goodson stated that on item 1, she does believe the person is not medically capable of performing the duties of their job, however, based on the medical condition this individual would be appropriate for an alternate position. She stated that based on the definition of disability, from a medical standpoint, they do not meet the medical definition of disability.

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

There was discussion of the definition of disability and how it relates to items 1 through 3, whether or not they meet that definition and being approved for a disability pension.

Nicki Eke, Legal Department, reviewed the definition of disability with the Board. She stated that the definition is a member who becomes disabled as a result of a medically determined bodily injury so that during the continuation of the members disability, and as a result of that disability, the member is unable to perform the duties of any occupation in the Metropolitan Government, which is offered to the member at a rate of earnings equal to or higher than the member was receiving at the time of the disability. Ms. Eke stated that essentially if you have a situation where someone is unable to perform their current position, if they have not been offered another position, they will meet the definition of disability.

Christine Bradley moved to approve the disability pension new requests, items 1 through 4, for the length of time as recommended by the Civil Service Medical Examiner, with vocational rehab assessment for items 1 and 3. Stephanie Bailey seconded.

There was further discussion of the definition of disability, approving the disability pension request even though an individual may not meet the definition of disability through no fault of their own because another position has not been offered.

After discussion on item 4, and the medical assessment that the individual could still perform in their current position, the motion was restated to include only items 1 through 3.

There was discussion of the in line of duty injury on item 1, the new guidelines regarding repetitive motion injuries and the injury on duty occurred before the new legislation was passed.

A vote was taken on the motion to approve the disability pension new requests, items 1 through 3, for the length of time as recommended by the Civil Service Medical Examiner and was approved without objection.

Michael Finch, Metropolitan Nashville Public Schools, was present and addressed the Board regarding item 4 and the individual’s current position and accommodating restrictions.

Jerry Hall moved to defer the disability pension new request, item 4, to the next meeting with a report back from the department regarding the restrictions/accommodations. Doug Clariday seconded.

After some discussion of the medical assessment on item 4, the restrictions, the department’s ability to accommodate the individual and the proper action for this item, the motion to defer was rescinded and Richard Riebeling moved to deny the request for a disability pension based on the ability to return the individual to work with accommodations made by the department. Stephanie Bailey seconded and the Board approved without objection.

Dr. Celia Goodson reported to the Board that she recommends continuing the disability pension reexaminations, items 5 through 13 for the length of time as recommended. B.R. Hall moved for approval of continuing the disability pension reexaminations, items 5 through 13 for the length of time as recommended. Doug Clariday seconded.

There was some discussion of the medical assessment on item 8, case management status for item 6, and a possible return to work with Metro for item 13. Amanda Herrin, Eckman/Freeman, addressed the Board regarding item 8.

A vote was taken on the motion to continue the disability pension reexaminations items 5 through 13 for the length of time as recommended and was approved by the Board without objection.

Dr. Celia Goodson reported to the Board that on items 14 through 20, she requests a deferral for one month. Christine Bradley moved for approval of the request to defer items 14 through 20 for one month. Stephanie Bailey seconded and the Board approved without objection.

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

Dr. Celia Goodson reported to the Board that on item 21 she recommends a return to work in an alternate position.

Byron Grizzle, Sheriff’s Department, was present and addressed the Board regarding accommodations. Richard Riebeling moved for approval of returning the individual to work. Jerry Hall seconded and the Board approved without objection.

**NEW REQUESTS:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Name** | **Department** | **In Line of Duty (IOD) or Medical Disability** | **Recommendation** |
| 1. | Beverly A. Anderson | Parks | In Line of Duty | As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled re-exam. |
| 2. | Brenda C. Hall | Metropolitan Nashville Public Schools | In Line of Duty | As moved, seconded and approved, this disability pension request was approved for four months, (May 2014), with re-exam at that time. |
| 3. | Bonnie J. Shaw | Metropolitan Nashville Public Schools | In Line of Duty | As moved, seconded and approved, this disability pension request was approved for five months, (June 2014), with re-exam at that time and case management was assigned. |
| 4. | Cheryl L. Tisdale | Metropolitan Nashville Public Schools | In Line of Duty | As moved, seconded and approved, this disability pension request was denied.  |

**REEXAMINATIONS:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Name** | **Department** | **In Line of Duty (IOD) or Medical Disability** | **Recommendation** |
| 5. | Lamondo V. Brown | Sheriff | In Line of Duty | As moved, seconded and approved, this disability pension was continued for five months, (June 2014), with re-exam at that time. |
| 6. | Deborah A. Bruton-Reed | Metro Action Commission | In Line of Duty | As moved, seconded and approved, this disability pension was continued for three months, (April 2014), with re-exam at that time. |
| 7. | William E. Dotson | General Services | In Line of Duty | As moved, seconded and approved, this disability pension was continued for one year, (January 2015), with re-exam at that time. |
| 8. | Randall B. Knight | Public Works | Medical | As moved, seconded and approved, this disability pension was continued for one year, (January 2015), with re-exam at that time. |

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

**REEXAMINATIONS: (continued)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Name** | **Department** | **In Line of Duty (IOD) or Medical Disability** | **Recommendation** |
| 9. | Melinda W. Lakota | Parks | Medical | As moved, seconded and approved, this disability pension was continued for nine months, (October 2014), with re-exam at that time. |
| 10. | Robert W. Malley | Fire | In Line of Duty | As moved, seconded and approved, this disability pension was continued for one year, (January 2015), with re-exam at that time. |
| 11. | James K. Pearce | Police  | In Line of Duty | As moved, seconded and approved, this disability pension was continued for six months, (July 2014), with re-exam at that time. |
| 12. | Syretha D. Sessions | Sheriff | Medical | As moved, seconded and approved, this disability pension was continued for six months, (July 2014), with re-exam at that time. |
| 13. | Jamal Sharif | Metropolitan Nashville Public Schools | In Line of Duty | As moved, seconded and approved, this disability pension was continued for six months, (July 2014), with re-exam at that time. |
| 14. | Carolyn R. Beaird | Metropolitan Nashville Public Schools | Medical | As moved, seconded and approved, this disability pension re-exam was deferred for one month, (February 2014), with re-exam at that time. |
| 15. | Virpi E. Duff | Metropolitan Nashville Public Schools | In Line of Duty | As moved, seconded and approved, this disability pension re-exam was deferred for one month, (February 2014), with re-exam at that time. |
| 16. | Mary D. Krantz | Metropolitan Nashville Public Schools | Medical | As moved, seconded and approved, this disability pension re-exam was deferred for one month, (February 2014), with re-exam at that time. |
| 17. | Shauna L. Lane | Metropolitan Nashville Public Schools | Medical | As moved, seconded and approved, this disability pension re-exam was deferred for one month, (February 2014), with re-exam at that time. |
| 18. | Joe T. Mullican | Emergency Communications Center | Medical | As moved, seconded and approved, this disability pension re-exam was deferred for one month, (February 2014), with re-exam at that time. |

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

**REEXAMINATIONS: (continued)**

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| --- | --- | --- | --- | --- |
|  | **Name** | **Department** | **In Line of Duty (IOD) or Medical Disability** | **Recommendation** |
| 19. | Sung Jun Park | Police | Medical | As moved, seconded and approved, this disability pension re-exam was deferred for one month, (February 2014), with re-exam at that time. |
| 20. | Melissa N. Pinkelton | Police | Medical | As moved, seconded and approved, this disability pension re-exam was deferred for one month, (February 2014), with re-exam at that time. |

**RETURN TO WORK:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Name** | **Department** | **In Line of Duty (IOD) or Medical Disability** | **Recommendation** |
| 21. | Jack E. Copeland, Jr. | Sheriff | In Line of Duty | As moved, seconded and approved, this individual was placed on the return to work list. |

**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. The motion was seconded and the Board approved without objection.

Edna Jones noted that HR staff will be convening the Pension Committee.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Item** | **Name** | **Department** | **Review Originated From** | **Case Management Recommendation for Referral** | **CSME Recommendation for Referral** | **Comments** |
| 1 | Alfaro, Yolanda | MNPS | Pension Approval | No | No | Cl has filed for SSDI and has attorney |
| 2 | Galbreath, Connie | MNPS | Pension Approval | No | No | Younger Worker |
| 3 | Hales, Wade | Sheriff | Pension Approval | No | No | Younger Worker |
| 4 | Kemper, Teresa | Juvenile Court | Pension Approval | Yes | Yes | Evaluation |
| 5 | Kenney, Ronald | Fire | Pension Approval | No | No | Younger Worker |

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

**SOCIAL SECURITY REFERRALS: (continued)**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Item** | **Name** | **Department** | **Review Originated From** | **Case Management Recommendation for Referral** | **CSME Recommendation for Referral** | **Comments** |
| 6 | Kyle, Michael | Codes | Pension Approval | Yes | Yes | Evaluation |
| 7 | Lee, Jerry | Fire | Pension Approval | No | No | Younger Worker |
| 8 | Longmire, Vernon | General Services | Pension Approval | No | No | Cl has filed for SSDI and has attorney |
| 9 | Mayberry, Brenda | MNPS | Pension Approval | No | No | Cl referred to Vocational Case Mgt. |
| 10 | Phillips, Mary | MNPS | Pension Approval | Yes | Yes | Evaluation |
| 11 | Richardson, Gaylon | Sheriff | Pension Approval | Yes | Yes | Evaluation |
| 12 | Sloan, Julie | Fire | Pension Approval | No | No | Younger Worker |
| 13 | Welch, Allan | Fire | Pension Approval | No | No | Younger Worker |
| 14 | Whitley, William | Police | Pension Approval | Yes  | Yes  |   |

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

###### B.R. Hall moved for approval of the pensions. Doug Clariday seconded and the Board approved without objection.

###### Service

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Employee | **Department** | **Classification** | **Plan A/B** | Application Date | Estimated Effective Date |
| James T. Cathey | Police | Police Security Guard 2 | B | 11/26/2013 | 01/01/2014 |
| Vincent Carr | Sheriff | Correctional Officer 1 | B | 11/26/2013 | 01/16/2014 |
| Gary C. Tamkin | Public Defender | Associate Public Defender | B | 11/26/2013 | 01/21/2014 |
| Zetha Y. Turner | General Services | Emer Tele. Officer 4 | B | 11/26/2013 | 01/29/2014 |
| Linda V. Singh \* | Water | Customer Service Rep 3 | B | 11/26/2013 | 08/01/2013 |
| Billy R. Hodges | Public Works | Sanitation Worker | B | 12/05/2013 | 12/31/2013 |
| Robert L. Tindall | Police | Lieutenant | A | 12/05/2013 | 01/08/2014 |
| Wanda Norward | Police | Police Op Coordinator 1 | B | 12/05/2013 | 01/25/2014 |
| Janet Brantley | Police | Admin Assistant | B | 12/05/2013 | 01/25/2014 |
| Linda D. Short | MNPS | Asst- Food Svc | B | 12/05/2013 | 12/06/2013 |
| Suliang Feng \* | Public Library | Library Admin | B | 12/04/2013 | 03/01/2014 |
| Luverne R Christensen | Police | Lieutenant | A | 10/24/2013 | 05/01/2011 |
| David Mesiarik \* | General Hospital | Information Desk Operator | B | 12/12/2013 | 02/01/2014 |
| James C. Orsbon | Police | Police Officer 3 | B | 12/12/2013 | 01/22/2014 |
| Judy M. Ladebauche | Health | Animal Care & Control Mgr | B | 12/19/2013 | 01/01/2014 |
| Alfreda Lee | MNPS | School Bus Driver | B | 12/19/2013 | 02/01/2014 |
| Avis Hight | MNPS | Campus Supervisor | B | 12/19/2013 | 12/20/2013 |

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

###### Service (continued)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Employee | **Department** | **Classification** | **Plan A/B** | Application Date | Estimated Effective Date |
| Angela Keith | MNPS | Secretary | B | 12/19/2013 | 03/01/2014 |
| Shirley L. Norman \* | Finance | Office Support Rep 2 | B | 12/19/2013 | 10/01/2013 |
| Theresa Robinson \* | BLTC | LPN | B | 12/19/2013 | 04/01/2014 |
| Don Parmele, Jr. | Sheriff | Correctional Officer Lieutenant | B | 12/28/2013 | 01/13/2014 |

###### Disability to service

|  |  |  |  |
| --- | --- | --- | --- |
| Employee | **Department** | **Plan A/B** | Effective Date of Conversion |
| Darlene G Cathey | Criminal Court | B | 11/01/2013 |
| Gloria J Baker | MNPS | B | 11/01/2013 |
| Roy J Dunaway | Police | B | 12/01/2013 |

###### Options Elected

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Employee | **Department** | **Pension Type** | **Plan A/B** | Effective Date | Option | DROP Election |
| Draper, Phillip M | Assessor of Property | Service | B | 11/9/2013 | Option E |   |
| Omoregie, Felix O | Caring for Children | Service | B | 11/1/2013 | Option D |   |
| Collier Jr, Tavel W | General Services | Service | A | 12/1/2013 | Option F |   |
| Morrow, Hilda Faye | MNPS | Service | B | 12/1/2013 | Normal |   |
| Patton, Mary Louise | MNPS | Early Service | B | 11/28/2013 | Normal |   |
| Mclaughlin, Timothy A | MNPS | Service | B | 11/21/2013 | Option A |   |
| Watkins, Robert E | MNPS | Service | B | 11/15/2013 | Option A |   |
| Hewitt, Steven W. | Police | P&F Service | B | 11/1/2013 | Option F |   |
| Todd, Jacqueline L. | Public Library | Service | B | 11/1/2013 | Normal |   |
| Emery, Paul D | Public Library | Service | B | 11/1/2013 | Option A |   |
| Cantrell, Fred | State Trial Courts | Service | B | 11/9/2013 | Option E |   |
| **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 |
| Robert Shepherd | BOE | Beverly Shepherd | B | 11/22/2013 |
| Michael Reasonover | Fire | Connie Reasonover | B | 12/01/2013 |
| Walter Tyree | Police | Elizabeth Tyree | Closed | 11/26/2013 |
| Martha Morrow | BOE | Paul Tyree | A | 12/04/2013 |
| Bernice Bond | Health | Calvin Bond Jr. | A | 12/07/2013 |
| Samuel Hambright | BOE | Alberta Hambright | B | 11/23/2013 |
| Danny Pursley | Police | Linda Pursley | A | 12/12/2013 |
| Robert Weaver | Planning | Jean Weaver | A | 12/11/2013 |
| William Claybrooks | Police | Cheryl Claybrooks | B | 12/18/2013 |
| Patricia Hunter | Trial Courts | Harvey Hunter | B | 12/19/2013 |

## BENEFIT BOARD ITEMS

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

1. Presentation of resolution.

This item was taken out of order and acted upon accordingly.

1. Redetermination of disability pension amount based on excess earnings.

Lori Meyer reported to the Board that staff has identified disability pensioners who have exceeded their outside allowable earnings amount and, in accordance with the Code, are to have their disability pensions adjusted accordingly. Ms. Meyer stated that the affected members have been notified of the adjustments. She also stated that after the Board packets were sent out, staff received information to remove an individual (#5) from the list.

After discussion of how the calculations are made, the reporting mechanisms, and someone’s pension being zeroed out, Doug Clariday moved to have the individuals disability pensions adjusted accordingly. Stephanie Bailey seconded and the Board approved without objection.

Lori Meyer also reported to the Board that staff has identified those pensioners that had overpayment obligations and their pensions are going to be restored. Todd Henry moved for approval of having the individuals pensions restored accordingly. Doug Clariday seconded and the Board approved without objection.

1. Correspondence:
2. Utilization report from Blue Cross Blue Shield.
3. Utilization report from CIGNA.
4. Utilization report from Alternative Service Concepts. (reported quarterly)

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

1. Reports for your information:
2. Return to work.
3. Social Security approvals.
4. Refund of pension contributions. (none to report)
5. Repayment of pension contributions.
6. Reports from Treasury.
7. Non-compliant disability pensioners. (none to report)
8. Pending litigations. (reported quarterly)
9. Denial log from Alternative Service Concepts.
10. 2014 Annual enrollment overview report.
11. Benefit accomplishments for 2013.

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

Justin Stack noted that information on items 4.-e, 4.-i., and 4.-j were provided for the Boards review.

Edna Jones commended the Benefit Board/HR staff on item 4.-j. and informed the Board that the Committee list will be revised.

1. Late item(s):

There were no late items reported at the meeting.

 With nothing further presented, the meeting adjourned at 10:22 a.m.

ATTEST: APPROVED:

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Ms. Veronica T. Frazier, Interim Director Ms. Edna J. Jones, Chair

#### Human Resources Employee Benefit Board