MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

***April 1, 2014***

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday, April 1, 2014 in the Sonny West Conference Room, Howard Office Building, 700 2nd Avenue North, Nashville, Tennessee, at approximately 9:35 a.m.

Benefit Board members: Chair: Edna J. Jones; Vice Chair: Christine Bradley; Members: Stephanie Bailey, Charles D. Clariday, Sr., G. Thomas Curtis, \*Veronica T. Frazier, B.R. Hall, Sr., Jerry Hall, W. Todd Henry, and Richard M. Riebeling.

Others present: Justin Stack and Christina Hickey, Metro Human Resources, Nicki Eke, Attorney, Metro Legal Department and Dr. Susan L. Warner, Interim 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 March 1, 2014**.** With three corrections, nothing further was noted and Tom Curtis moved for approval. Christine Bradley seconded and the Board approved without objection.

\*Denotes the arrival of Veronica Frazier.

### 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.

Dr. Susan Warner 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. Tom Curtis moved for approval of the recommendation to approve the disability pension new requests, items 1 through 3 for the length of time as recommended. Doug Clariday seconded. After some discussion of the re-exam date on item 1 a vote was taken on the motion and the Board approved without objection.

Dr. Susan Warner reported to the Board that she recommends denial of the disability pension new request item 4 based on the lack medical to support the request. Jerry Hall moved for approval of the recommendation to deny the disability pension new request, item 4. Stephanie Bailey seconded and the Board approved without objection.

The individual and family were present on item 5.

Dr. Susan Warner reported to the Board that she recommends denial of the disability pension new request item 5 based on the lack medical to support the request.

The individual and their spouse addressed the Board regarding the request, medical condition and indicated that there is more medical information available regarding the individual’s medical conditions and prognosis.

After discussion of deferring this request pending review of additional medical information, Christine Bradley moved to defer item 5. Jerry Hall seconded and the Board approved without objection.

Dr. Susan Warner reported to the Board that she recommends the disability pension new request, item 6, be changed from medical to in line of duty, however, she recommends denial of the request based on the department being able to accommodate the individual.

Sue Bibb, Police Department, stated that the department can accommodate the individual.

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

Jerry Hall moved for approval of the recommendation on the disability pension new request, item 6, to change the request from medical to in line of duty and place the individual on the return to work list. Stephanie Bailey seconded and the Board approved without objection.

Dr. Susan Warner reported to the Board that she recommends denial of the disability pension new request item 7 based on the lack medical to support the request.

The individual was present and addressed the Board regarding their condition and work related issues.

Byron Grizzle, Sheriff’s Office, was present and addressed the personnel issues and stated that the department could reasonably accommodate the individual, if a request is made.

After discussion of the department addressing the personnel issues, Jerry Hall moved for approval of the recommendation to deny the disability pension new request, item 7. Stephanie Bailey seconded and the Board approved without objection.

Dr. Susan Warner reported to the Board that she recommends approval for continuing the disability pension reexamination, item 8, without stipulation of scheduled re-exam as they have been approved for Social Security disability benefits.

It was requested to take the re-examinations as a group and Edna Jones stated that some questions have been mentioned to her on some of them.

Todd Henry moved for approval of the recommendation to continue the disability pension reexamination, item 8, without stipulation of scheduled re-exam. Doug Clariday seconded and the Board approved without objection.

Dr. Susan Warner reported to the Board that she recommends approval for continuing the disability pension reexamination, item 9 for the length of time as recommended and obtain a functional capacity examination. Edna Jones noted that the individual is working with a Social Security disability advocate and requested an update on that.

Janel Donaldson, case manager, Eckman/Freeman, gave an update on their Social Security status.

Edna Jones stated that staff should defer the request for a functional capacity examination pending their Social Security status. Jerry Hall moved for approval of the recommendation to continue the disability pension reexamination, item 9 for the length of time as recommended. B.R. Hall seconded and the Board approved without objection.

On item 10, Dr. Susan Warner reported to the Board that she recommends approval for continuing the disability pension reexamination for the length of time as recommended. Todd Henry moved for approval of the recommendation to continue the disability pension reexamination, item 10 for the length of time as recommended. Tom Curtis seconded and the Board approved with Christine Bradley and Richard Riebeling abstaining.

Dr. Susan Warner reported to the Board that on item 11, she recommends approval for continuing the disability pension for the length of time as recommended and vocational case management for assessment of other job options based on the likelihood that they will not return to their previous position.

After discussion of whether or not the individual requested the vocational assistance, Edna Jones requested to have the vocational assessment back in two months.

Christine Bradley moved for approval of the recommendation on item 11 to continue the disability pension for the length of time as recommended with vocational assessment. Todd Henry seconded.

Stephanie Bailey asked for clarification regarding the Board’s role with vocational training for other positions.

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

Nicki Eke, Legal Department, stated that if you have a disability pensioner whom rehabilitation can assist in returning to work with Metro, the Board has the authority to provide vocational training to enable that person to resume work with Metro.

After clarification that the disability pensioner does not always come back to work for Metro, a vote was taken on the motion to continue the disability pension re-exam, item 11, for the length of time as recommended with vocational assessment and was approved without objection.

Dr. Susan Warner reported to the Board that she recommends approval for continuing the disability pension reexamination, item 12, for the length of time as recommended. B.R. Hall moved for approval of the recommendation to continue the disability pension re-exam, item 12, for the length of time as recommended. Doug Clariday seconded and the Board approved without objection.

Dr. Susan Warner reported to the Board that she recommends approval for continuing the disability pension reexamination, item 13, for the length of time as recommended, with Social Security disability assistance. Todd Henry moved for approval of the recommendation to continue the disability pension re-exam, item 13, for the length of time as recommended, with Social Security disability assistance. Doug Clariday seconded and the Board approved without objection.

Dr. Susan Warner reported to the Board that she recommends approval for continuing the disability pension reexamination, item 14, for the length of time as recommended, with Social Security disability assistance. B.R. Hall moved for approval of the recommendation to continue the disability pension re-exam, item 14, for the length of time as recommended with Social Security disability assistance. Doug Clariday seconded and the Board approved without objection.

Dr. Susan Warner reported to the Board that she recommends approval for continuing the disability pension reexamination, item 15, for the length of time as recommended, with vocational case management assistance. Doug Clariday moved for approval of the recommendation to continue the disability pension re-exam, item 15, for two months, (June 2014), with vocational case management assistance. Todd Henry seconded and the Board approved with B.R. Hall opposed.

Dr. Susan Warner reported to the Board that she recommends approval for continuing the disability pension reexamination, item 16, for the length of time as recommended and requested an update on their Social Security status.

After Janel Donaldson, case manager, Eckman/Freeman, gave an update on their Social Security status, Dr. Susan Warner requested no vocational assessment pending their Social Security status. Jerry Hall moved for approval of the recommendation to continue the disability pension re-exam, item 16, for the length of time as recommended. B.R. Hall seconded and the Board approved without objection.

Edna Jones apologized for taking the disability pensions one at a time, she stated there are deviations on some of them.

Dr. Susan Warner reported to the Board that she recommends approval for continuing the disability pension reexamination, item 17, for the length of time as recommended, with Social Security disability assistance. B.R. Hall moved for approval of the recommendation to continue the disability pension re-exam, item 17, for the length of time as recommended with Social Security disability assistance. Doug Clariday seconded and the Board approved without objection.

Dr. Susan Warner reported to the Board that she recommends a deferral on the disability pension re-exam, item 18, for one month pending the results of the functional capacity examination.

Paula Krebs, case manager, Eckman/Freeman, gave an update on the status of the functional capacity examination.

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

Todd Henry moved for approval of the request to defer the disability pension re-exam item 18 for one month. Doug Clariday seconded.

After discussion of deferring the item until the functional capacity examination is coordinated and completed because the individual is in another state and that this is not a compliance issue, a vote was taken on the motion to defer the disability pension re-exam, item 18 and the Board approved without objection.

Dr. Susan Warner reported to the Board that on item 19 she recommends a return to work.

The individual was present and addressed the Board regarding the return to work and stated that there has been another injury which will require an additional surgery.

Rickie McQueen, Metro Action Commission, was present and addressed the return to work and the restrictions. She stated that it is not in the department’s best interest that she not come back to work and then have to go out again based on the job (working with children).

There was discussion of the individual’s restrictions and being able to work with children under those restrictions.

Paula Krebs, case manager, Eckman/Freeman, reviewed the individual’s case file, the injury on duty and subsequent surgeries, and another condition that is not a work related injury. She also stated that there is currently no pending surgery for the injury on duty, however, the other condition is the primary cause of consistent pain.

After discussion of eligibility for a medical disability pension, a functional capacity examination and or vocational assessment, and changing the pension to medical disability pension, Dr. Susan Warner recommended to continue the disability pension, item 19, as an in line of duty disability pension for the length of time as recommended (July 2014), with vocational assessment. Jerry Hall moved for approval of the recommendation on item 19 to continue the disability pension as an in line of duty disability pension for the length of time as recommended (July 2014), with vocational assessment. Doug Clariday seconded and the Board approved without objection.

Dr. Susan Warner reported to the Board that on item 20 she recommends approval of return to work.

James Gray, Parks, was present and addressed the recommendation of return to work and the restrictions. He reviewed the individual’s job duties and stated that based on the restrictions the department can not accommodate them at this time.

After discussion of the individual being currently employed outside of Metro as a cashier, Christine Bradley moved for approval of a return to work on item 20.

Denotes Richard Riebeling leaving the meeting.

Stephanie Bailey seconded and the Board approved with Doug Clariday and B.R. Hall opposed, and Richard Riebeling not voting.

Dr. Susan Warner reported to the Board that on item 21 she recommends approval of return to work.

Jim Swack, Juvenile Court, was present and stated that they are not to accommodate the individual at this time and this position is no longer a budgeted position. He also discussed a letter from Dr. Celia Goodson regarding fitness for duty, other possible issues and requested that there be another fitness for duty evaluation before being considered for a return to work.

Denotes Veronica Frazier leaving the meeting.

Dr. Susan Warner reviewed the individual’s current treatments and indicated that there is no current treatment by a psychologist or mental health provider.

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

Denotes Richard Riebeling returning to the meeting.

Stephanie Bailey moved for approval of the recommendation on item 21 of return to work. Tom Curtis seconded.

Edna Jones noted that the individual currently has vocational case management and recommended that it continue during the return to work process.

A vote was taken on the motion on item 21 of a return to work and was approved with Veronica Frazier not voting.

Dr. Susan Warner reported to the Board that on item 22 she recommends approval of return to work.

Denotes Veronica Frazier returning to the meeting.

Jamie Summers, Fire Department, stated that the department is prepared to return the individual to work.

B.R. Hall moved for approval of the recommendation on item 22 of return to work. Stephanie Bailey seconded and the Board approved without objection.

Dr. Susan Warner reported to the Board that on item 23 she recommends approval of return to work.

Keith Harson, General Hospital, stated that there are positions available, however, most of those positions are pool or part-time positions.

There was discussion of how the individual working a part-time position would affect the return to work.

Nicki Eke, Legal Department, stated that they will need to be placed in a position that is similar to a full time position. She also stated that the Board can supplement the income, but the position needs to be benefit eligible.

After discussion of the availability of benefit eligible positions, B.R. Hall moved for approval of the recommendation of return to work on item 23. Jerry Hall seconded and the Board approved without objection.

Dr. Susan Warner reported to the Board that on item 24 she recommends that the individual be removed from the return to work list and assign vocational case management. B.R. Hall moved for approval of the recommendation to remove the individual from the return to work list and assign case management. Jerry Hall seconded.

After discussion of the re-exam date, a vote was taken on the motion on item 24 to remove the individual from the return to work list and schedule re-exam in four months, (August 2014), and assign vocational case management.

Edna Jones informed the Board that on item 25 the Board needs to rescind the previous action taken on this item.

Nicki Eke, Legal Department, stated that this pensioner was up for re-exam at the March meeting. She stated that the Board terminated the in line of duty disability pension based on not being eligible for a medical disability pension. She stated that upon review the Board may not have had complete information to determine whether or not this pensioner is able to resume work with Metro. She stated that if the medical information indicates that a disability pensioner is able to resume work, the applicable motion will be to place the pensioner on the return to work list. Ms. Eke stated that the Board needs to rescind the motion adopted at the March meeting to terminate the pension and instead defer the re-exam so that additional medical can be provided.

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

After discussion of how long to defer the item and Dr. Susan Warner’s request for an independent medical evaluation, Veronica Frazier moved to rescind the Board’s previous action in March of terminating the in line of duty disability pension. Jerry Hall seconded and the Board approved without objection.

Dr. Susan Warner stated that she recommends to defer item 25 for two months, (June 2014), with the results of an independent medical examination.

Justin Stack, HR staff, noted that there is a staff report associated with this under Benefit Board items.

Nicki Eke, Legal Department, stated that the individual is asking the Board to reconsider its prior decision, however at this point it is up to the Board whether to continue since the issue now is the issue of the re-exam and what should happen with regards to the re-exam the Board can then make the decision whether it wants to have the re-exam brought back before the Board based on the medical recommendation of Dr. Warner.

The individual was present and addressed the Board regarding the reconsideration for the disability pension.

William Coleman, Water Department, was present and stated that based on the information the department has received they can accommodate the individual.

After discussion of whether the disability pension is in line of duty or medical, the individual not being eligible for a medical pension, and obtaining an independent medical examination, Jerry Hall moved for approval of the recommendation to defer for two months, (June 2014), pending the results of an independent medical examination to ascertain in line of duty or medical disability. Stephanie Bailey seconded and the Board approved without objection.

Dr. Susan Warner also requested vocational case management on item 25.

Edna Jones noted that would be included in the motion. The maker/seconder of the motion was in agreement with that inclusion.

Dr. Susan Warner reported to the Board that she recommends approval of the disability pension, item 26, for the length of time as recommended. Christine Bradley moved for approval of item 26 for the length of time as recommended. Stephanie Bailey seconded.

Nicki Eke, Legal Department, stated that when this item was presented in March it was denied, so there the Board needs to rescind the previous action.

Jerry Hall moved to rescind the Board’s previous action in March of denying the disability pension. Doug Clariday seconded and the Board approved without objection.

Edna Jones stated that item 26 was deferred last month pending updated job descriptions.

Dr. Susan Warner stated that she recommends approval of the disability pension for the length of time as recommended.

Christine Bradley moved for approval of the disability pension, item 26, for the length of time as recommended. Stephanie Bailey seconded and the Board approved without objection.

Dr. Susan Warner reported to the Board that she recommends approval for continuing the disability pension, item 27, as a medical disability pension for the length of time as recommended and requested Social Security assistance. Stephanie Bailey moved for approval of the recommendation on item 27 as a medical disability pension for the length of time as recommended, with Social Security assistance. Tom Curtis seconded and the Board approved without objection.

On item 28, Dr. Susan Warner stated she has changed her initial recommendation. She stated that this individual was placed on the return to work list, however, there were no positions available to accommodate the

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

individual. She stated that she recommends the individual be returned to work and assign vocational case management in order to train the individual based on the individual’s education and limited English.

The individual and their daughters were present. The individual’s daughters addressed the Board regarding the letter they received stating that the individual was non-compliant.

Edna Jones stated that the issue is that they failed to comply with requests from Human Resources regarding continuation of the pension.

The individual’s daughter addressed the individual’s current situation with living out of the country, being non- compliant, their skill set, education level and learning English.

Edna Jones stated that the individual is non-compliant and will need to be here long enough to complete an examination or assessment with Dr. Warner and stated that the pension may be terminated until they become compliant.

Nicki Eke, Legal Department, stated that since the Board has given the individual instructions indicating that they need to comply with these procedures and if they do not the Board can bring them back for further action, which could be termination of the pension.

Dr. Susan Warner stated that she would like to see the individual return to some type of work either in their previous department of another department with Metro.

Edna Jones stated that if they can comply with the medical portion of being re-examined there can be a time limit to bring this back to the Board.

Nicki Eke, Legal Department, stated that this individual is already on the return to work list, but she does not know if any other positions have been offered to the individual. She stated that until a position is actually offered to the individual they will remain on the return to work list.

Harold Finch, Metropolitan Nashville Public Schools, informed the Board that their previous position was out sourced and that due to the lack of credentials, they do not qualify for any other positions. He stated that he would like to see vocational assistance put into place to assist in obtaining the needed credentials.

Nicki Eke, Legal Department, stated that the Board can request vocational case management, which would require them to be available for vocational rehab.

B.R. Hall moved to continue/defer item 28 for one month, pending examination by Dr. Susan Warner. Jerry Hall seconded.

Dr. Susan Warner stated that an examination won’t change the individual’s work status based on the barriers.

After some discussion of the rules that govern this that if the individual being on the return to work list and not being returned to a Metro job the pension will continue, unless they are non-compliant.

Paula Krebs, Eckman/Freeman, stated that in the past custodians that were not able to return to work were required to obtain their general education diploma, (GED) before they were placed on the return to work list. She stated that currently she has several clients that were custodians that are pursuing their GED to meet the minimum qualifications for hire. She also asked what is different about this case from others, (primary education) as some of her clients are the same.

There was some discussion of whose rule is it that you have to have a GED before you can be placed on the return to work list and Harold Finch, MNPS, stated that currently the minimum requirement for anyone to hold a position is that they have to have a GED or diploma. He requested that the individual be provided with the resources to obtain the minimum requirements to find a position.

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

There was some discussion of the requirement by MNPS that you have to have a GED to be placed on the return to work list, the individual remaining on the return to work list until the other issues are settled and assigning case management.

Edna Jones restated the motion to continue/defer the disability pension for one month and assign case management to work towards completion of a GED and determine compliance.

There was discussion of having the individual examined to determine if the work related issue is still present and vocational case management towards completion of a GED.

There was also some discussion of what if the individual is unable to complete a GED upon assessment whether or not that would be a compliance issue.

Justin Stack restated the motion to defer for one month pending compliance of the re-exam.

Christine Bradley noted that she wanted to include vocational case management for assessment.

A vote was taken on the motion to defer the disability pension for one month to determine if the pension should be continued as in line of duty with vocational assessment to determine if there is the ability to obtain a GED.

The individual’s daughter addressed the individual taking GED classes at their age.

A vote was taken on the motion and was approved without objection.

Nicki Eke, Legal Department stated that for clarification one is only non-compliant if they fail to follow the directions or complete the program that has been assigned to the individual.

Dr. Susan Warner reported to the Board that on item 29 she recommends a return to work with restrictions (i.e. protective gear).

Jerry Hall discussed the individual’s work environment and types of protective equipment and moved to defer item 29 for one month pending research of personal protective equipment. B.R. Hall seconded and the Board approved without objection.

Dr. Susan Warner reported to the Board that on the late item, item 30, she recommends approval of the disability pension new request for the length of time as recommended, with Social Security assistance. Jerry Hall moved for approval of the disability pension new request, item 30 for the length of time as recommended. Todd Henry seconded and the Board approved without objection.

**NEW REQUESTS:**

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|  | **Name** | **Department** | **In Line of Duty (IOD) or Medical Disability** | **Board Action Taken** |
| 1. | Daniel Steely | Sheriff | In Line of Duty | As moved, seconded and approved, this disability pension request was approved for six months, (October 2014), with re-exam at that time. |
| 2. | Garfield L. Thomas | Sheriff | Medical | As moved, seconded and approved, this disability pension request was approved for three months, (May 2014), with re-exam at that time. |
| 3. | Vera J. Williams | Metropolitan Nashville Public Schools | Medical | As moved, seconded and approved, this disability pension request was approved for six months, (October 2014), with re-exam at that time. |

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

**NEW REQUESTS:**

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|  | **Name** | **Department** | **In Line of Duty (IOD) or Medical Disability** | **Board Action Taken** |
| 4. | Janie M. Dabney | Metropolitan Nashville Public Schools | In Line of Duty | As moved, seconded and approved, this disability pension request was denied. |
| 5. | Beverly D. Hardeman | Metropolitan Nashville Public Schools | Medical | As moved, seconded and approved, this disability pension request was deferred. |
| 6. | James A. Petre | Police | In Line of Duty/Medical | As moved, seconded and approved, this disability pension request was denied. |
| 7. | Carolyn B. Walton | Sheriff | Medical | As moved, seconded and approved, this disability pension request was denied. |

**REEXAMINATIONS:**

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|  | **Name** | **Department** | **In Line of Duty (IOD) or Medical Disability** | **Board Action Taken** |
| 8. | Kimberly D. Barnes-Jackson | Metro Action Commission | Medical | As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam. |
| 9. | Carolyn R. Beaird | Metropolitan Nashville Public Schools | Medical | As moved, seconded and approved, this disability pension was continued for two months, (June 2014), with re-exam at that time. |
| 10. | Robert L. Chitwood | Police | In Line of Duty | As moved, seconded and approved, this disability pension was continued for three months, (July 2014), with re-exam at that time. |
| 11. | Bryan A. Doersam | Police | In Line of Duty | As moved, seconded and approved, this disability pension was continued for two months, (June 2014), with re-exam at that time. |
| 12. | William B. Hitchcox | Police | In Line of Duty | As moved, seconded and approved, this disability pension was continued for one year, (April 2015), with re-exam at that time. |
| 13. | Brenda Mayberry | Metropolitan Nashville Public Schools | Medical | As moved, seconded and approved, this disability pension was continued for six months, (October 2014), with re-exam at that time. |
| 14. | Joe T. Mullican | Emergency Communications Center | Medical | As moved, seconded and approved, this disability pension was continued for one year, (April 2015), with re-exam at that time. |

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

**REEXAMINATIONS:**

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|  | **Name** | **Department** | **In Line of Duty (IOD) or Medical Disability** | **Board Action Taken** |
| 15. | Daniel P. Schrager | Police | In Line of Duty | As moved, seconded and approved, this disability pension was continued for two months, (June 2014), with re-exam at that time. |
| 16. | Carol L. Smith | Metropolitan Nashville Public Schools | Medical | As moved, seconded and approved, this disability pension was continued for five months, (September 2014), with re-exam at that time. |
| 17. | Nancy E. Young | Information Technology Systems | Medical | As moved, seconded and approved, this disability pension was continued for five months, (September 2014), with re-exam at that time. |
| 18. | Sung Jun Park | Police | Medical | As moved seconded and approved, this disability pension was deferred for one month, (May 2014). |

**RETURN TO WORK:**

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|  | **Name** | **Department** | **In Line of Duty (IOD) or Medical Disability** | **Board Action Taken** |
| 19. | Deborah A. Bruton-Reed | Metro Action Commission | In Line of Duty | As moved, seconded and approved, this disability pension was continued for three months, (July 2014), with re-exam at that time. |
| 20. | Curtis E. Bush | Parks | In Line of Duty | As moved, seconded and approved, this individual was placed on the return to work list. |
| 21. | Teresa R. Kemper | Juvenile Court | Medical | As moved, seconded and approved, this individual was placed on the return to work list. |
| 22. | Gregory S. Sullivan | Fire | In Line of Duty | As moved, seconded and approved, this individual was placed on the return to work list. |
| 23. | Lynette L. Oaks | General Hospital | Medical | As moved, seconded and approved, this individual was placed on the return to work list. |
| 24. | Virpi Duff-Smith | Metropolitan Nashville Public Schools | In Line of Duty | As moved, seconded and approved, this individual was removed from the return to work list with re-exam (August 2014). |

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

**OTHER:**

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|  | **Name** | **Department** | **In Line of Duty (IOD) or Medical Disability** | **Board Action Taken** |
| 25. | Karen D. Holder | Water | In Line of Duty | As moved, seconded and approved, the Board rescinded the previous action and approved the disability pension request for two months, (June 2014), with re-exam at that time. |
| 26. | Karron Pointer | Metropolitan Nashville Public Schools | In Line of Duty | As moved, seconded and approved, the Board rescinded the previous action and approved the disability pension request for five months, (September 2014), with re-exam at that time. |
| 27. | Cheryl Tisdale | Metropolitan Nashville Public Schools | In Line of Duty/Medical | As moved, seconded and approved, this disability pension was continued for one year, (April 2015), with re-exam at that time and changed to a medical disability pension |
| 28. | Abdullah T. Sindy | Metropolitan Nashville Public Schools | In Line of Duty | As moved seconded and approved, this disability pension was deferred for one month, (May 2014). |
| 29. | Erik Majors | General Services | In Line of Duty | As moved seconded and approved, this disability pension was deferred for one month, (May 2014). |

**LATE ITEM:**

**NEW REQUESTS:**

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|  | **Name** | **Department** | **In Line of Duty (IOD) or Medical Disability** | **Board Action Taken** |
| 30. | Bridget M. Galvin | General Services | Medical | As moved, seconded and approved, this disability pension request was approved for two months, (October 2014), with re-exam at that time. |

**SOCIAL SECURITY REFERRALS:**

Dr. Susan Warner reported to the Board that she concurs with the case management recommendations on the Social Security referrals, with the exception of item 1. She stated that on item 1, she recommends a referral even though they do not meet the Social Security disability income guidelines. She stated that this is due to the time frame and that they can start the process now and meet the duration guidelines. Veronica Frazier moved for approval of the referrals. Jerry Hall seconded and the Board approved without objection.

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

**SOCIAL SECURITY REFERRALS:**

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| **Item** | **Name** | **Department** | **Review Originated From** | **Case Management Recommendation for Referral** | **CSME Recommendation for Referral** | **Comments** |
| 1 | Archey, Steven | Public Works | Pension Approval | No | No | Cl does not meet SSDI duration guidelines |
| 2 | Binkley, Tammy | MNPS | Pension Approval | No | No | Younger Worker |
| 3 | Blanton, Kevin | Public Works | Pension Approval | No | No | Younger Worker |
| 4 | Collins, Mary | Health | Pension Approval | Yes | Yes | Evaluation |
| 5 | Crockett, Claudia | MNPS | Pension Approval | Yes | Yes | Cl eligible for SSA RIB |
| 6 | Lane, Shauna | MNPS | Pension Approval | No | No | Younger Worker |
| 7 | Medley, James | Fire | Pension Approval | No | No | Younger Worker |
| 8 | Park, Sung Jun | Police | Pension Approval | No | No | Younger Worker |
| 9 | Stone, William | Police | Pension Approval | No | No | Younger Worker |
| 10 | Turner, Troy | Fleet Mgt. | Pension Approval | No | No | Younger Worker |

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

As moved, seconded and approved, the pensions were approved accordingly.

###### Service

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| --- | --- | --- | --- | --- | --- |
| Employee | **Department** | **Classification** | **Plan A/B** | Application Date | Estimated Effective Date |
| Robbie Reese | BLTC | Nursing Asst –Certified 1 | B | 02/27/2014 | 05/01/2014 |
| Mary Bennett | BLTC | Patient Accts Specialist | B | 02/27/2014 | 05/01/2014 |
| Susan Proehl | BLTC | Coding/Abstracting Spec | B | 02/27/2014 | 05/01/2014 |
| Victoria Philpot | MNPS | Dir. Enterprise Data Sys | B | 02/27/2014 | 05/17/2014 |
| Tommy L. Simmons | MNPS | Tech- Boiler Equipment | B | 02/27/2014 | 07/01/2014 |
| Michael E. Owens | MNPS | Tech- Environmental | B | 02/27/2014 | 05/24/2014 |
| Robin Bittner | MNPS | Skill Laborer-Paint Sr | B | 02/27/2014 | 04/15/2014 |
| Sheila Scarborough | MNPS | Educational Asst | B | 03/05/2014 | 05/31/2014 |
| Naomi Hill | MNPS | Director-Substitute & Support | B | 03/05/2014 | 07/01/2014 |
| Danny L. Gentry | MNPS | Skilled Laborer-Carpentry | B | 03/05/2014 | 06/10/2014 |
| Lela D. Bennett | MNPS | Clerk- Sr | B | 03/05/2014 | 07/01/2014 |
| Mary A. Chasteen | MNPS | Clerk/Secretary | B | 03/05/2014 | 06/06/2014 |
| Mark S. Reeves | MNPS | Skill Laborer-Electric Sr | B | 03/05/2014 | 07/01/2014 |
| Vera D. Overton | MNPS | Mgr – Food Svc Roving | B | 03/05/2014 | 05/31/2014 |
| Barbara Roberts | Knowles | Lead Activities Coordinator | B | 03/05/2014 | 06/21/2014 |
| Mary D. Turbo | Public Works | Office Support Specialist 1 | B | 03/05/2014 | 04/04/2014 |

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

**Service**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Billy J. Woodard | BLTC | Bldg Operations Mechanic | B | 03/05/2014 | 05/01/2014 |
| Patricia T. Pegg \* | Social Services | Homemaker | B | 03/03/2014 | 05/01/2014 |
| Karlene Polk \* | Social Services | Admin Svcs Manager | B | 03/11/2014 | 04/01/2014 |
| Mary E. Graves | BLTC | Laundry Tech | B | 03/13/2014 | 05/01/2014 |
| Judy Lowe | BLTC | Nursing Asst-Certified 1 | B | 03/13/2014 | 05/01/2014 |
| John E. Green | Fire | Fire Engineer | B | 03/13/2014 | 05/17/2014 |
| Dewitt Pullen | Water | Indus Tech Master | B | 03/13/2014 | 03/21/2014 |
| James W. Boulie | Library | Library Page | B | 03/13/2014 | 05/10/2014 |
| Veverly Oglesby-Williams | MNPS | Clerk-Library | B | 03/13/2014 | 05/31/2014 |
| Fatima Terry | MNPS | Secretary | B | 03/13/2014 | 07/01/2014 |
| Loretta Felts | MNPS | Driver- Bus | B | 03/13/2014 | 05/31/2014 |
| Carmen Hudson | MNPS | Educational Asst | B | 03/13/2014 | 02/26/2014 |
| Dennis Cantrell | MNPS | Mechanic – Automotive Trans | B | 03/13/2014 | 03/15/2014 |
| Jimmy Honeycutt | MNPS | Operator-Equipment | B | 03/13/2014 | 07/01/2014 |
| Gary Callis | MNPS | Tech – Electronic LD | B | 03/13/2014 | 03/22/2014 |
| Paul J Ballard | MTA | Chief Executive Officer | B | 03/17/2014 | 05/07/2014 |
| Jerry Bottom | Police | Police Officer 2 | B | 03/17/2014 | 03/19/2014 |
| Nathan Holbrook \* | State Trial Ct | Group Care Aide | B | 03/15/2014 | 03/01/2011 |
| John Kennedy | BLTC | Environ Svcs Tech | B | 03/20/2014 | 05/01/2014 |
| Delores Fentress | MNPS | Educational Asst | B | 03/20/2014 | 05/31/2014 |
| Linda G. Hall | MNPS | Asst- General School | B | 03/20/2014 | 06/04/2014 |
| Donnie Cardwell | MNPS | Senior Auditor | B | 03/20/2014 | 07/01/2014 |
| Walisha Perry | MNPS | Educational Asst | B | 03/20/2014 | 05/31/2014 |
| Rose Johns | MNPS | Educational Asst | B | 03/20/2014 | 05/31/2014 |
| Sandra Patterson | MNPS | Educational Asst | B | 03/20/2014 | 05/31/2014 |
| Gwendolyn Sohl | MNPS | Clerk- Library | B | 03/17/2014 | 04/03/2014 |
| Deborah Merrill \* | County Clerk | Deputy Clerk 3 | B | 03/20/2014 | 05/01/2014 |
| Joseph McCorkle \* | Finance | Finance Administrator | B | 03/14/2014 | 06/01/2014 |

###### Disability to service – None to report

###### Options Elected

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Employee | **Department** | **Pension Type** | **Plan A/B** | Effective Date | Option | DROP Election |
| Adcox, Jesse Oliver | Fire | P&F Service | B | 2/22/2014 | Option E |  |
| Bannister, Barry C | MNPS | Early Service | B | 2/4/2014 | Normal |  |
| Brown, Glenn S | MNPS | Service | B | 2/22/2014 | Option E |  |
| Brown, William R | MNPS | Service | B | 2/22/2014 | Option A | 3 |
| Cooper, Michael T | Water Services | Service | B | 2/22/2014 | Option F | 3 |
| Gaines, Renee Arnette | MNPS | Early Service | B | 2/15/2014 | Normal |  |
| Gorrell, Harold W | Water Services | Service | B | 3/1/2014 | Option F | 3 |
| Jones, Kenneth A | Fire | P&F Service | B | 3/1/2014 | Normal |  |
| Keith, Marvin E. | Police | P&F Service | B | 2/15/2014 | Option A | 3 |
| Lance, Wanda F | Bordeaux | Service | B | 11/1/2010 | Option C |  |
| Lee, Alfreda Mccrary | MNPS | Early Service | B | 2/1/2014 | Option F |  |
| Martin, Randy D. | Police | Early Service | B | 2/15/2014 | Option A |  |
| McIntyre, Richard K. | Fire | P&F Service | A | 3/1/2014 | Option C | 2 |
| Mitthivong, Laura | MNPS | Service | B | 2/1/2014 | Option B |  |
| Neely Jr, Ronald Eugene | Fire | P&F Service | B | 2/10/2014 | Normal |  |
| Sullivan, Virginia D | General Hospital | Service | B | 9/1/2013 | Normal |  |

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

###### Options Elected

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Turner, Zetha Yvonne | Emergency Communication Center | Early Service | B | 2/1/2014 | Option F |  |
| Wilson, Roy | Parks | Service | B | 9/1/2013 | Option C |  |
| **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 |
| James Wright | MNPS | Elizabeth Wright | B | 02/27/2014 |
| Sharon Newman | Hospitals | Ray Newman | B | 03/04/2014 |
| Robert Caldwell | BOE | Mae Caldwell | B | 02/19/2014 |
| Kathy Jeffries | BOE | Kermit Jeffries | B-vested | 02/18/2014 |
| Terry Peaks | General Sessions | Toreda Peaks | B | 03/09/2014 |
| George T. Watson | Parks | Cecilia Watson | B | 03/14/2014 |
| Edward Mills III | Gen Svcs | Harriet Mills | B | 03/20/2014 |

## BENEFIT BOARD ITEMS

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

1. In line of duty death benefit for Michael Malone.

Justin Stack reported to the Board that the individual was an active employee classified as a Fire Inspector 2 with the Fire Department and has passed away. Mr. Stack stated that under the benefit system the beneficiaries are entitled to a basic term life policy which has been processed. He stated that Metro Code section 3.20.040 gives the Board the authority to provide an additional in line of duty death benefit to the individual’s estate. He also reviewed that Metro Code section with the Board.

Mark Young, union representative, was present and addressed the Board on behalf of the family.

B.R. Hall moved for approval of the in line of duty death benefit for Michael Malone. Doug Clariday seconded.

There was some discussion of how the presumption applies to this insurance policy.

Nicki Eke, Legal Department, reviewed the cancer presumption. She stated that in order to qualify the individual has to be a firefighter and have passed a physical exam prior to employment that showed no sign of the condition of cancer. She stated that a firefighter is defined as someone who is required to extinguish and control fires or fire related incidents and other employees of the fire department who are required to perform their duties under and in a toxic environment.

A vote was taken on the motion to grant the in line of duty death benefit for Michael Malone and was approved with Christine Bradley, Veronica Frazier, Stephanie Bailey and Richard Riebeling abstaining.

1. Disability pension request for reconsideration – Applicant from Metro Water.

This item was acted upon accordingly with section C (c.-25) of the agenda.

1. General Hospital and Metropolitan Nashville Public Schools incentive program review.

Justin Stack reported to the Board that at the March Study Session, the Board considered the annual reviews of the General Hospital and Metropolitan Nashville Public Schools (MNPS) clinic incentive programs. He stated that the Board will need to determine whether they would like to continue these programs for the 2015 plan year.

Richard Riebeling moved for approval of continuing the General Hospital and MNPS incentive programs. B.R. Hall seconded and the Board approved without objection.

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

Lori Meyer reported to the Board that staff received an update on a pensioner’s outside allowable earnings. Ms. Meyer stated that they provided information documenting that they in fact did not exceed their outside allowable earnings as originally reported. She stated that after review the individuals’ pension amount will be reimbursed and any overpayments as well.

Christine Bradley moved to have the individual’s disability pension adjusted accordingly. Stephanie Bailey seconded.

After some discussion on making sure disability pensioner’s know how to supply the correct information, a vote was taken on the motion to have the individual’s disability pension adjusted and was approved without objection.

1. Compensation Study.

Justin Stack reported to the Board that upon review of the compensation study conducted by HR staff and Deloitte, it was requested at the March Study Session to have Deloitte present their findings with regards to Council member benefits. Mr. Stack stated the information is being presented for the Board’s review.

There was discussion of information that was provided erroneously in the packet and the proration of insurance by years of service applying to Council members, the Mayor and other elected officials and what the Charter states.

Richard Riebeling indicated that this matter is before the Board based on what the compensation study pointed out, which is that Council members in other cities do not get a benefit of lifetime health insurance. He stated that any action taken by this Board will be a recommendation to the Council regarding this matter.

Richard Riebeling moved that the Board recommend to the Council that beginning with the next full Council, any member elected for the first time, beginning with the next election, will not be eligible for the benefit of lifetime health insurance. Stephanie Bailey seconded.

There was discussion of whether or not the motion includes the Mayor and or will the prorated schedule apply just like it will to new employees based on service.

Nicki Eke, Legal Department, stated that the Charter provides that the office of the Mayor is entitled to a pension and the Charter specifically provides that the office of Council members is not entitled to a pension. She stated that there is a provision in the Code that says that elected officials who were participants in the healthcare system during the time that they were in office may continue that participation after holding office for 8 years, which would include the office of the Mayor. She stated that there is a separate provision that applies to Council members and that is the one that is at issue.

1. Compensation Study.

A vote was taken on the motion that the Board recommend to the Council that beginning with the next full Council, any member elected for the first time, beginning with the next election, will not be eligible for the benefit of lifetime health insurance and was approved with B.R. Hall opposing

1. Benefit Board budget.

Justin Stack stated that as discussed at the March Study Session, the proposed Benefit Board budget for fiscal year 2015 is being presented for review and approval.

Jerry Hall moved for approval of the budget for the 2014 fiscal year. Veronica Frazier seconded.

After some discussion on the increase in consulting services on the medical plan, a vote was taken on the motion to approve the budget and was 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 7.-a. through 7.-c. were for information only and no action was required.

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

Items 8.-a. through 8.-h. were for information only and no action was required.

1. Late item(s):

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

There was some discussion regarding the process for someone that wants to appeal or have that decision reviewed.

Nicki Eke, Legal Department, stated that if it is a decision that’s based on a medical recommendation made by the Civil Service Medical Examiner, (CSME), the Board may want to have the CSME review any new or additional information to determine whether it effects the prior recommendation. She stated that if there is an individual whose pension was denied because the CSME made the medical recommendation that it be denied based on the medical information, and if the individual wants the Board to reconsider that matter, all medical information is channeled through the CSME office for review. She stated that the CSME will review the information and inform the Board whether or not it effects the prior recommendation.

With nothing further presented, the meeting adjourned at 11:59 a.m.

ATTEST: APPROVED:

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

#### Human Resources Employee Benefit Board