

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

September 1, 2015

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday, September 1, 2015 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., *G. Thomas Curtis, B.R. Hall, Sr., Jerry Hall, W. Todd Henry, and Richard M. Riebeling.

Member Veronica T. Frazier was unable to be present.

Others present: Christina Hickey, Metro Human Resources, Nicki Eke, Attorney, Metro Legal Department and Dr. Deidra Parrish, Interim Civil Service Medical Examiner, (CSME).

A. MINUTES: Chair Edna Jones called the meeting to order and said the first order of business was to determine if there were any amendments, corrections or questions of the minutes from the last regular meeting held on August 4, 2015. With no corrections, nothing further was noted and Todd Henry moved for approval. Jerry Hall seconded and the Board approved without objection.

B. APPEAL ANNOUNCEMENT:

Christina Hickey announced the process and timeframe for appealing a decision made by this Board.

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

The terms of the approval or extension of the items listed in the motions are specifically stated in these minutes.

Dr. Deidra Parrish, Interim CSME and Claire Cobb, CSME Assistant, reviewed the disability pension recommendations with the Board.

Claire Cobb reported to the Board that approval is recommended for the disability pension new requests, items 2 through 10, for the length of time as recommended. Stephanie Bailey moved for approval of the recommendation to approve the disability pension new requests, items 2 through 10, for the length of time as recommended. Jerry Hall seconded and the Board approved without objection.

On item 1, the employee and her mother were present.

Christina Hickey noted that additional information has been received by the CSME's Office and is being distributed for review.

Bill Cartwright, Circuit Court Clerk, was present.

Shelby Bright, the employee's mother was also present.

Claire Cobb reported to the Board that denial is recommended on the disability pension new request, item 1, based on no impairment related to restrictions that would prevent the performance of her sedentary job duties. She also stated that there is a primary care physician's statement indicating that she is disabled, however it is not supported by the accompanying medical record.

Bill Cartwright addressed the Board regarding the individual's history with the department and the issues she is having.

The Board discussed what could be deemed a disability in the workplace under Title 1 of the Americans with Disabilities Act, (ADA), accommodations for the individual and what the specialist stated regarding no evidence of hearing loss.

Dr. Deidra Parrish stated that in reviewing the medical information she does not meet the criteria for not being able to do a sedentary job.

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

Stephanie Bailey moved for approval of the recommendation to deny the disability pension new request, item 1. Richard Riebeling seconded and the Board approved with Doug Clariday and B.R. Hall opposing and Todd Henry abstaining.

Shelby Bright addressed the Board regarding her daughters conditions.

Claire Cobb reported to the Board that approval is recommended for continuing the disability pension re-exams, items 11 through 18, for the length of time as recommended and case management services where noted. She also stated that it is recommended to switch item 15 to a medical disability pension.

Stephanie Bailey stated that she would like to review items 15, 16 and 18 separately.

Jerry Hall moved for approval of the recommendation to approve the disability pension new requests, items 11 through 18, (with the exclusion of items 15, 16, and 18), for the length of time as recommended with case management services and switching the pension type on item 15. Christine Bradley seconded and the Board approved without objection.

On item 15, there was some discussion of returning the individual to work versus continuing the disability pension.

Nicki Eke, Legal Department, stated that under the Code for police officers and firefighters they are considered disabled if they are unable to perform the duties of their position.

The individual and Daphne Davis, attorney for the Fraternal order of Police, were present for item 15. Ms. Davis reviewed the injury on duty and his ability to safely and effectively use a firearm. She also stated that he can not return to work because he is unable to do his job and they are requesting that it not be changed to a medical disability pension.

Dr. Deidra Parrish stated that the basis for switching the disability pension to medical relates to the current symptoms not being related to the original injury.

*Denotes the arrival of Tom Curtis.

It was noted that switching the pension type to medical does not mean that he is not still disabled, it just indicates that the injury on duty has been resolved and he is still disabled because he cannot perform the duties of a police officer.

Richard Riebeling moved for approval of the recommendation on item 15 to switch the disability pension to a medical disability pension. Stephanie Bailey seconded and the Board approved with Doug Clariday and B.R. Hall opposing and Tom Curtis abstaining.

After some discussion of a possible return to work on item 16, Stephanie Bailey moved for approval of the recommendation to continue the disability pension with case management services for compliance. Tom Curtis seconded and the Board approved without objection.

On item 18, there was some discussion of when the original diagnosis was made and if the condition was present before they were hired.

Christine Bradley moved for approval of the recommendation to continue item 18. Jerry Hall seconded and the Board approved with Stephanie Bailey opposing and Richard Riebeling abstaining.

Claire Cobb reported to the Board that a deferral is recommended, on items 19 through 22, (with the exception of item 21), until completion of the Board ordered examinations/evaluations (one or two months). Doug Clariday moved for approval of the request to defer items 19 through 22 (with the exception of item 21), until completion of the Board ordered examinations/evaluations (one or two months). Tom Curtis seconded and the Board approved without objection.

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

Claire Cobb reported to the Board that on item 21 the recommendation has changed due to the receipt of additional medical information. She stated that approval is recommended for continuing the disability pension re-exam, item 21, with re-exam at that time and continue case management services due to non-compliance.

After some discussion of the individual not complying with treatments and medications, the assistance of case management services, and re-exam in three months versus six, Christine Bradley moved for approval of the recommendation to continue the disability pension re-exam, item 21, for three months, with case management services. Tom Curtis seconded and the Board approved with Todd Henry abstaining.

On item 23, the individual was present and addressed the Board regarding returning to work. She stated that there needed to be further clarification on restrictions and requested a deferral.

Byron Grizzle, Sheriff's Office, was present and stated that with the restrictions as listed they are not able to accommodate the individual.

B.R. Hall moved for approval of deferring item 23. Doug Clariday seconded and the Board approved without objection.

On item 24, Claire Cobb reported to the Board that a return to work be recommended.

Harold Finch, MNPS, was present and addressed the Board regarding the return to work. He stated that they are not able to accommodate the individual's restrictions.

The Board reviewed the job description and the restrictions. It was noted that there is a discrepancy between the two and that the decision may have been based on just the job description rather than the functional job description.

Harold Finch requested that this return to work be deferred to allow time to review/update the job description.

B.R. Hall moved to defer item 24. Doug Clariday seconded and the Board approved without objection.

Christina Hickey reported to the Board that items 25 and 26 stems from the individual being approved for a disability pension and returned to work in a non-sworn position. She stated that the individual would have to exhaust all leave prior to that happening. She stated that in order to prevent that, staff is requesting that the previous action be rescinded and that an active employee salary supplement be approved instead.

B.R. Hall moved to rescind the prior action of approving a disability pension for item 25. Doug Clariday seconded.

After some discussion regarding the individual having to exhaust all vacation time in order for the pension to commence, returning to work in a non-sworn position and being able to remain in the police and fire pension system, a vote was taken on the motion to rescinded the Board's prior action to approve a disability pension and was approved without objection.

Jerry Hall moved for approval of an active employee salary supplement for item 26. Todd Henry seconded and the Board approved without objection.

Christina Hickey reported to the Board that there are three items under reconsiderations that correspond with items 1 through 3 on the agenda under Benefit Board items. Ms. Hickey stated that item 1, the disability pension denial request for reconsideration – applicant from Sheriff's Office, was deferred from last month at the request of the interim CSME pending additional medical information.

Claire Cobb reported to the Board that the CSME recommends to uphold the denial based on the additional medical information not changing the original recommendation.

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

After clarification on who can make a motion for a reconsideration, Todd Henry moved to reconsider item 1, disability pension denial request for reconsideration – applicant from Sheriff's Office. B.R. Hall seconded and the Board approved the motion to reconsider with Todd Henry, B.R. Hall, Doug Clariday, Edna Jones and Jerry Hall in favor and Christine Bradley, Stephanie Bailey, Richard Riebeling opposing and Tom Curtis abstaining.

Dr. Deidra Parrish reported to the Board that the findings were minimal and did not change the recommendation.

Stephanie Bailey moved to uphold the denial recommendation from the CSME on item 1, the disability pension denial request for reconsideration – applicant from Sheriff's Office. Jerry Hall seconded and the Board approved the recommendation to uphold the denial and was approved without objection.

Christina Hickey reported to the Board that item 2 under reconsiderations coincides with item 3 on the agenda, the disability pension request for reconsideration – applicant from Metropolitan Nashville Public Schools, on the agenda. She stated that the Board approved a medical disability pension for this employee, but he requested in line of duty.

The individual was present.

Harold Finch, MNPS, was also present.

Todd Henry moved to reconsider item 2 under reconsiderations, the disability pension request for reconsideration – applicant from Metropolitan Nashville Public Schools. Christine Bradley seconded and the Board approved with Stephanie Bailey opposing.

The individual addressed the Board regarding the injury and treatment.

The Board discussed the medical information and the opinion by the orthopedist.

Dr. Deidra Parrish discussed the opinion of the orthopedist that it was due to the initial work related injury, however, she stated her recommendation that it should be a medical disability pension is based on the documented problems prior to the injury and the individual being cleared from the injury on duty.

Doug Clariday moved that item 2 under reconsiderations, (which coincides with item 3 on the agenda) the disability pension request for reconsideration – applicant from Metropolitan Nashville Public Schools be changed to an in line of duty disability pension. B.R. Hall seconded.

There was some discussion regarding pre-existing conditions and exacerbation of that condition.

Nicki Eke, Legal Department, stated that you can have a pre-existing condition if an injury that is an injury on duty aggravates that pre-existing condition or combines with that condition to produce a disability, then it is an injury on duty. (ex: someone can have arthritis and be able to function with it and then an on the job injury occurs that aggravates that condition such that it now becomes disabling.)

After some discussion of the recommendation, whether or not the condition was aggravated by the incident, and Vickie Hampton confirming that the injury has been covered by ASC, a vote was taken on the motion on item 2 under reconsiderations, (which coincides with item 3 on the agenda) the disability pension request for reconsideration – applicant from Metropolitan Nashville Public Schools be changed to an in line of duty disability pension and was approved with Stephanie Bailey, Christine Bradley, Tom Curtis and Richard Riebeling opposing.

Christina Hickey reported to the Board that item 3 under reconsiderations – appeal of pension termination, coincides with item 2 on the agenda. Ms. Hickey reported to the Board that the Board returned the individual to work from an in line of duty disability pension and the individual declined the three written job offers that were within his restrictions and therefore the disability pension was terminated.

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

James Daniel, for Andy Allman, (attorney for the individual), was present.

Christina Hickey stated that this item does not need a vote for discussion and was heard at the last meeting, but the representation indicated that there was additional medical information for the CSME to review.

Claire Cobb reported to the Board that all of the information provided by the attorney's office and case managers has been reviewed and does not change the recommendation of return to work with restrictions.

Dr. Deidra Parrish stated that in reviewing the supplemental information that was provided there was an additional psychiatrist visit, however, that did not change the recommendation. She stated that the psychiatrist opined that the former pensioner would be able to return to work with a specific treatment plan.

James Daniel addressed the Board on behalf of the individual's attorney regarding the additional medical information/opinions, the condition(s) returning if he returned to work with Metro.

Dr. Deidra Parrish stated that the results of the independent medical evaluation requested by the Board indicated that the issues related to singular events are resolved and the ongoing disorders are not related to those events but are related to multiple stressors and he is able to return to work.

Byron Grizzle, Sheriff's Office, confirmed that the individual refused the three job offers.

James Daniel reviewed the events and the individual returning to work.

Dr. Deidra Parrish reviewed the standard/criteria for mental illness.

Jerry Hall moved to uphold the termination of the disability pension on item 3, appeal of pension termination, under reconsiderations which coincides with item 2 on the agenda. Christine Bradley seconded.

Nicki Eke, Legal Department, reviewed the Board's options regarding this issue; 1) reaffirm its prior decision to return the individual to work and affirm the termination of the pension or 2) reverse the prior decision to return the individual to work and put them back on a disability pension.

A vote was taken on the motion to uphold the termination of the disability pension on item 3, appeal of pension termination and was approved without objection.

NEW REQUESTS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
1.	Rhonda F. Bright	Circuit Court Clerk	Medical	As moved, seconded and approved, this disability pension request was denied.
2.	Patricia A. Clark	Parks	In Line of Duty	As moved, seconded and approved, this disability pension request was approved for three months, (December 2015), with re-exam at that time.
3.	Alonzo N. Giles	Juvenile Court	Medical	As moved, seconded and approved, this disability pension request was approved for six months, (March 2016), with re-exam at that time.
4.	Jerry W. Jackson	General Services	Medical	As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled re-exam at that time.

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

NEW REQUESTS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
5.	Myrtle O. Johnson	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled re-exam at that time.
6.	Susan M. Langhi	Juvenile Court	Medical	As moved, seconded and approved, this disability pension request was approved for one year, (September 2016), with re-exam at that time.
7.	David W. McNeil, Jr.	Public Works	Medical	As moved, seconded and approved, this disability pension request was approved for six months, (March 2016), with re-exam at that time.
8.	Ned L. Poarch, Jr.	Fire	In Line of Duty	As moved, seconded and approved, this disability pension request was approved for two months, (November 2015), with re-exam at that time.
9.	Anthony J. Taylor	Metropolitan Nashville Public Schools	In Line of Duty	As moved, seconded and approved, this disability pension request was approved for one year, (September 2016), with re-exam at that time.
10.	Janet T. VanBrackle	Health	Medical	As moved, seconded and approved, this disability pension request was approved without stipulation of scheduled re-exam at that time.

REEXAMINATIONS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
11.	Deborah A. Berryhill	Police	In Line of Duty	As moved, seconded and approved, this disability pension was continued for three months, (December 2015), with re-exam at that time.
12.	Eleanor F. Crews	Library	Medical	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam at that time.
13.	Gidget S. Hamilton	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension was continued for one year, (September 2016), with re-exam at that time.
14.	Joseph O. Haywood	Police	In Line of Duty	As moved, seconded and approved, this disability pension was continued with case management services for six months, (March 2016), with re-exam at that time.

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

REEXAMINATIONS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
15.	William B. Hitchcox	Police	In Line of Duty/Medical	As moved, seconded and approved, this disability pension was continued for one year, (September 2016), with re-exam at that time.
16.	Ronald S. Kenney	Fire	In Line of Duty	As moved, seconded and approved, this disability pension was continued for six months, (March 2016), with re-exam at that time.
17.	Samuel H. McCrary, III	Fire	In Line of Duty	As moved, seconded and approved, this disability pension was continued for two years, (September 2017), with re-exam at that time.
18.	Tammy L. Sampson	Circuit Court Clerk	Medical	As moved, seconded and approved, this disability pension was continued for one year, (September 2016), with re-exam at that time.
19.	Bryan A. Doersam	Police	In Line of Duty	As moved, seconded and approved, this disability pension was deferred for two months, (November 2015), with re-exam at that time.
20.	Richard T. Foley, III	Police	Medical	As moved, seconded and approved, this disability pension was continued/deferred for two months, (November 2015), with re-exam at that time.
21.	Stief A. Fuller	Fire	In Line of Duty	As moved, seconded and approved, this disability pension was continued/deferred for three months, (December 2015), with re-exam at that time.
22.	Jennifer L. Kee	Metropolitan Nashville Public Schools	In Line of Duty	As moved, seconded and approved, this disability pension was continued/deferred for one month, (October 2015), with re-exam at that time.

RETURN TO WORK:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
23.	Syretha D. Sessions	Sheriff	Medical	As moved, seconded and approved, this disability pension was continued and the recommendation of return to work was deferred.

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

RETURN TO WORK:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
24.	James R. Shumate	Metropolitan Nashville Public Schools	In Line of Duty	As moved, seconded and approved, this disability pension was continued and the recommendation of return to work was deferred.

OTHER:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
25. & 26.	Edward M. Westerman	Police	In Line of Duty	As moved, seconded and approved, the previous action to return the individual to work was rescinded and an active employee salary supplement was approved.

RECONSIDERATION(S):

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
1.	Michele N. Gibson	Sheriff	Medical	As moved, seconded and approved, this item was denied.
2.	Roger D. Green	Metropolitan Nashville Public Schools	In Line of Duty/Medical	As moved, seconded and approved, this disability pension was changed back to an in line of duty disability pension.
3.	Chris D. Parker	Sheriff	In Line of Duty	As moved, seconded and approved, this appeal of disability pension termination was denied and the pension will remain terminated.

SOCIAL SECURITY REFERRALS:

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

Todd Henry moved for approval of the referrals. Doug Clariday seconded and the Board approved without objection.

Item	Name	Department	Review Originated From	Case Management Recommendation for Referral	CSME Recommendation for Referral	Comments
1	Eddy, Quenna	Juvenile Court	Pension Approval	Yes	Yes	CI meets SSDI Listings
2	Nixon, Matthew	Police	Pension Approval	Yes	Yes	Evaluation

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

Doug 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
William Parks *	MNPS	Custodian Sr	B	07/30/2015	09/01/2015
Richard Fleming	Library	Circulation Asst 2	B	07/30/2015	08/28/2015
Jeffrey Castleberry	Codes	Prop. Standards Insp Chief	B	07/30/2015	10/06/2015
Kenneth Upham	MNPS	Bus Monitor School	B	07/30/2015	08/05/2015
Gwendolyn Temple	MNPS	Bus Driver	B	07/30/2015	08/05/2015
McKinley Young	MNPS	Monitor-In School suspension	B	07/30/2015	08/05/2015
Jameslyn Cato	MAC	Teacher Asst	B	07/30/2015	08/03/2015
Linda B. Goodwin *	Water	Admin Asst	B	07/14/2015	08/01/2014
Donna Kirkland	Health	Public Health Nurse 1	B	08/03/2015	08/05/2015
Sandra G. Wilson	MNPS	Supv-Campus	B	08/03/2015	08/05/2015
Debbie Martin	Gen Hospital	Clinical Instructor-CC	B	08/03/2015	07/28/2015
Deborah V. Anderson	MNPS	Mgr-Food Service II	B	08/06/2015	08/05/2015
Roger Elliott	Water	Tech Master	B	08/06/2015	08/14/2015
Edward White	Water	Treatment Plant Manager	B	08/06/2015	08/15/2015
Dennis Corrieri	Water	Application Tech 2	B	08/06/2015	09/01/2015
Beverly A. Swafford	Circuit Court Clerk	Admin Asst	B	08/06/2015	09/01/2015
Mary Collier	MNPS	Monitor-School Bus	B	08/06/2015	08/24/2015
Samuel Leftwich	Gen Services	Master Tech	B	08/06/2015	09/01/2015
Thomas Dickens	MNPS	Bus Driver	B	07/28/2015	10/19/2015
Mary Murrey	MNPS	Library-Clerk	B	08/06/2015	08/05/2015
Ricky Stewart	Police	Police Officer 2	B	08/13/2015	10/05/2015
Mary Lauderdale	Gen Hospital	Patient Services Rep	B	08/13/2015	08/22/2015
Yvonne Rogers *	BLTC	Nursing Asst-Certified 1	B	08/13/2015	09/01/2015
Charles Binkley	Gen Services	Bldg Maint Lead Mechanic	B	08/13/2015	09/01/2015
Edward Howell	Codes	Zoning Examiner	B	08/13/2015	01/16/2016
Barbara Smith	Sheriff's Office	Call Center Operator	B	08/13/2015	08/26/2015
Larry Trenary	Public Works	Equipment Operator 3	B	08/14/2015	08/15/2015
Marilyn Edwards	Public Works	Special Assistant-Events	B	08/14/2015	09/26/2015
Marty Clancy *	MNPS	Education Asst	B	08/17/2015	09/01/2015
Joyce Lunsford *	Parks	Custodian 1	B	07/24/2015	10/01/2015
Leslie W. Taylor	Water	Water Maint Leader 2	B	08/20/2015	09/01/2015
Randall Bryant	Circuit Ct Clerk	IT Manager	B	08/20/2015	09/01/2015
James Furlough	Sheriff's Office	Sheriff Maint Mechanic 2	B	08/20/2015	09/03/2015
Thomas Cartmell Jr. *	MAC	Facilities Mgr	B	08/20/2015	09/01/2015
Robert C Lockridge Jr.	Water	Indust Maint Supv	B	08/20/2015	09/03/2015
Kevin Nolen	MNPS	Skill Laborer-Paiting Sr	B	08/20/2015	08/21/2015
Iris Lewis	MNPS	Supv-Driver	B	08/20/2015	09/10/2015
Sandra Stokes *	Parks	Concession Clerk	B	08/18/2015	12/01/2012
Terry Cashion *	Police	Sergeant	B	08/19/2015	12/01/2015

Disability to service – Not available

Survivor

Employee Name	Department	Survivor Name	Plan Membership	Effective Date
Elizabeth M. Martin	Sheriff	George Martin	A	07/28/2015

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

Survivor

Lee Gryll	Water	Michael Gryll	B	07/27/2015
Glenn F. Worden	Library	Christy Worden	B	08/05/2015
David B. Hayes	Finance	Roseanne Hayes	B	08/12/2015
Louis Marchetti	Sheriff	Betty Marchetti	B	0731/2015
Charles T. Webb	Water	Angela Webb	B	08/03/2015
Evans Pope	BOE	Ella Pope	A	08/17/2015
Brownie Maynard	Water	Patricia Maynard	B	08/24/2015
Zetha Y. Turner	General Svcs	Erich T. Turner	B	08/20/2015

Options Elected – Not available

BENEFIT BOARD ITEMS

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

1. Disability pension denial request for reconsideration – applicant from Sheriff's Office.
 This item was acted upon accordingly with Section C of the agenda.
2. Appeal of pension termination.
 This item was acted upon accordingly with Section C of the agenda.
3. Disability pension request for reconsideration – applicant from Metropolitan Nashville Public Schools.
 This item was acted upon accordingly with Section C of the agenda.
4. Waiver of overpayment – Victoria Windoloski.

Christina Hickey reported to the Board that in line of duty disability pensioner Victoria Windoloski (pensioner since June 2000) requests that a waiver of overpayment be granted to her in the amount of \$4,030.63. Ms. Hickey stated that for a number of years, her earnings exceeded her outside allowable earnings amount and therefore, she received no pension benefits. In the last couple of years, she has not been able to work and has been in and out of medical facilities related to her disability from 2000. Because of the change in her work status, her Social Security Disability Insurance benefits were reinstated by Social Security. At the time her SSDI was reinstated, she was not receiving a pension benefit from Metro Government. Since that time, her pension has been reinstated but the offset was never done. In a recent review of the disability questionnaires, staff identified that Ms. Windoloski had notified us of the SSDI benefits being reinstated but the corrected amount had never been updated in the system.

Stephanie Bailey moved for approval of the waiver of the overpayment. Doug Clariday seconded and the Board approved without objection.

It was also noted that this rare situation is being reviewed.

5. In Line of Duty Committee report.

Christina Hickey reported to the Board that the In Line of Duty Committee met on June 15, 2015 to deliberate on several in line of duty medical care requests and at the July 7, 2015 Board meeting, the Board reviewed and voted on those requests. She stated that the following in line of duty medical care request was deferred until the September 1, 2015 Board meeting.

5. In Line of Duty Committee report. (continued)

Item 11: On the IOD medical care request for the employee from the Fire Department, the Committee recommended and the Board voted to defer this item for 30 days pending discussion with Legal and Human Resources regarding the medical release form.

Ms. Hickey stated that Metro worked in good faith by making reasonable alterations to the medical release form that addresses the issues raised by the Fire Union and the changes were presented by Metro Legal to the Fire Union representative, Dewey Branstetter, on August 11, 2015.

Nicki Eke, Legal Department, stated that she received an email from Mr. Branstetter on August 28th making substantial changes to the revisions that were already proposed. She stated that he indicated that he would not be able to attend the meeting today. She stated that the Legal Department does not recommend that the Board adopt the changes as they impose unreasonable burdens and impose requirements on Metro that are not set in law and raise legal issues as to the authority of the Board to implement them. She stated that at the Board's discretion, the modifications can be reviewed.

Mark Young, union representative, was present.

Steve Cain, Human Resources, was also present.

Mark Young stated that Mr. Branstetter indicated to him that he would not be present today and that if the recommended changes could not be approved that this item be deferred.

Steve Cain informed the Board that HR concurred with Legal that the changes were not reasonable.

There was some discussion regarding the length of time it took for Mr. Branstetter to review the release form and him having that form reviewed by another attorney, that the provisions in the form only need to apply to in line of duty, and is deferring this going to change the legal departments opinion that due diligence has been done and it is a document that everyone can agree upon.

Nicki Eke, reiterated that the Legal Department can not recommend the proposals that have been made by Mr. Branstetter. She stated that the Legal Department is willing to work with Mr. Branstetter to see if it can be resolved.

There was some discussion of the original issue with the release form (the amount of information sought), what is required of Metro, reviewing the markup provided by Mr. Branstetter, deferring this to next month and not deferring but allowing the Legal Department to negotiate on the Board's behalf.

Nicki Eke stated that in October the Legal Department will provide the final recommendation for the Board to make a decision.

After some discussion of the time that has been spent and the Board allowing the Legal Department to negotiate on the Board's behalf, deferring this item for one month, and accepting Metro's recommendations on the release form, B.R. Hall moved to defer this item for one month. Doug Clariday seconded and the Board approved without objection.

6. Medical and Life Committee report.

Christina Hickey reported to the Board that the Medical and Life Committee met on Monday, August 17, 2015 to deliberate on one self-insured Choice Fund plan appeal and one self-insured PPO plan appeal. She stated that the medical information has been provided in the medical packet and the minutes from this meeting are attached for approval. She also stated that the Committee has two recommendations at this time.

Committee Chair Jerry Hall asked if there were any amendments, corrections or questions of the minutes from the Medical and Life Committee meeting. With no corrections, nothing further was noted

6. Medical and Life Committee report. (continued)

and Richard Riebeling moved for approval. Christine Bradley seconded and the Board approved without objection.

Jerry Hall reported to the Board that the Committee has the following recommendations at this time. On item 2, the self-insured Choice Fund plan appeal, the Committee recommends that the Board approve

coverage for this procedure for this particular member only based on the specific facts in this case pending additional information. Richard Riebeling moved for approval of the recommendation that the Board approve coverage for this procedure for this particular member only based on the specific facts in this case pending additional information. Doug Clariday seconded and the Board approved without objection.

On item 1, self-insured PPO plan appeal, the Committee recommends that the Board approve coverage for this particular member only based on the specific facts in this case. Richard Riebeling moved for approval of the recommendation that the Board approve coverage for this particular member only based on the specific facts in this case.

After some discussion of the review process for this case, a vote was taken on the motion to approve coverage for this particular member only based on the specific facts in this case.

7. Study and Formulating Committee final report.

Christina Hickey reported to the Board that the Mayor-appointed Study & Formulating Committee has concluded their appointment and issued their final report. She stated that the report was discussed at the August Study Session and it was noted that the unions have a desire to address the items in the report.

B.R. Hall moved to defer this item to the next Study Session to allow the unions to address the items in the report. Jerry Hall seconded and the Board approved without objection.

8. Correspondence:

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

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

9. Reports for your information:

- a. Return to work. (none to report)
- b. Social Security approvals.
- c. Refund of pension contributions. (none to report)
- d. Repayment of pension contributions.
- e. Non-compliant disability pensioners. (none to report)
- f. Pending litigations. (reported quarterly)
- g. Denial log from Alternative Service Concepts.
- h. Benefit Board budget.
- i. HIPAA notice.

Items 9.-a. through 9.-c. were for information only and no action was required.

10. Late item(s):

There were no late items reported at the meeting.

With nothing further presented, the meeting adjourned at 11:08 a.m.

ATTEST:

APPROVED:

Veronica T. Frazier, Director
Human Resources

Edna J. Jones, Chair
Employee Benefit Board