

## **MINUTES**

### **METROPOLITAN EMPLOYEE BENEFIT BOARD**

**October 6, 2015**

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday, October 6, 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, Veronica T. Frazier, B.R. Hall, Sr., Jerry Hall, W. Todd Henry, and Talia Lomax-O'deal.

Others present: Christina Hickey, Metro Human Resources, Katie Downey, Attorney, Metro Legal Department and Dr. William Paul, Director of Health, Metro Health Department.

**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 September 1, 2015. With two corrections, nothing further was noted and Christine Bradley moved for approval. Stephanie Bailey seconded and the Board approved with Talia Lomax-O'deal abstaining.

\*Denotes the arrival of G. Thomas Curtis.

At this time Board Chair Edna J. Jones welcomed new member Talia Lomax-O'deal.

#### **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. William Paul, Director of Health, Metro Health Department, and Claire Cobb, Assistant to the Civil Service Medical Examiner, (CSME), reviewed the disability pensions with the Board.

Edna Jones noted that there was additional information related to item 1 and it will be reviewed separately.

Claire Cobb reported to the Board that on the disability pension new request item 1, the CSME recommends to deny the request for an in line of duty disability pension and approve as a medical disability pension for the length of time as recommended.

Dewey Branstetter, attorney, was present on behalf of the individual.

The individual was also present.

Dewey Branstetter questioned the rational/basis for approving the disability pension as a medical disability versus in line of duty. He reviewed the injury on duty incident and related surgeries that followed. He also stated that as a result of another surgery related to complications from the initial injury/surgery she is no longer able to do her job. Mr. Branstetter also stated that upon returning to work, she did reinjure herself, however, everything that stems from her inability to work was caused by the initial injury.

The individual addressed the Board regarding the initial incident, the re-injury and subsequent surgery.

Dewey Branstetter made additional comments regarding the rationale/basis for approving a medical versus an in line of duty disability pension.

Dr. William Paul stated that the CSME's recommendation was based on the individual being at maximum medical improvement being determined and returning to full duty.

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

After some discussion of the injury on duty and the additional problems being related to the initial injury, Doug Clariday moved to approve the disability pension new request, item 1, as in line of duty with re-exam in six months. B.R. Hall seconded and the Board approved with Stephanie Bailey and Talia Lomax-O'dneal opposing.

Claire Cobb reported to the Board that the CSME recommends to approve the disability pension new requests, items 2 through 6, 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 6, for the length of time as recommended. Jerry Hall seconded and the Board approved without objection.

On item 7, there was discussion related to having a functional capacity evaluation (FCE) done based on the diagnosis/prognosis of the individual. B.R. Hall moved to approve the disability pension new request, item 7, for the length of time as recommended with no FCE. Doug Clariday seconded and the Board approved with Stephanie Bailey opposing and Tom Curtis abstaining.

Claire Cobb reported to the Board that the CSME recommends approval for continuing the disability pension reexaminations, items 8 through 15, (with the exclusion of item 9) for the length of time as recommended with case management services/evaluations where noted. Jerry Hall moved for approval of the recommendation to continue the disability pension reexaminations, items 8 through 15, (with the exclusion of item 9), for the length of time as recommended with case management services where noted. Christine Bradley seconded and the Board approved without objection.

On item 9, there was some discussion regarding conducting a functional capacity evaluation and Claire Cobb clarified that it is actually a vocational case management evaluation/functional capacity evaluation. Doug Clariday moved to continue the disability pension reexam, item 9 for the length of time as recommended with a functional capacity evaluation. Jerry Hall seconded and the Board approved with Stephanie Bailey and Talia Lomax-O'dneal abstaining.

Claire Cobb reported to the Board that the CSME recommends to continue the disability pension re-exam, item 16, for the length of time as recommended with case management services.

On item 16, the employee and her attorney, Worrick Robinson were present. Mr. Robinson recommended a re-exam date in one year based on the physician's findings regarding her prognosis.

After some discussion of the scheduled re-exam date, Todd Henry moved to continue the disability pension re-exam, item 16 for one year with case management services. B.R. Hall seconded and the Board approved with Christine Bradley and Stephanie Bailey opposing.

Claire Cobb reported to the Board that on item 17, the CSME recommends return to work with restrictions as noted.

Vickie Black, Sheriff's Office, stated that they are able to accommodate the restrictions.

Jerry Hall moved for approval of the recommendation on item 17 of return to work. Tom Curtis seconded and the Board approved without objection.

Claire Cobb reported to the Board that on item 18, the CSME recommends return to work with restrictions as noted. She stated that the updated job description for the classification states that the job requires frequently doing an activity that is a part of the restrictions, however, they are requesting that MNPS attempt accommodations.

Harold Finch, Metropolitan Nashville Public Schools, (MNPS), stated that they have concerns with being able to accommodate the individual.

There some discussion regarding the job duties, not being able to accommodate the restrictions and how hard staff and the departments work at returning an individual to work.

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

Dr. William Paul stated that if the department is unable to accommodate the restrictions he would recommend return to work with vocational case management to facilitate returning to a less demanding job.

B.R. Hall moved to continue the disability pension, item 18, for the length of time as recommended (6 months), with vocational case management services. Doug Clariday seconded and the Board approved with Veronica Frazier, Jerry Hall and Stephanie Bailey opposing.

Claire Cobb reported to the Board that on item 19, the CSME recommends return to work. She also stated that the independent medical evaluation ordered by the Board found no restrictions for any occupational situation.

Sue Bibb, Police Department, stated that they are prepared to return the individual to work with additional training.

Christine Bradley moved for approval of the recommendation on item 19 of return to work. Jerry Hall seconded and the Board approved without objection.

Claire Cobb reported to the Board that on item 20, the CSME recommends return to work. She also stated that the independent medical evaluation ordered by the Board found no objective basis for permanent restrictions for any occupational situation.

Harold Finch, MNPS, stated that they are prepared to return the individual to work.

Jerry Hall moved for approval of the recommendation on item 20 of return to work. Veronica Frazier seconded.

After some discussion regarding the individual's classification a vote was taken on the motion to return the individual to work and the Board approved with B.R. Hall and Doug Clariday opposing.

Edna Jones noted that on item 21, additional evaluations have been completed and the findings are available.

On item 21, Claire Cobb stated that the CSME is requesting guidance from the Board on how to proceed with this case. She stated that there is insufficient evidence to determine the status of the individual's condition. She stated that the CSME states that the pension should no longer be considered in line of duty as multiple specialists have found no evidence of the reported condition being related to the injury on duty.

After some discussion of the medical record and the inconsistencies in that record, Christine Bradley moved to continue the disability pension as a medical disability pension for six months, with an independent psychological evaluation and case management. Jerry Hall seconded.

The individual and his spouse were present and addressed the Board regarding his conditions.

After further discussion of the findings in the medical record, a vote was taken on the motion on item 21 to continue the disability pension as a medical disability pension for six months, with an independent psychological evaluation and case management and was approved with Todd Henry abstaining.

Christina Hickey reported to the Board that the CSME has requested to defer item 1 under reconsiderations. B.R. Hall moved for approval of the request to defer item 1 under reconsiderations. Doug Clariday seconded and the Board approved without objection.

**NEW REQUESTS:**

	<b>Name</b>	<b>Department</b>	<b>In Line of Duty (IOD) or Medical Disability</b>	<b>Board Action Taken</b>
1.	Janelle G. Driver	Fire	In Line of Duty/Medical	As moved, seconded and approved, this disability pension request was approved as in line of duty for six months, (April 2016), with re-exam at that time.

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

**NEW REQUESTS:**

	<b>Name</b>	<b>Department</b>	<b>In Line of Duty (IOD) or Medical Disability</b>	<b>Board Action Taken</b>
2.	Viva L. Farlow	Public Works	In Line of Duty	As moved, seconded and approved, this disability pension request was approved for six months, (April 2016), with re-exam at that time.
3.	Janice E. Gordon	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension request was approved for one year, (October 2016), with re-exam at that time.
4.	Mary D. Gregory	State Fairgrounds	Medical	As moved, seconded and approved, this disability pension request was approved for two months, (December 2015), with re-exam at that time.
5.	Angelyn M. McCutcheon	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.	Sharon L. Robinson	Human Resources	Medical	As moved, seconded and approved, this disability pension request was approved for three months, (January 2016), with re-exam at that time.
7.	Vernon D. Thomas	Public Works	Medical	As moved, seconded and approved, this disability pension request was approved for two months, (December 2015), with re-exam at that time.

**REEXAMINATIONS:**

	<b>Name</b>	<b>Department</b>	<b>In Line of Duty (IOD) or Medical Disability</b>	<b>Recommendation</b>
8.	Beverly A. Anderson	Parks	Medical	As moved, seconded and approved, this disability pension was continued for one year, (October 2016), with re-exam at that time.
9.	Robert L. Chitwood	Police	Medical	As moved, seconded and approved, this disability pension was continued for three months, (January 2016), with re-exam at that time.
10.	Timothy L. Crenshaw	Water	Medical	As moved, seconded and approved, this disability pension was continued for two months, (December 2015), with re-exam at that time.

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

**REEXAMINATIONS:**

	<b>Name</b>	<b>Department</b>	<b>In Line of Duty (IOD) or Medical Disability</b>	<b>Board Action Taken</b>
11.	Jeremy M. Davis	Fire	In Line of duty	As moved, seconded and approved, this disability pension was continued for two years, (October 2017), with re-exam at that time.
12.	John M. Harrell	Police	Medical	As moved, seconded and approved, this disability pension was continued for eighteen months, (April 2017), with re-exam at that time.
13.	Linda K. Hurt	General Hospital	Medical	As moved, seconded and approved, this disability pension was continued for six months, (April 2016), with re-exam at that time.
14.	William A. McNeill, Jr.	Assessor of Property	Medical	As moved, seconded and approved, this disability pension was continued for one year, (October 2016), with re-exam at that time.
15.	Carol L. Smith	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension was continued for six months, (April 2016), with re-exam at that time.
16.	Kimberly A. Towers	Police	In Line of Duty	As moved, seconded and approved, this disability pension was continued for one year, (October 2016), with re-exam at that time.

**RETURN TO WORK:**

	<b>Name</b>	<b>Department</b>	<b>In Line of Duty (IOD) or Medical Disability</b>	<b>Recommendation</b>
17.	Syretha D. Sessions	Sheriff	Medical	As moved seconded and approved, this individual was placed on the return to work list.
18.	James R. Shumate	Metropolitan Nashville Public Schools	In Line of Duty	As moved, seconded and approved, this disability pension was continued with case management services, for six months, (April 2016), with re-exam at that time.
19.	Bryan A. Doersam	Police	In Line of Duty	As moved, seconded and approved, this individual was placed on the return to work list.
20.	Jennifer L. Kee	Metropolitan Nashville Public Schools	In Line of Duty	As moved seconded and approved, this individual was placed on the return to work list.

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

**OTHER:**

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
21.	William E. Dotson	General Services	In Line of Duty/Medical	As moved, seconded and approved, this disability pension was changed to a medical disability pension and continued for six months, (April 2016), with re-exam at that time.

**RECONSIDERATIONS:**

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
22.	Rhonda F. Bright	Circuit Court Clerk	Medical	As moved, seconded and approved, this reconsideration was deferred to a later date (November 2015).

**SOCIAL SECURITY REFERRALS:**

Claire Cobb reviewed the CSME recommendations on the Social Security referrals with the Board. Doug Clariday moved for approval of the referrals. Stephanie Bailey seconded and the Board approved without objection.

Item	Name	Department	Review Originated From	Case Management Recommendation for Referral	CSME Recommendation for Referral	Comments
1	Crews, Eleanor	Library	Pension Approval	Yes	Yes	Evaluation
2	Giles, Alonzo	Juvenile Court	Pension Approval	No	No	Younger Worker
3	Jackson, Jerry	General Services	Pension Approval	Yes	Yes	CI meets SSDI Listings
4	Langhi, Susan	Juvenile Court	Pension Approval	Yes	Yes	Evaluation
5	Taylor, Anthony	MNPS	Pension Approval	Yes	Yes	CI eligible for SSA RIB
6	VanBrackle, Janet	Health	Pension Approval	Yes	Yes	CI meets SSDI Listings

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

Christine Bradley moved for approval of the pensions. Veronica Frazier seconded and the Board approved without objection.

**Service**

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Bobbie Brewer	ECC	Office Support Spec 2	B	08/21/2015	09/23/2015
Brenda Derrick *	BLTC	Unit Secretary	B	08/27/2015	08/01/2015
Roy Lamb	Sheriff's Office	Sheriff Maint Mechanic 2	B	08/27/2015	09/01/2015
Rosalind Sanders	Library	Circulation Asst 2	B	08/27/2015	10/02/2015

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

**Service**

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Karen Love	Sheriff's Office	Office Support Spec 2	B	08/27/2015	09/26/2015
Vickie Songer	MNPS	Secretary	B	08/27/2015	09/18/2015
Louise Goodman	MNPS	Cashier-Cluster Lead	B	08/25/2015	08/19/2015
Janice Hassler *	Assessor's Office	Appraiser 2	B	08/28/2015	11/01/2015
Tommy Smith	Sheriff's Office	Correctional Officer 2	B	09/01/2015	08/27/2015
Phillip Barber	Fire	Fire Marshal – Asst	B	09/01/2015	09/21/2015
Richard Smiley	Health	Commun Disease Investigator	B	09/03/2015	10/21/2015
Harry T. Gaston Jr.	Sheriff's Office	Correctional Officer 2	B	09/03/2015	09/01/2015
Charles T. Ray	Circuit Ct Clerk	Deputy Clerk	B	09/03/2015	09/29/2015
Anita Woods	MAC	Teacher Asst	B	09/03/2015	08/31/2015
David P. Ross	Parks	Maint & Repair Worker 2	B	09/03/2015	11/05/2015
Linda J Cloyd	MNPS	Asst-Food Service	B	09/03/2015	10/02/2015
Kimberly Brooks *	Police	Sergeant	B	09/03/2015	10/01/2015
Brenda Fields	County Clerk	Deputy Clerk 3	B	09/03/2015	08/27/2015
Tony Wallace	Fire	Fire Marshal-Asst	B	09/04/2015	09/11/2015
Jessie Wynn *	MNPS	Gen School Asst	B	09/10/2015	10/01/2015
Marianne Greenwood *	Health	Public Health Nurse 2	B	09/10/2015	11/01/2015
Ramona McKenzie	Fire	Fire District Chief	B	09/10/2015	10/16/2015
Lexie Brake	Water	Indust Tech Master	B	09/10/2015	12/31/2015
Edward Todd	Library	Library Mgr 2	B	09/10/2015	10/30/2015
Larry Prater	Fire	Fire Fighter 2	B	09/14/2015	09/17/2015
Diane Poole	ITS	Info Sys App Analyst 3	B	09/17/2015	10/10/2015
Cordelia Harris	ECC	Emer Telecom. Officer 4	B	09/17/2015	09/26/2015
Randall B. Thomas	Fire	Fire Captain	B	09/17/2015	09/25/2015
James Elliott	Water	Indus Maint Supv 2	B	09/17/2015	10/12/2015
James Hollis	MNPS	Skilled Laborer-Carpentry Sr	B	09/17/2015	12/01/2015
Fadumo Ibrahim	MNPS	Translator-Parent Outreach	B	09/18/2015	08/05/2015
Florentino Santana	Police	Police Officer 2	B	09/11/2015	10/01/2015
*Karl F Dean	Legal	Director	B	09/23/2015	10/01/2015
John R Knight	Fire	Fire Fighter 2	B	09/23/2015	10/04/2015
Norma Merrimon	MNPS	Bus Driver	B	09/24/2015	10/03/2015
Larry Slaven	MNPS	Skilled Laborer-Carpentry Sr	B	09/24/2015	10/10/2015
Bret Melton	Fire	Fire Captain	B	09/24/2015	10/13/2015
Nellie Bowman	Health	Program Spec 2	B	09/24/2015	11/14/2015
Margaret Abbott *	Trustee's Office	Deputy-Tax Accntg	B	09/24/2015	11/01/2015
Johnny Wordlaw *	General Services	Equipment Servicer	B	09/24/2015	10/01/2015
Charles Lovett	Public Works	Director	B	09/24/2015	09/25/2015

**Disability to service**

Employee	Department	Plan A/B	Effective Date of Conversion
Harry Breece	Fire	A	09/01/2015
Nina Green	Health	B	09/01/2015

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

**Options Elected**

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
ARMSTRONG, REBECCA B	MNPS	Service	B	7/7/2015	Option E	2
ARTEAGA, CLARA	Metro Action Commission	Early Service	B	7/11/2015	Option B	
BARNETT, LLOYD P	Public Library	Early Service	B	7/22/2015	Normal Form	
BOYD, MARILYN L	Metro Action Commission	Early Service	B	7/25/2015	Normal Form	
BROWN, PHYLLIS S	MNPS	Early Service	B	8/5/2015	Normal Form	
CASTRO, VICKI E	MNPS	Early Service	B	7/1/2015	Normal Form	
CEPNIO, WILFREDO D.	General Hospital	Early Service	B	7/31/2015	Option F	
CHANEY, DAVID J	Water Services	Early Service	B	8/1/2015	Option D	
COLE JR, LLOYD L	MNPS	Service	B	8/5/2015	Normal Form	
COLE, TAMMY EVON	MNPS	Early Service	B	8/5/2015	Normal Form	
DAVIS, DONNA P	MNPS	Service	B	7/1/2015	Normal Form	
DAYE, ANN KATHLEEN	MNPS	Early Service	B	8/5/2015	Option E	
DICKERSON, PAULETTE E	MNPS	Service	B	7/1/2015	Normal Form	
DYSON, BARBARA A	Metro Action Commission	Early Service	B	7/11/2015	Normal Form	
FORD, DONNA JO	MNPS	Service	B	8/5/2015	Normal Form	
GABLE, WILLIE L	General Services	Early Service	B	6/27/2015	Option A	
Goodwin, Linda	Water Services	Service	B	8/1/2014	Option D	
GRIMM, KAREN E	Health	Service	B	8/1/2015	Normal Form	
GRISSOM, COLLEEN W	MNPS	Service	B	7/1/2015	Normal Form	
HARRELL, LYNNE C	MNPS	Service	B	7/1/2015	Option F	
HERRING, KENNETH H.	General Services	Service	B	7/18/2015	Option E	
Hill, Edward	Codes	Service	B	2/1/2002	Option A	
HIRSCH, TERRY L.	Information Technology Service	Early Service	B	7/8/2015	Option A	
HOLTON, DEBRA S.	Sheriff	Early Service	B	6/11/2015	Normal Form	
JACKSON, LINDA LONG	Juvenile Court	Early Service	B	7/1/2015	Normal	
KEPLEY, MARGARET K.	Health	Early Service	B	7/18/2015	Normal Form	
KOMISAR, FRADA	MNPS	Service	B	8/5/2015	Option B	
LAWSON, DENNIS D.	Human Resources	Service	B	7/16/2015	Option D	2
LONG, VICKI L	Metropolitan Clerk	Early Service	B	7/18/2015	Normal Form	
MARTIN, DEBBIE A.	General Hospital	Early Service	B	8/1/2015	Option D	
MCCLINTOCH, DEBORAH A	MNPS	Service	B	7/10/2015	Option F	2



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

**Options Elected**

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
MCEWEN, PAMELA M.	Social Services	Service	B	7/16/2015	Normal Form	3
MOSELEY, JERRY F	General Services	Early Service	B	6/27/2015	Option F	
NIDIFFER, JEFFREY B.	Police	P & F Service	B	7/9/2015	Option F	
PARKERSON, CURT RAY	Metro Action Commission	Service	B	8/1/2015	Normal Form	
PARKS, RICHARD E.	Fire	P & F Service	B	7/3/2015	Normal Form	3
PRATT, MARY L	MNPS	Service	B	8/1/2015	Normal Form	
RHODES SR, CLEVELT	Fire	Early Service	B	7/13/2015	Normal Form	
ROSEBERRY, WILLIAM E.	Sheriff	Early Service	B	7/15/2015	Option F	
SHONTING, ALAN G.	Sheriff	Early Service	B	7/21/2015	Normal Form	
SLOAN, TIM W.	Police	P & F Service	B	5/1/2015	Normal Form	
STEELE, JACQUELINE	MNPS	Early Service	B	8/5/2015	Normal Form	
THOMAS, DEBORAH S.	Finance	Service	B	8/1/2015	Normal Form	3
Tidwell, Buddy	Police	P & F Service	B	11/1/2014	Option E	
UPHAM, KENNETH W	MNPS	Service	B	8/5/2015	Normal Form	
VANCE, BARRY T	Fire	P & F Service	B	7/31/2015	Normal Form	
WILKISON, DEBORAH F	Caring for Children	Service	B	8/1/2015	Normal Form	
WOODALL, BLISS T	MNPS	Service	B	8/5/2015	Option A	
WRIGHT, MARIE W	MNPS	Service	B	7/1/2015	Option E	
Young, McKinley	MNPS	Early Service	B	8/5/2015	Option B	

**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
Linda Davis	Election Comm	James F. Davis	B	08/27/2015
Richard T. Bell	Police	Virginia (Gayle) Bell	A	08/27/2015
Teresa Campbell	Water	Roy Campbell	B	08/30/2015
Naomi Dorton	Water	James Dorton	B	08/31/2015
Charles Bayer	Parks	Cynthia Bayer	B	09/04/2015
Elizabeth Lassiter	Health	Robert Lassiter	B	09/06/2015
Mary J. Taylor	BOE	Darrell Taylor	A	09/05/2015

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

**Survivor**

Employee Name	Department	Survivor Name	Plan Membership	Effective Date
Kenneth Pulley	Public Works	Edna Pulley	B	09/10/2015
Edward Hill	Codes	Bette Y. Hill	A	09/15/2015
Betty C. Lingner	General Hospital	Hilary H. Lingner	A	08/17/2015
Larry D. Owens	Police	Pearl Owens	Closed	09/19/2015
Linda Kelso	Bordeaux Hospital	Douglas Owens	B	09/07/2015
Ruth A. Richardson	Bordeaux Hospital	Carroll Richardson	B	09/19/2015

**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 Circuit Court Clerk.

This item was acted upon accordingly with Section C of the agenda.

2. In Line of Duty Committee report – Medical waiver.

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. She stated that on item 11, the in line of duty medical care request for the employee from the Fire Department the Board voted to defer this item for 30 days pending discussion with the Legal Department 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 address issues raised by the Fire Union and Metro Legal made changes to the form on three separate occasions in good faith attempts to reasonably accommodate the changes requested by the Fire Union representative, Dewey Branstetter. She stated these changes were presented to Mr. Branstetter on August 3, August 11, and September 11, 2015 and that the clean and red-lined version of the form that was sent to Mr. Branstetter on September 11, 2015 is being presented for the Board's review. Ms. Hickey stated that Metro Legal recommends that the Board adopt the attached version of the medical release form. It was further noted that Metro Legal does not recommend that the Board adopt additional changes proposed by Mr. Branstetter, including: (i) requiring the signing of confidentiality agreements; (ii) requiring return of medical records to employees on encrypted CD(s) or certification to employees of destruction of such medical records; and (iii) routinely providing all employees who are claimants with copies of all medical records received from providers within ten (10) days of receipt. These additional changes requested by Mr. Branstetter would impose unreasonable burdens on Metro and are not consistent with legal requirements in the in line of duty context.

Steve Cain, Human Resources, was present.

Dewey Branstetter, attorney, was present.

Christina Hickey also reported to the Board that Mr. Branstetter submitted another proposed medical authorization after the packet deadline.

Dewey Branstetter addressed the Board regarding his additional proposed changes to the medical waiver form (ASC copying the employee on any request to a doctor and any denial).

Steve Cain stated that a copy can be provided with the information sent to the employee when the employee initially signs the waiver.

Dewey Branstetter also expressed concerns with follow up to requests for specific information.

Steve Cain stated that the company used to review the medical information documents what the decision is based upon and the employee has every opportunity to question what was sent to them. He

2. In Line of Duty Committee report – Medical waiver. (continued)

also stated that HR recommends that the employee gather that information when they want it from the source of that information, which is also where the law recommends they obtain it.

Katie Downey, Legal Department, stated that the employee has the ability and right to obtain those records.

After much discussion regarding the proposed changes to the medical waiver form, the employee being able to obtain medical records and Metro's obligation, Stephanie Bailey called for the question closing off any further debate.

Stephanie Bailey moved for approval of the medical waiver form provided by the Legal Department. Jerry Hall seconded and the Board approved with Todd Henry, Doug Clariday, B.R. Hall and Edna Jones opposing.

3. In Line of Duty Committee report.

Christina Hickey reported to the Board that the In Line of Duty Committee met on September 21, 2015 to deliberate on 6 in line of duty medical care requests. She stated that the minutes from this meeting are being presented for approval and has the following recommendations. She also noted that the Committee deferred one item (Item #5 at the request of the appellant's attorney).

Committee Chair Jerry Hall asked if there were any amendments, corrections or questions of the minutes from the In Line of Duty Committee meeting. With no corrections, nothing further was noted and Doug Clariday moved for approval of the minutes. Christine Bradley seconded and the Board approved with Talia Lomax-O'dneal abstaining.

Christina Hickey noted that there is some additional information related to item 1, the in line of duty medical care request for the employee from the Police Department.

The employee was present.

Christina Hickey also noted that no recommendation was made at the Committee level on this item and was deferred pending additional information.

Vickie Hampton, ASC, stated that the additional information presented was in response to a question related to why the left knee surgery was performed. Ms. Hampton stated that the employee requested that the surgery be performed at the same time as the surgery for the injury on duty (right knee) and that it be billed to her medical insurance.

The employee addressed the Board regarding the surgeries, the medical information and what was approved.

Paula Krebs, Eckman/Freeman, addressed the Board regarding the surgery for the right knee being cover as injury on duty and the physical therapy. She also stated that ASC did cover the therapy as a generous offer and conciliatory gesture because it would have been difficult for billing and making separate appointments for the therapy.

Vickie Hampton also stated that the claims for the injury on duty (right knee) were paid for up until the physician stated that she was at baseline for the overcompensation.

After some discussion regarding the surgery for the injury on duty, the physical therapy and subsequent appointments/treatments, and that ASC's decision was based on the physician's opinion, Talia Lomax-O'dneal moved for approval of the Committee's recommendation to uphold ASC's determination to deny item 1, the in line of duty medical care request for the employee from the Police Department. Stephanie Bailey seconded and the Board approved with B.R. Hall, Doug Clariday, and Todd Henry opposing and Edna J. Jones abstaining.

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

Christina Hickey reported to the Board that on item 2, the in line of duty medical care request for the employee from the Fire Department, the individual has requested this item be deferred because her representation could not be present. She also stated that on item 6, the in line of duty medical care request for the employee from the Fire Department, the Committee recommends that the Board uphold ASC's determination to deny this in line of duty medical care claim, however, the Committee also recommended deferring the Benefit Board vote until the November Board at the request of the Fire Union. Veronica Frazier moved to defer items 2 the in line of duty medical care request for the employee from the Fire Department and item 6, the in line of duty medical care request for the employee from the Fire Department. Doug Clariday seconded and the Board approved without objection.

On item 3, the in line of duty medical care request for the former employee from the Police Department, the Committee recommends that the Board uphold ASC's determination to deny this in line of duty medical care claim. Stephanie Bailey moved for approval of the Committee's recommendation to uphold ASC's determination to deny this in line of duty medical care claim. Veronica Frazier seconded and the Board approved without objection.

On item 4, the in line of duty medical care request for the pensioner from the Police Department, the Committee recommends that the Board uphold ASC's determination to deny this in line of duty medical care claim. Stephanie Bailey moved for approval of the Committee's recommendation to uphold ASC's determination to deny this in line of duty medical care claim. Tom Curtis seconded and the Board approved without objection.

Christina Hickey reported to the Board that on item 5, the in line of duty medical care request employee from the Police Department, the Committee deferred this item.

4. Study and Formulating Committee final report.

Christina Hickey reported to the Board that the Mayor appointed Study and Formulating Committee has concluded their appointment and have issued their final report. She stated that the Committee has two recommendations and Deloitte is present to discuss the administrative considerations related to the recommendations.

Edna Jones distributed a copy of a letter that was previously submitted regarding this report.

Greg Drennan, Deloitte, was present to address any questions on the recommendations and the administrative considerations.

There was some discussion regarding whether or not the administrative considerations were discussed during the meetings along with the recommendations and that the administrative considerations be considered with the recommendations.

There was also some discussion to include language in the recommendations or the Board's approval to Council that would include a budget for the administrative costs.

After some discussion of the recommendation to offer/implement a voluntary lump sum buyout, whether or not it will be a one-time offer or ongoing and potential savings, Edna Jones moved for approval of the proposed change to offer a voluntary lump sum buyout option, with time limits and the option to offer the buyout again in the future, and that the Council provide the funding for the buyout. Veronica Frazier seconded.

There was discussion that the funding for the buyout would be allocated from a source other than the pension fund, presenting the Council with an estimated budget and what fund the actual pay-out will come from, and a time limit on their response to the buyout.

The motion was revised to include for those terminated vested participants as of the date of the ordinance with a time limit for electing the buyout (90 days) from the date of the benefit offer.

4. Study and Formulating Committee final report. (continued)

A vote was taken on the motion to recommend the proposed change to offer a voluntary lump sum buyout as a one-time offer with a review in 18 months, to use the date of the ordinance as the effective date of eligibility for terminated/vested employees who may elect participation, a 90 day window (beginning the date of the benefit offer), to elect the lump sum payout and that the administrative funding be allocated by the Metro Council and was approved with B.R. Hall opposing.

Greg Drennan reviewed the recommendation to eliminate the retiree medical subsidy upon eligibility for Medicare at age 65. He stated that this recommendation is limited to general government employees and excludes police and fire.

Veronica Frazier moved not to recommend the proposed recommendation to eliminate the retiree medical subsidy upon eligibility for Medicare at age 65. B.R. Hall seconded.

After some discussion of the recommendation and the unfairness of it to exclude certain employees, Metro's plan as a whole and reviewing this option in the future, a vote was taken on the motion not to recommend the recommendation to eliminate the retiree medical subsidy upon eligibility for Medicare at age 65 and was approved with Tom Curtis and Stephanie Bailey opposing and Talia Lomax-O'dneal abstaining.

5. Correspondence:

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

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

Christina Hickey made note of item 5.-d. Blue Cross Blue Shield correspondence regarding cyberattack.

6. Reports for your information:

- a. Return to work.
- 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. Health Insurance Portability and Accountability Act (HIPAA) notice.
- j. Annual voluntary insurance reports.

Items 6.-a.through 6.-j. were for information only and no action was required.

7. Late item(s):

Items to be listed under this section will be reported at the meeting.

With nothing further presented, the meeting adjourned at 11:14 a.m.

ATTEST:

APPROVED:

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**Veronica T. Frazier, Director**  
**Human Resources**

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