

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

November 3, 2015

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday, November 3, 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., B.R. Hall, Sr., Jerry Hall, W. Todd Henry and Talia Lomax-O'dneal.

Members G. Thomas Curtis and Veronica T. Frazier were 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.

A. MINUTES: Chair Edna Jones called the meeting to order and said the first order of business was to determine if there were any amendments, corrections or questions of the minutes from the last regular meeting held on October 6, 2015. With no corrections, nothing further was noted and Stephanie Bailey moved for approval. Christine Bradley 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 Civil Service Medical Examiner, (CSME) and Claire Cobb, CSME Assistant, reviewed the disability pensions with the Board.

Claire Cobb reported to the Board that approval is recommended on the disability pension new requests, items 1 through 5, for the length of time as recommended. Stephanie Bailey moved for approval of the recommendation to approve the disability pension new requests, items 1 through 5 for the length of time as recommended. Jerry Hall seconded and the Board approved without objection.

Claire Cobb reported to the Board that approval is recommended on the disability pension reexaminations, items 6 through 10 for the length of time as recommended with case management services where noted.

Stephanie Bailey requested to review item 9 separately.

Jerry Hall moved for approval of the recommendation to continue the disability pension reexaminations, items 6 through 10, (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.

After some discussion regarding possible compliance issues, the individual's current treatment, the medical information and a possible return to work on item 9, Stephanie Bailey moved for approval of the recommendation to continue item 9 for the length of time as recommended. Jerry Hall seconded and the Board approved without objection.

Claire Cobb reported to the Board that deferral is recommended on items 11 and 12 for one month. Jerry Hall moved for approval of the request to defer items 11 and 12 for one month. Todd Henry seconded and the Board approved without objection.

Edna Jones noted that item 1 under reconsiderations coincides with item 1 under Benefit Board items.

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

Christina Hickey reported to the Board that this individual was denied a disability pension at the September meeting. She stated that the initial request for reconsideration was deferred at the request of the CSME pending review of further medical information.

Nicki Eke, Legal Department, reviewed who may make a motion for reconsideration.

Edna Jones moved for reconsideration of item 1 under reconsiderations. B.R. Hall seconded and the Board approved with Edna Jones, B.R. Hall, Doug Clariday, Todd Henry and Talia Lomax-O'dneal in favor, Christine Bradley and Stephanie Bailey opposing and Jerry Hall abstaining.

Dr. Deidra Parrish, Interim CSME, reported to the Board that the individual did have additional testing performed. She stated that after review of that information she recommends approval of the disability pension for two years.

B.R. Hall moved for approval of the recommendation to approve item 1 under reconsiderations for the length of time as recommended. Todd Henry seconded and the Board approved with Stephanie Bailey abstaining.

NEW REQUESTS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
1.	Sherry D. Abernathy	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension request was approved for one year, (November 2016), with re-exam at that time.
2.	Gloria D. Ellison	Health	Medical	As moved, seconded and approved, this disability pension request was approved for four months, (March 2016), with re-exam at that time.
3.	Lesia D. Hale	Finance	Medical	As moved, seconded and approved, this disability pension request was approved for one month, (December 2015), with re-exam at that time.
4.	Nicholas A. Marchese	Sheriff	In Line of Duty	As moved, seconded and approved, this disability pension request was approved for two months, (January 2016), with re-exam at that time.
5.	Debra K. Tuders	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension request was approved for two years, (November 2017), with re-exam at that time.

REEXAMINATIONS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
6.	Dorothy E. Cox	General Hospital	Medical	As moved, seconded and approved, this disability pension was continued for four 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	Recommendation
7.	Richard T. Foley, III	Police	Medical	As moved, seconded and approved, this disability pension was continued for six months, (May 2016), with re-exam at that time.
8.	Jesse W. Henry	Health	Medical	As moved, seconded and approved, this disability pension was continued for three months, (February 2016), with re-exam at that time.
9.	Katherine D. Ladd	Sheriff	Medical	As moved, seconded and approved, this disability pension was continued for four months, (March 2016), with re-exam at that time.
10.	Lullette R. Magalei	Health	Medical	As moved, seconded and approved, this disability pension was continued for nine months, (August 2016), with re-exam at that time.
11.	Ned L. Poarch, Jr.	Fire	In Line of Duty	As moved, seconded and approved, this disability pension re-exam was deferred for one month (December 2015), with re-exam at that time.
12.	Dennis R. Shepherd	Police	In Line of Duty	As moved, seconded and approved, this disability pension re-exam was deferred for one month (December 2015), with re-exam at that time.

RECONSIDERATION(S):

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
13.	Rhonda F. Bright	Circuit Court Clerk	Medical	As moved, seconded and approved, this disability pension request was approved for two years, (November 2017), with re-exam at that time.

SOCIAL SECURITY REFERRALS:

Claire Cobb reported to the Board that the CSME concurs with the case management recommendations on the Social Security referrals.

Todd Henry 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:

Item	Name	Department	Review Originated From	Case Management Recommendation for Referral	CSME Recommendation for Referral	Comments
1	Farlow, Viva L.	Public Works	Pension Approval	No	No	CI does not meet SSDI guidelines
2	Gordon, Janice E.	MNPS	Pension Approval	Yes	Yes	Evaluation
3	Gregory, Mary D.	State Fairgrounds	Pension Approval	No	No	CI does not meet SSDI guidelines
4	Hurt, Linda K.	General Hospital	Pension Approval	Yes	Yes	Evaluation
5	McCutcheon, Angelyn M.	MNPS	Pension Approval	Yes	Yes	CI meets SSDI Listings
6	McNeill, William A., Jr.	Assessor of Property	Pension Approval	No	No	CI can perform other work activity
7	Robinson, Sharon L.	Human Resources	Pension Approval	Yes	Yes	Evaluation
8	Thomas, Vernon D., Jr.	Public Works	Pension Approval	No	No	Younger Worker

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

B.R. Hall moved for approval of the pensions. Christine Bradley seconded and the Board approved without objection.

Service

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Carolyn Jones	MNPS	Education Asst	B	09/30/2015	10/05/2015
Mark Lee Sr. *	MNPS	Monitor-In School Sups	B	09/30/2015	12/01/2015
Clifford Mann	Police	Police Officer 2	B	10/01/2015	11/18/2015
Michael Dye	Police	Police Officer 2-Fld trng	B	10/01/2015	11/01/2015
Katherine Smith	Sheriff's Office	Correctional Officer 2	B	10/01/2015	10/03/2015
William Winter Jr.	Assessor's Office	Appraiser 2	B	10/01/2015	11/20/2015
Cydney McClain	MNPS	Supv-Transport Field	B	10/01/2015	10/01/2015
Brenda Higgins *	MNPS	Cashier-Food Svc	B	10/05/2015	08/01/2015
Donna Faircloth	Fire	Emerg Medical Tech 2	B	10/05/2015	10/08/2015
Mark J Fishburn*	Courts	General Session Judge	B	10/05/2015	08/01/2015
Jeanette Woods *	BLTC	Licensed Practical Nurse	B	10/07/2015	11/01/2014
Annie M. Phillips	MNPS	Cashier-Food Svc	B	10/08/2015	11/01/2015
Terry Carillon	County Clerk	License Inspector 1	B	10/08/2015	12/01/2015
Patricia Wingfield	Social Services	Program Manager 2	B	10/08/2015	01/02/2016
Sandra Taylor	Health	Outreach Worker	B	10/08/2015	12/11/2015
Linda Ballenger	Health	Public Health Nurse 1	B	10/08/2015	01/01/2016
Robert English	Juvenile Court	Probation Officer 1	B	10/08/2015	11/01/2015
Jon Auer *	ITS	Computer Operator 2	B	10/12/2015	12/01/2015
Ray V. Brown	Parks	Maint & Repair Worker 1	B	10/15/2015	01/22/2016
John C. Larkin	Police	Sergeant	B	10/15/2015	10/27/2015
David Bebout	Police	Police Officer 2	B	10/15/2015	10/28/2015
Sandra Anderson *	MNPS	Custodian – Ld	B	10/15/2015	12/01/2015
Hannah McKee	MNPS	Therapist-Occup. Sr	B	10/15/2015	10/30/2015
Glenn Hudson *	Sheriff's Office	Correctional Officer Sgt	B	10/01/2015	08/01/2015

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

Service

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
William Dillon	Police	Police Officer 2	B	10/22/2015	01/07/2016
Theresa Gross	Police	Police Officer 2	B	10/22/2015	12/31/2015
Charlie Christian Jr.	Parks	Main & Repair Leader 1	B	10/22/2015	10/31/2015
Karen Nwokeabia	Gen Hospital	Patient Services Rep	B	10/22/2015	01/01/2016
James Howington	MNPS	Foreman- F&GM I	B	10/22/2015	10/24/2015
Carlan Parrott Sr.	MNPS	Bus Driver	B	10/22/2015	11/07/2015
Francis McLaughlin *	Gen Hospital	MIC Director	B	10/21/2015	09/01/2015

Disability to service

Employee	Department	Plan A/B	Effective Date of Conversion
Laura L Jones	Health	B	10/01/2015
Sheila Tidwell	MNPS	B	11/01/2015
Deborah Campbell	MNPS	B	11/01/2015
Barbara Dale	Juvenile Court	B	11/01/2015

Options Elected

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Barber, Phillip	Fire	Service	B	9/22/2015	Option F	3 Year
Binkley, Charles E	General Services	Service	B	9/1/2015	Option D	3 Year
Brewer, Bobby L	ECC	Service	B	9/24/2015	Normal	
Brooks, Kimberly L	Police	Service	B	10/1/2015	Option D	
Bryant, Randall	Criminal Court/Circuit Court Clerk	Service	B	9/1/2015	Option B	
Buse, Jana J	Sheriff	Service	B	9/2/2015	Normal	
Dean, Karl F	Mayor	Service	B	10/1/2015	Option D	
Fields, Brenda F	County Clerk	Early Service	B	8/19/2015	Option A	
Furlough, James	Sheriff	Service	B	9/3/2015	Normal	3 Year
Gatson, Harry T	Sheriff	Early Service	B	9/2/2015	Option F	
Harris, Cordelia	ECC	Early Service	B	9/26/2015	Normal	
Ibrahim, Fadumo S	MNPS	Early Service	B	8/5/2015	Option E	
Lamb, Roy	Sheriff	Service	B	9/2/2015	Option A	3 Year
Leftwich, Samuel	General Services	Early Service	B	9/1/2015	Option E	
Lewis, Iris D	MNPS	Early Service	B	9/11/2015	Normal	
Lockridge Jr, Robert C	Water	Service	B	9/3/2015	Normal	3 Year
Love, Karen	DCSO	Early Service	B	9/26/2015	Option F	
Lunsford, Joyce	Parks	Service	B	10/1/2015	Normal	
McClain, Cydney	MNPS	Early Service	B	8/27/2015	Normal	

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

Options Elected

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	DROP Election
Merrimon, Norma	MNPS	Service	B	10/2/2015	Normal	
Phillips, Duane A	ECC	Service	B	9/19/2015	Option E	3 Year
Ray Charles T	Circuit Court	Service	B	9/19/2015	Option B	
Songer, Vickie	MNPS	Early Service	B	9/18/2015	Option F	
Stokes, Sandra	Parks	Service	B	12/1/2012	Option D	
Swafford, Beverly A	Circuit Court	Service	B	9/1/2015	Normal	
Szeigs, Martin G	Mayor	Service	B	9/5/2015	Option B	
Taylor, Leslie W	Water	Service	B	9/1/2015	Option E	1 Year
Thomas, Randall	Fire	Service	B	9/25/2015	Option F	3 Year
Wallace, Tony	Fire	Service	B	9/16/2015	Option E	2 Year
Woods, Anita	Mac	Early Service	B	9/1/2015	Option D	
Wordlaw, Johnny L	General Services	Service	B	10/1/2015	Option A	
Wynn, Jessie P	MNPS	Service	B	10/1/2015	Normal	

Key Codes

<u>Options</u>	<u>Drop Elections</u>
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
Winnie J. Largent	BOE	Hilton Largent	A	09/18/2015
Terry L Best	Public Works	Deborah Gary	B	10/02/2015
Marvin J. Batson	Social Services	Carole Batson	B	10/16/2015
Ray C. Pulley	Police	Annette L. Pulley	A	10/05/2015
Julian H. Adams Jr.	Water	Joanne Adams	B	10/27/2015
Albert Burke Jr.	Water	Mary Margo Burke	B	10/12/2015

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. Non-compliant disability pensioners.

Christina Hickey reported to the Board that as of October 1st, there are two individuals that have not returned their annual questionnaires and are in a non-compliant status. She also reviewed HR's efforts to obtain the questionnaires.

2. Non-compliant disability pensioners. (continued)

Lori Meyer, HR staff Disability Management, also addressed efforts to obtain the questionnaires.

There was some discussion regarding the policy for the disability questionnaires, submitting those questionnaires and the consequences for not doing so.

Nicki Eke, Legal Department, reviewed what the Code states regarding the questionnaires and suspending the disability pension.

Lori Meyer also noted that when the check is suspended, they are also informed that they need to contact payroll to direct pay their insurance so they can continue benefits until they comply.

There was also some discussion regarding the back payments when the pensions are suspended.

3. In Line of Duty Committee report.

Christina Hickey reported to the Board that individuals from Review Med are present today along with Steve Cain, HR Manager.

Steve Cain reported to the Board that Review Med's physician panels have been utilized by Eckman/Freeman and ASC to provide precertification and peer review services to Metro Nashville since 2012. He stated that in addition, Review Med physician reviewers are currently utilized to perform peer reviews as ordered by the Metro Employee Benefit Board and most recently, Review Med has begun reviewing medical records of those employees claiming Heart, Hypertension, Lung (HHL) and Cancer IOD claims. He also stated that having them present today should answer any questions the Board may have related to Review Med's physicians.

Dr. Paul Mark Parker, Medical Director and Co-Owner of Review Med, and Vice President, Ken Ferrell, gave a brief overview of the company's services and discuss the company's panel of respected medical professionals.

There was discussion of different types of claims/scenarios and the recommendations made by Review Med, and other entities the company serves.

Christina Hickey reported to the Board that the In Line of Duty Committee met on September 21, 2015 to deliberate on six IOD medical care requests of which two of those IOD medical care requests were deferred until this meeting.

Committee Chair Jerry Hall reviewed the recommendations. On item 2, the IOD medical care request for the employee from the Fire Department, the Committee recommends that the Board uphold ASC's determination to deny this IOD medical care claim.

Vickie Hampton, ASC, was present.

The employee and Mark Young, union representative were present. Mr. Young stated that the employee is wanting to take care of a re-injury to a previously covered injury.

Vickie Hampton reviewed the employees initial treatment, being released from that treatment and the subsequent request for additional treatment several months later and a different diagnosis at that time.

There was discussion of the employee requesting additional treatment, the injury being undocumented and the employee not recalling how that injury occurred.

Mark Young stated that if an employee has a 101 on file for an injury most employees feel that 101 would cover a re-injury.

Steve Cain stated that filling out the 101 form has always been required for the injury or re-injury and it documents more than just that, it also helps with safety.

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

There was some discussion regarding going to the IOD clinic and whether or not a 101 form has to be filled out prior to going.

There was also some discussion regarding the medical opinion from the IOD clinic that the injury was not work related.

After further discussion regarding the medical record, the opinion from the IOD clinic that this is not work related, no documentation of the re-injury (101 form being on file), and a car accident that the individual was involved in, Talia Lomax-O'dneal moved for approval of the Committee's recommendation to uphold ASC's determination to deny this in line of duty medical care claim. Christine Bradley seconded and the Board approved with B.R. Hall and Doug Clariday opposing and Todd Henry abstaining.

Christina Hickey distributed some additional information (a study) regarding this claim.

Committee Chair Jerry Hall reviewed the recommendation. On item 6, the IOD medical care request for the employee from the Fire Department, the Committee recommends that the Board uphold ASC's determination to deny this IOD medical care claim.

Mark Young, union representative, reviewed a study related to firefighters and sleep disorders/sleep apnea as an occupational injury. He also indicated that this should be covered to prevent any future claims if untreated.

The employee was present and addressed the Board.

There was discussion of any claims currently being covered for sleep disorders/sleep apnea and Vickie Hampton stated that there are some that were covered based on the advice of a previous CSME and the fact that there were HHL presumption claims approved for them. She also noted that this employee does not have any presumption claims on file.

There was further discussion regarding the study on sleep disorders/sleep apnea, the merits of this claim and this case not falling under the presumption, the employees current treatment under the medical plan for the sleep disorder/sleep apnea.

Doug Clariday moved to approve this claim as in line of duty. B.R. Hall seconded and the motion failed with Doug Clariday and B.R. Hall in favor and Stephanie Bailey, Christine Bradley, G. Thomas Curtis, Veronica Frazier and Talia Lomax-O'dneal opposing and Todd Henry abstaining.

Stephanie Bailey moved for approval of the Committees recommendation that the Board uphold ASC's determination to deny this IOD medical care claim. Christine Bradley seconded and the Board approved with Doug Clariday and B.R. Hall opposing and Todd Henry abstaining.

4. Qualified Domestic Relations Order (QDRO).

Christina Hickey passed out some additional information and reported to the Board that at the September and October study session, information was presented by BPSM regarding the new state law effective July 1, 2015 that requires Metro's pension plan to honor QDRO's. She stated that the policy, ordinance and budget information are being presented for the Board's review and approval. She stated that the budget request is \$34,000 which is the minimum amount shown in the BPSM presentation and would cover both the administrative cost and 50 DRO reviews.

Kevin Sullivan, BPS&M, was present for any questions.

There was some discussion regarding how this would be funded and that it is not to be allocated from the pension fund.

Nicki Eke, Legal Department, indicated that one option is for it to come out of the pension plan, unless other funding is provided. She reviewed Metro Code section 3.08.040-d which states that expenses

4. Qualified Domestic Relations Order (QDRO). (continued)

incurred in the administration of the system shall be paid from the trust fund subject to approval of the Board unless otherwise paid by the Metropolitan Government. She stated that if no other funding is provided by the Metro Council or through some budgetary mechanism, then it comes out of the pension plan.

The Board discussed whether or not the Board's decision not to have funding come from the trust fund can be overruled by the Council.

Talia Lomax-O'dneal informed the Board that any appropriation would have to be taken to the Council if this is to be funded through general fund dollars instead of the pension fund. She stated that is has to be specifically identified.

Nicki Eke reviewed the Council's budgetary process and indicated that this is a housekeeping ordinance to comply with state law.

There were some questions related to the budget request and Kevin Sullivan reviewed a breakdown of that request.

There was some discussion regarding allocations that are coming out of the trust fund and who determines what is directed towards that fund.

Tom Eddlemon, Metro Treasurer, stated that a budget is presented every year based on the costs that have been identified as benefitting the trust fund. He stated it is not unheard of that a few expenses will happen throughout the year that are recognized and then come to the Board for a vote. He also stated that if this is considered a pension expense it would come from the pension fund, if not there would have to be a separate appropriation ordinance that would have to come from the Council.

It was noted that this issue needs to be discussed with state legislators because of the impact (financial) on all cities in the state.

It was clarified that the ordinance is required by state law and is a housekeeping ordinance and it was suggested that there be three different votes: 1) the ordinance, 2) ODRO's policy and 3) funding.

Todd Henry moved for approval of the ordinance regarding QDRO's. Jerry Hall seconded and the Board approved with Stephanie Bailey abstaining.

Todd Henry moved for approval of the QDRO's policy. Jerry Hall seconded and the Board approved with Stephanie Bailey and Edna Jones abstaining.

After some discussion as to whether or not the funding for this can be figured into the contribution rate, Christine Bradley moved to recommend that the dollars for the QDRO budget not come out of the pension fund and that in lieu of that Metro Government work with the State Government to create legislation to enable all communities to recoup the cost of implementing this new law. Todd Henry seconded and the Board approved with Talia Lomax-O'dneal opposing and Stephanie Bailey 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)

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

6. 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. Pending litigations. (reported quarterly)
 - f. Benefit Board budget.
 - g. Denial log from Alternative Service Concepts.

Items 6.-a. through 6.-g. 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 11:07 a.m.

ATTEST:

APPROVED:

Veronica T. Frazier, Director
Human Resources

Edna J. Jones, Chair
Employee Benefit Board