

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

December 5, 2017

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday, December 5, 2017 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; Members: Stephanie Bailey, G. Thomas Curtis, B.R. Hall, Sr., Jerry Hall, Shannon B. Hall, W. Todd Henry, Talia Lomax-O'dneal and Mark Young.

Vice Chair: Christine Bradley was unable to be present.

Others present: Christina Hickey, Metro Human Resources, Nicki Eke, Attorney, Metro Legal Department and Dr. Gill Wright, Civil Service Medical Examiner.

Edna Jones welcomed new member Mark Young to the Board.

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 November 7, 2017. With no corrections, nothing further was noted and Talia Lomax-O'dneal moved for approval. Jerry Hall seconded and the Board approved with Mark Young abstaining.

B. APPEAL ANNOUNCEMENT:

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

Edna Jones requested that all members let Human Resources staff know if they will be present for the regularly scheduled meeting in January.

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. Gill Wright, Civil Service Medical Examiner, (CSME), and Claire Cobb, CSME Assistant, reviewed the disability pensions with the Board.

Dr. Dr. Gill Wright reported to the Board that he recommends approval of the disability pension new request, item 1 for the length of time as recommended. Jerry Hall moved for approval of the recommendation to approve the disability pension new request, item 1 for the length of time as recommended. Todd Henry seconded and the Board approved without objection.

On item 2, the employee was present.

Christina Hickey informed the Board that some additional information was provided regarding this item.

Dr. Gill Wright reported to the Board that he recommends denial of the disability pension new request, item 2, as he has returned to work (light duty) and to continue with returning the individual to full duty.

The employee addressed the Board regarding his employment with the Police Department. He stated that currently it is unsafe for him to work. He stated that he wants to work, but the question is can he safely work without putting himself and others in danger. He discussed issues that he has with the specialist regarding his ability to return to work. He also stated that during his last visit with him he recorded the conversation.

Sue Bibb and Lieutenant William Watkins, Police Department, were present.

There was some discussion regarding the medical record, the treating physicians/specialists indicating that he is able to work even though there is some pain, Dr. Wright's recommendation to deny the disability pension request and returning him to full duty without restrictions.

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

Sue Bibb stated there was an issue regarding his medications/narcotics and other than that she is not aware of any restrictions.

Dr. Gill Wright stated that taking the medication was changed to once a day by the treating physician/specialist and he was to be weaned off of it. He stated that the employee went to his primary physician and was placed back on the medication. Dr. Wright also clarified what the information presented today from the treating physician/specialist says regarding causation of the pain. He explained that based on the mechanism of the injury there should be no continued ongoing pain especially since he initially had complaints of pain in his neck and has not had any complaints until his last visit. He also stated that he may be in pain but he does not think that at this point the pain is still based on the injury on duty and he still recommends the request be denied. He also noted that if there is interest for a medical disability pension, he would discuss that.

There was some discussion regarding the impact from the incident (wreck) that caused the injury on duty, the minimal damage on the rear bumper of the vehicle and that the vehicle has been driven by the department ever since the accident.

There was also some discussion regarding the expertise of the treating physician/specialist and his not continuing the individual on medications, test/score results and there being no findings to support his ability not to return to work.

The employee stated that when he took the functional capacity evaluation, (FCE), he was on muscle relaxers and narcotics as he was told to do. He also stated that another specialist diagnosed him with another condition and indicated that he was not better and his condition was guarded.

There was some discussion of the other condition, (arthritis), and there is no consistency with his complaints and examinations.

Stephanie Bailey moved for approval of the recommendation on item 2, to deny the request for an injury on duty disability pension. Talia Lomax-O'dneal seconded.

One Board member brought up the issue of conflicting medical information regarding the medications and Dr. Wright stated that there is no conflict as the treating physician feels that he does not need to be taking pain medications when he is working.

There was some discussion regarding a request for a second opinion, the treating physician being cautious with prescribing pain medications, the employee requesting pain medications from his primary physician, possible psychological aspects to the complaints and allowing him to have a second opinion.

After further discussion of the information presented today and there being no findings that would warrant being prescribed permanent medications, being released to return to work by the treating physician and that the employee has had plenty of time to obtain second opinions/additional medical information from the request being deferred for two months.

Shannon Hall stated that his options have been clear and he has been given ample opportunity over the past three months to make a case for a disability and now we have a case where there is no objective medical evidence that supports he is disabled.

The employee stated that is correct.

There was some clarification/discussion regarding the individual being on muscle relaxers and narcotics at the time of the functional capacity evaluation and whether or not it made a difference in the test results, not being able to work after taking the medications, and his choice of physicians.

The employee stated that he did not chose his injury on duty physician. He stated that he was referred from one physician to another and that he has tried to get a second opinion. He also brought up issues with the treating physician and his treatment, and what the employee has requested from the treating physician and that he does not know what is wrong with him. He also requested another deferral.

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

A vote was taken on the motion on item 2, to deny the request for an injury on duty disability pension and was approved with Stephanie Bailey, Talia Lomax-O'dneal, Edna Jones, Tom Curtis and Shannon Hall in favor and B.R. Hall, Todd Henry, Jerry Hall and Mark Young opposed.

Nicki Eke, Legal Department, stated that whenever an employee applies for an injury on duty disability pension and if the person has the requisite 10 years of service, the Board has traditionally also considered whether they qualify for a medical disability pension. She stated a recommendation may be made by the CSME to deny injury on duty, but the CSME may review the materials and make a determination regarding eligibility for a medical disability pension. She stated this is considered when there is a medical condition that is not an injury on duty condition that prevents them from performing the duties of a police officer.

Dr. Gill Wright stated that based on the medical information he has at this time, it does not support a medical disability pension.

Shannon Hall informed the individual that he has the right to request a medical disability pension and supply the requisite medical information for consideration at a future meeting.

Dr. Gill Wright requested that the patient undergo another functional capacity evaluation off of the medications.

Nicki Eke stated that one option is for the Board to ask the CSME to review the medical information, defer the medical disability pension issue and come back with a recommendation on that issue.

Shannon Hall asked the employee if that was something that he wanted to consider. She explained to him that now that the Board has denied the injury on duty request he could pursue a medical disability pension with a functional capacity evaluation and the opportunity to provide additional medical information.

The employee stated that he would do whatever. He stated that he can not physically work and asked that she tell him what to do and he will do it.

He was informed that it is not the Board's decision to make, it is his. He was also informed that Dr. Wright has indicated that currently there is not medical information to support a medical disability pension.

After clarification that the Board needs to take a clear action regarding the medical disability pension issue, Shannon Hall moved to defer consideration of the medical disability pension and request a second functional capacity evaluation minus the medications. Todd Henry seconded.

It was reiterated to the individual that the current medical information does not support a disability pension and that medical information is a necessary requirement in addition to the FCE.

The employee stated that he is not saying that he is disabled, he can work, but can't function as a police officer.

There was some discussion regarding the individual's employment status and how do you defer something that has not been filed.

Nicki Eke informed the Board that the practice has been when an employee applies for an injury on duty disability pension, that application is considered. She stated that if the CSME, based on the medical information determines that the person is not eligible for injury on duty, they have traditionally looked to determine whether or not they are eligible for a medical disability pension.

A vote was taken on the motion on item 2, to defer consideration of a medical disability pension and request a second functional capacity evaluation minus the medications and was approved with Shannon Hall, Todd Henry, Talia Lomax-O'dneal, Jerry Hall and Tom Curtis in favor, B.R. Hall and Mark Young opposed and Stephanie Bailey and Edna Jones abstaining.

Sue Bibb, Police Department, informed the Board that Officer Crumby has been afforded light duty in the past and was unable to work in that capacity. She also stated that Officer Crumby has provided a doctor's statement indicating that he could not do anything associated with light duty.

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

Dr. Dr. Gill Wright reported to the Board that he recommends approval for continuing the disability pension reexaminations, items 3 through 6 for the length of time as recommended. After some discussion as to why item 3 is considered injury on duty, Talia Lomax-O'dneal moved for approval of the recommendation to continue the disability pension reexaminations, items 3 through 6 for the length of time as recommended. B.R. Hall seconded and the Board approved without objection.

Dr. Gill Wright reported to the Board that on item 7 he requests a deferral for one month. Shannon Hall moved for approval of the request to defer item 7 for one month. Jerry Hall seconded and the Board approved without objection.

On item 8, the individual was present.

Harold Finch, Metropolitan Nashville Public Schools, (MNPS) was also present.

Christina Hickey noted that the individual has provided additional information.

Dr. Gill Wright reported to the Board that on item 8 he recommends approval of return to work. He also stated that the additional information does not change his recommendation.

The individual addressed the Board regarding his condition and the level of pain.

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

There was some discussion regarding the statement provided today, whether or not MNPS has seen it and based on what Dr. Wright has seen in the medical record there is no reason that the individual can not return to work.

After some discussion of the individual being able to provide additional medical information which could change the recommendation, Stephanie Bailey moved for approval of the recommendation of return to work on item 8. Jerry Hall seconded and the Board approved without objection.

Dr. Gill Wright reported to the Board that on item 9 he is requesting approval of a functional capacity evaluation. Shannon Hall moved for approval of the request for a functional capacity evaluation on item 9. Jerry Hall seconded and the Board approved with B.R. Hall opposing.

Christina Hickey reported to the Board that item 10 is a request to return to work in a non-sworn position with an active employee salary supplement. Todd Henry moved for approval of a return to work with an active employee salary supplement on item 10. Jerry Hall seconded.

After some discussion regarding reporting the costs associated with the return to work program, a vote was taken on the motion on item 10 to approve a return to work with an active employee salary supplement and was approved without objection.

NEW REQUESTS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
1.	Bert W. Hanlon	Police	Medical	As moved, seconded and approved, this disability pension request was approved for 10 months, (October 2018), with re-exam at that time.

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

NEW REQUESTS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
2.	Johnny R. Crumby, Jr.	Police	In Line of Duty	As moved, seconded and approved, this disability pension request was denied.

REEXAMINATIONS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
3.	Stief A. Fuller	Fire	In Line of Duty	As moved, seconded and approved, this disability pension was continued for one year and two months, (February 2019), with re-exam at that time.
4.	Jerry L. Jamison	Water	Medical	As moved, seconded and approved, this disability pension was continued for eleven months, (November 2018), with re-exam at that time.
5.	Jacqueline D. Vincent	Emergency Communications	Medical	As moved, seconded and approved, this disability pension was continued for eleven months, (November 2018), with re-exam at that time.
6.	Cynthia L. Wood	Planning	Medical	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam at that time.
7.	Cynthia D. Clopton	Metropolitan Nashville Public Schools	In Line of Duty	As moved, seconded and approved, this disability pension was deferred for two months, (February 2018), with re-exam at that time.

RETURN TO WORK:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
8.	Mark Melman	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this individual was returned to work.

OTHER:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
9.	Jason A. Robbin	Fire	Medical	As moved seconded and approved a functional capacity evaluation was approved for this individual.
10.	Angelo Iezzi, Jr.	Police	Medical	As moved seconded and approved, the individual was returned to work in a non-sworn position and a salary supplement was approved.

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

SOCIAL SECURITY REFERRALS:

Dr. Dr. Gill Wright reported to the Board that CSME's office concurs with the case management recommendations on the Social Security referrals. Shannon Hall moved for approval of the referrals. ?? seconded and the Board approved without objection.

Item	Name	Department	Review Originated From	Case Management Recommendation for Referral	CSME Recommendation for Referral	Comments
1	Howell, Napoleon	Sheriff	Pension Approval	Yes	Yes	Evaluation
2	Lockhart, Jennifer	Fire	Pension Approval	Yes	Yes	Evaluation
3	Taylor, Lawrence	Police	Pension Approval	No	No	Younger Worker, does not meet SSDIB guidelines
4	Thomas, Mary	Sheriff	Pension Approval	No	No	Younger Worker, does not meet SSDIB guidelines

D. PENSIONS: (service, disability to service, options elected, qualified domestic relations orders, (QDRO's), and survivor)

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

Service

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Lois Muhammad *	MNPS	Account Clerk 1	B	10/05/2017	03/01/2017
Frances Crafton	Juvenile Court Clerk	Office Support Rep 1	B	11/08/2017	12/30/2017
Michael Hayes	MNPS	MONITOR - SCHOOL BUS	B	10/31/2017	08/18/2017
Sherry Burton	MNPS	MGR - FOOD SERVICE FIELD	B	11/01/2017	11/18/2017
Sammie Menzies Jr	MNPS	MONITOR - SCHOOL BUS	B	11/01/2017	12/16/2017
Dahlia Williams	MNPS	MONITOR - SCHOOL BUS	B	10/18/2017	10/24/2017
Julia Miller	Criminal Court Clerk	Deputy Criminal Ct Clerk 3	B	11/01/2017	11/01/2017
Melissa Floyd	MNPS	MGR - PROJECT R-12	B	11/08/2017	12/30/2017
Ernest Smithson	Water Services	Engineer Technician	B	11/15/2017	01/06/2018
Jan Schuffman	General Services	Technical Specialist 1	B	11/01/2017	11/04/2017
Vanessa Braden	Water Services	Office Support Spec 2	B	11/15/2017	12/30/2017
Mitchell Kornberg	Police	Police Sergeant	B	11/15/2017	01/18/2018
Deborah Frierson	General Hospital	Periop Coordinator	B	11/01/2017	12/20/2017
Houston Taylor	Parks	Park Police Lieutenant	B	11/08/2017	12/15/2017
Wanda Patrick	NCAC	Youth Data Spec-NCAC	B	11/08/2017	12/30/2017
Richard White	Fire	Fire Chief	B	11/09/2017	12/01/2017
William Turbeville	Police	Police Officer 2	B	11/15/2017	12/01/2017
Brad Carlisle	General Services	Master Tech	B	11/01/2017	01/06/2018
Richard Hartman *	Law	Program Mgr 1	B	11/22/2017	11/01/2017

Disability to service

Employee	Department	Plan A/B	Effective Date of Conversion
Bertha Mumphery-Otey	Bordeaux Long Term Care	B	11/01/2017
Stephen Beasley	Fire	A	11/01/2017
Anthony Oliver	MNPS	B	11/01/2017
Doris Vance	MNPS	B	06/01/2017

D. PENSIONS: (service, disability to service, options elected, qualified domestic relations orders, (QDRO's), and survivor)

Employee	Department	Plan A/B	Effective Date of Conversion
Gerald Smock	Fire	B	11/01/2017
David McNeil	Public Works	B	11/01/2017
Juli Lawson	Police	B	07/01/2017

Options Elected

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	Drop Election
Christopher Hodges	Health	Service With Option	B	11/01/2017	Option E	
Jerry Ashburn	Fire	P&F Service Pen With Option	B	10/11/2017	Option A	
Julia Miller	Criminal Court Clerk	Service Without Option	B	11/01/2017	Normal	
Julia Burns	Public Library	Early Service With Option	B	11/01/2017	Option B	
Peggy Kunkel	MNPS	Early Service With Option	B	10/13/2017	Option E	
Marcus Young	Public Works	Early Service With Option	B	10/19/2017	Option A	
Susan Howard	MNPS	Early Service With Option	B	10/17/2017	Option F	
Glendel Greer	Police	Service Without Option	B	11/01/2017	Normal	2
Constance Jackson	Metro Action Commission	Service Without Option	B	10/17/2017	Normal	
Mary Lackey	Parks	Service With Option	B	11/01/2017	Option E	
Jackie Eadie	Assessor of Property	Early Service With Option	B	10/14/2017	Option A	
Donna Barker	Health	Early Service Without Option	B	10/06/2017	Normal	
Sherry Watkins	General Hospital	Early Service With Option	B	10/02/2017	Option E	
Ryan Casada	Police	Service With Option	B	10/28/2017	Option E	3
Regina Stephens	Police	Service Without Option	B	10/07/2017	Normal	
Alyce Simmons	MNPS	Service Without Option	B	11/10/2017	Normal	
Jennifer Hill	Water Services	Service With Option	B	11/01/2017	Option F	
Bonnie Maynard	Fire	P&F Service Pen Without Option	B	10/07/2017	Normal	
Vickie Mccord	Bordeaux Long Term Care	Service Without Option	B	11/01/2017	Normal	
Marilyn Beck	General Hospital	Service With Option	B	11/01/2017	Option F	
Charles Cage	Police	P&F Service Pen With Option	B	11/01/2017	Option D	
Paulette Brown	MNPS	Service Without Option	B	11/01/2017	Normal	
Wilma Blair	MNPS	Service Without Option	B	09/01/2017	Normal	
Tommy Wright	Parks	Service Without Option	B	02/01/2017	Normal	
Deborah Hynes	Public Library	Service Without Option	B	11/01/2017	Normal	
Lois Muhammad	MNPS	Service With Option	B	03/01/2017	Option D	

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	

QUALIFIED DOMESTIC RELATIONS ORDERS (QDRO)

Employee	Alternate Payee	Plan A/B	Effective Date
Gary Stuteville	Norma Stuteville	B	11/01/2017
Jeffrey Goforth	Mary Goforth	B	11/01/2017

Survivor

Employee	Department	Survivor Name	Plan A/B	Effective Date
Deborah Ervin	MNPS	Jason Worthington	B	11/25/2017
Amos Long	General Hospital	Donna Long	B	09/25/2017
James Gentry	Police	Joyce Gentry	A	11/10/2017
Randall Vance	Fire	Jeanette Vance	B	10/31/2017
James Murray	Codes Administration	Mary Murray	B	10/04/2017
Allen Alston	Water Services	Shirley Alston	B	10/30/2017

D. PENSIONS: (service, disability to service, options elected, qualified domestic relations orders, (QDRO's), and survivor)

Employee	Department	Survivor Name	Plan A/B	Effective Date
William Merryman	Police	Elaine Merryman	A	11/14/2017
Larry Cook	Police	Patricia Cook	B	10/07/2017
James Simmons Iii	Fire	Janet Simmons	B	11/09/2017
Dana Binkley	Fire	John Binkley	B	11/02/2017
Jeffrey Debusk	Parks	Gail Debusk	B	11/16/2017

BENEFIT BOARD ITEMS

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

1. Election of Metropolitan Employee Benefit Board Chair and Vice-Chair for 2018

Christina Hickey reviewed the procedures as outlined in the by-laws under Section 1 to conduct the election of Chair and Vice-Chair for 2018 and opened the floor to nominations.

Jerry Hall nominated Edna Jones for Metropolitan Employee Benefit Board Chair and Christine Bradley for Vice-Chair for 2018. Shannon Hall seconded.

A vote was taken on the nominations of Edna Jones for Chair, and Christine Bradley for Vice-Chair, and was approved without objection.

2. Cost of living adjustments for Division A and B pension plans.

Christina Hickey reported to the Board that cost of living adjustments for Division A and B pension plans are offered in accordance with Metro Code Sections 3.08.170 and 3.08.171 and this adjustment is built into the Metro Code and cannot be adjusted without a change to the Code. She stated that as a result of the 2.233% increase in the consumer price index, an increase of 2.00% under Division A (the percentage rounded to the nearest one-half percent) should be granted to all retirees eligible to receive a cost of living increase beginning January 1, 2018 and eligible retirees under Division B should receive a 1.00% cost of living increase in January 2018.

B.R. Hall moved for approval of the cost of living adjustments for Division A of 2.00% and 1.00% for Division B beginning January 2018. Todd Henry seconded and the motion was approved without objection.

Kevin Sullivan was also present to address any questions.

3. Blue Cross Blue Shield air ambulance services.

Christina Hickey reported to the Board that at the November 21, 2017 Study Session, Blue Cross Blue Shield presented information on air ambulance services. She stated the Board will need to determine if they would like to adopt the new program changes of applying maximum allowable charges for out of network air ambulance services or continue with the current program of allowing billed charges.

Todd Henry moved to continue the current program. B.R. Hall seconded and the Board approved without objection.

4. Correspondence:

- a. Utilization report from Blue Cross Blue Shield.
- b. Utilization report from CIGNA.

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

5. Reports for your information:

- a. Return to work. (none to report)
- b. Social Security approvals. (none to report)
- c. Refund of pension contributions. (none to report)
- d. Repayment of pension contributions. (none to report)
- e. Denial log from Alternative Service Concepts.
- f. Benefit Board budget reports.
- g. Annual report to Council.

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

Christina Hickey made note of item 5.-g.

6. Late item(s):

There were no late items reported at the meeting.

With nothing further presented, the meeting adjourned at 10:38 a.m.

ATTEST:

APPROVED:

Shannon B. Hall, Director
Human Resources

Edna J. Jones, Chair
Employee Benefit Board