

## **MINUTES**

### **METROPOLITAN EMPLOYEE BENEFIT BOARD**

**January 2, 2018**

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday, January 2, 2018 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, G. Thomas Curtis, B.R. Hall, Sr., Jerry Hall, Shannon B. Hall, Talia Lomax-O'dneal and Mark Young.

Member W. Todd Henry was unable to be present.

Others present: Christina Hickey, Metro Human Resources, Nicki Eke, Attorney, Metro Legal Department and Ashlee Lewis, on behalf of Dr. Gill Wright, 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 December 5, 2017. With no corrections, nothing further was noted and Jerry Hall moved for approval. Tom Curtis 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.

Ashlee Lewis, Nurse Practitioner, who was present on the behalf of Dr. Gill Wright the Civil Service Medical Examiner, (CSME), and Claire Cobb, CSME Assistant, reviewed the disability pensions with the Board.

Ashlee Lewis reported to the Board that the CSME recommends approval of the disability pension new requests, items 1 through 3, for the length of time as recommended with evaluations/case management services as indicated.

It was requested that item 1 be discussed separately.

Christine Bradley moved for approval of the recommendation to approve the disability pension new requests, items 2 and 3 for the length of time as recommended. Talia Lomax-O'dneal seconded and the Board approved without objection.

On item 1, there was some discussion regarding whether or not this is a legitimate request and will the independent medical evaluation, (IME), provide what is needed for this request, and the lack of non-compliance with the course of treatment.

There was some discussion on qualifying for and eligibility for a disability pension, the individual being terminated, the timeline for completion of the IME and the medical record indicating that the individual is not taking medications properly.

After further discussion regarding the purpose of the IME is to clarify any specific limitations and the options after the IME, Christine Bradley moved for approval of the recommendation on item 1, to approve the disability pension new request for the length of time as recommended with an IME. B.R. Hall seconded.

There was some clarification regarding the process if the individual is approved for a disability pension and return to work status and whether or not the individual applied for a disability pension while still an active employee. Nicki Eke, Legal Department stated that if the individual applied for a pension while still employed, it will need to be considered.

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

A vote was taken on the motion on item 1, to approve the disability pension new request for the length of time as recommended with an IME and was approved with Mark Young, B.R. Hall, Tom Curtis, Shannon Hall and Christine Bradley in favor and Edna Jones and Stephanie Bailey opposing and Jerry Hall and Talia Lomax-O'dneal abstaining.

Ashlee Lewis reported to the Board that on item 4 the CSME is requesting a deferral for one month in order for additional evaluation in the CSME's office. Mark Young moved for approval of the request to defer item 4 for one month. Talia Lomax-O'dneal seconded and the Board approved with Stephanie Bailey and B.R. Hall opposed.

Nicki Eke informed the Board that this individual was returned to work in September and that still stands unless the Board takes another action.

There was some discussion regarding returning the individual to work, the department paying the pension and the Board having enough information in determining this persons eligibility to return to work. There was also some discussion regarding penalizing the department.

Shannon Hall amended the motion on item 4 to remove the individual from the return to work list and defer the review of this disability pension for one month. The maker and seconder of the motion agreed on the amended motion. A vote was taken on the amended motion and was approved with B.R. Hall and Stephanie Bailey opposed.

Edna Jones stated that on item 5 there would need to be a motion for reconsideration.

Nicki Eke, Legal Department, stated that is correct.

The individual was present.

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

Mark Young moved to reconsider item 5. B.R. Hall seconded.

The motion for reconsideration was questioned.

Nicki Eke, Legal Department, stated that the Board returned the individual to work, however, he was subsequently approved for Social Security. She stated that the Board needs to determine whether or not to change the prior decision of return to work. She stated that the Board would need to reconsider or rescind the prior decision and determine how to proceed.

There was some discussion of any cases where someone qualified for Social Security and the Board did not continue the disability pension.

Nicki Eke, Legal Department, noted a previous case that went to court.

Shannon Hall stated the case that legal makes reference to is materially different from this one.

Nicki Eke, Legal Department, stated that the Board had already taken action prior to information related to approval of Social Security being provided to the Board. She also stated that the Board has already decided that this person is able to resume work and if the Board wants to change that decision then the Board would need to reconsider its prior decision.

A vote was taken on the motion to reconsider item 5 and was approved with Mark Young, B.R. Hall, Jerry Hall and Shannon Hall in favor, Stephanie Bailey and Talia Lomax-O'dneal opposed and Tom Curtis, Christine Bradley and Edna Jones abstaining.

Nicki Eke, Legal Department, stated that now the Board has to consider all the information and determine whether or not this person is disabled or whether they are able to resume work. She stated that if the Board determines they are not able to resume work based on the medical information then they will remain on a pension.

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

After some clarification that the individual was approved, returned to work and subsequently approved for Social Security, Mark Young moved to remove the individual from the return to work list. B.R. Hall seconded.

After some discussion/clarification that this would be without stipulation of scheduled re-exam, a vote was taken on the motion and failed with Mark Young, B.R. Hall, and Jerry Hall in favor and Tom Curtis, Edna Jones, Stephanie Bailey, Christine Bradley and Talia Lomax-O'dneal opposing and Shannon Hall abstaining.

There was some discussion regarding what the individual's status will be since being approved for Social Security.

Nicki Eke, Legal Department, stated that the Code states that if you return someone to work then they are required to go through the return to work process. She stated that if the Board does not take any additional action today then this person will remain on the return to work list and go through the return to work process.

Harold Finch, MNPS, asked that the Board assist them, as they would not be able to comply with the request to return him to work.

There was some discussion regarding having the department pay for a pension when the person has been deemed disabled by Social Security.

It was also noted that historically when a disability pensioner has been approved for Social Security they are not re-examined by the Board.

Jerry Hall moved to remove the individual from the return to work list, continue the medical disability pension with re-exam in one year. Mark Young seconded.

After some discussion of different scenarios related to Social Security and returning to work and the individual's pension being reduced upon receipt of Social Security a vote was taken on the motion on item 5 to remove the individual from the return to work list, continue the disability pension with re-exam in one year and the Board approved with Jerry Hall, Mark Young, Edna Jones and Shannon Hall in favor, Talia Lomax-O'dneal opposed and Christine Bradley, Tom Curtis and Stephanie Bailey abstaining.

Ashlee Lewis reported to the Board that on item 6, the CSME recommends a return to work with a salary supplement.

Edna Jones noted that this individual is not on a disability pension.

Byron Grizzle, Sheriff's Office, and the individual were present.

Byron Grizzle reported to the Board that this individual was on injury on duty. He stated that while on injury on duty he received a second diagnosis, not related to the injury on duty that prevented him from performing the functions of his job as a warrant officer. Mr. Grizzle stated that he is being placed in a different position that would allow him to retain police and fire pension plan status and that would need to be supplemented. He is also requesting that this item be deferred pending possible resolution of the injury on duty.

After some discussion regarding resolution of the injury on duty, B.R. Hall moved to defer item 6. Jerry Hall 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.	Gregory O. Crockett	General Hospital	Medical	As moved, seconded and approved, this disability pension request was approved for three months, (April 2018), with re-exam at that time.

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

**NEW REQUESTS: (continued)**

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
2.	Quinta D. Sanders	Metro Action Commission	Medical	As moved, seconded and approved, this disability pension request was approved for seven months, (August 2018), with re-exam at that time.
3.	Christopher T. Taylor	Police	Medical	As moved, seconded and approved, this disability pension request was approved for four months, (May 2018), with re-exam at that time.

**OTHER:**

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
4.	Christopher L. Clark	Police	In Line of Duty	As moved, seconded and approved, this individual was removed from the return to work list and review of the disability pension was deferred for one month, (February 2018).
5.	Mark Melman	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this individual was removed from the return to work list and the disability pension was continued for one year, (January 2019), with re-exam at that time.
6.	Michael L. Yarlett	Sheriff	Medical	As moved, seconded and approved, this return to work request was deferred.

**SOCIAL SECURITY REFERRALS:**

Ashlee Lewis 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. Jerry Hall seconded and the Board approved without objection.

Item	Name	Department	Review Originated From	Case Management Recommendation for Referral	CSME Recommendation for Referral	Comments
1	Hanlon, Bert W.	Police	Pension Approval	Yes	Yes	Evaluation
2	Vincent, Jacqueline D.	ECC	Pension Approval	Yes	Yes	Evaluation

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

Jerry Hall moved for approval of the pensions. Mark Young seconded and the Board approved without objection.

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

**Service**

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Linda Johnson *	Bordeaux Long Term Care	Licensed Practical Nurse	B	11/01/2017	12/01/2017
Gerald Quinn Jr	Sheriff	Sheriff Prisoner Processor 1	B	12/13/2017	01/17/2018
Donald Black	Police	Police Officer 2	B	12/20/2017	01/13/2018
William Stokes	Police	Police Officer 2	B	11/29/2017	12/01/2017
Richard Cawood	Public Works	Technical Specialist 1	B	12/13/2017	12/30/2017
Addie Degraphenreed	Social Services	Program Supv	B	12/06/2017	02/01/2018
Yvonne Foote	Public Works	Admin Spec	B	12/06/2017	12/30/2017
Harriet Floyd	Health	Office Support Rep 3	B	12/20/2017	01/16/2018
Thomas Pillow Jr	Sheriff	Correctional Officer Lieut	B	12/13/2017	01/20/2018
Julie Hoffman	Police	Police Operations Coord 1	B	12/13/2017	01/06/2018
Michael Brady	Fire	Fire Captain	B	12/13/2017	12/16/2017
Teresa Radford	Police	Computer Operator 3	B	12/13/2017	02/01/2018
Herbert Durham Jr	Sheriff	Correctional Officer 2	B	11/29/2017	11/29/2017
Nancy Jones	MNPS	MONITOR - SCHOOL BUS	B	12/14/2017	11/14/2017
Lori Bentley	Emergency Communication Center	Emer Telecommunications Off 4	B	12/18/2017	12/19/2017
Danny Brown	MNPS	DRIVER - BUS	B	12/20/2017	01/06/2018
Ronald Simpson	Public Library	Maintenance & Repair Worker Se	B	12/06/2017	12/16/2017
Debra Harris	MNPS	MGR - FOOD SERVICE FIELD	B	12/20/2017	02/01/2018
Harold Berry	MNPS	SKILL LABORER - PLUMBING SR	B	12/06/2017	01/19/2018
Nancy Vaughn	MNPS	ASST - SCHOOL GENERAL	B	12/06/2017	12/16/2017
Connie Deal	MNPS	SECRETARY-CLERK	B	11/29/2017	01/04/2018
George Smith	Codes Administration	Property Stan Insp 1	B	12/20/2017	01/27/2018
Kathy Smith	MNPS	DRIVER - BUS	B	12/13/2017	12/09/2017
Charles Fleming	Police	Police Officer 2	B	12/06/2017	03/01/2018
Samuel Molokwu	Sheriff	Program Supv	B	12/20/2017	02/01/2018
Alejandro Amezcua	MNPS	TRANSLATOR - PARENT OUTREACH	B	11/21/2017	11/21/2017
Anthony Tackett	MNPS	ED ASST - EX ED ONE TO ONE	B	12/13/2017	12/16/2017
Richard Hughey *	Police	Police Officer 2	A	10/11/2017	12/01/2014
Anthony Burnett *	Parks	Maint & Repair Worker 3	B	12/20/2017	02/01/2018
Jesse Burchwell Jr *	Police	Police Officer 2	B	12/04/2017	02/01/2018

**Disability to service**

Employee	Department	Plan A/B	Effective Date of Conversion
Charlotte Brewer	MNPS	B	11/01/2017
Shirley Batts	General Hospital	B	11/01/2017
David Newton	Fire	A	12/01/2017
Renaldo Hall	MNPS	B	12/01/2017
Clifford Copeland	General Services	B	12/01/2017

**Options Elected**

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	Drop Election
Linda Johnson	Bordeaux Long Term Care	Service Without Option	B	12/01/2017	Normal	
Azil Parker	MNPS	Service With Option	B	11/11/2017	Option B	
Margie Davis	Juvenile Court	Service Without Option	B	11/04/2017	Normal	
William Turbeville	Police	P&F Service Pen With Option	B	12/01/2017	Option E	
John Henry	Police	P&F Service Pen Without Option	B	11/02/2017	Normal	
Mary Taylor	Police	P&F Service Pen Without Option	B	11/10/2017	Normal	1
Richard White	Fire	P&F Service Pen With Option	B	12/01/2017	Option A	2
Willie Anderson	Sheriff	P&F Service Pen With Option	B	11/18/2017	Option F	
Robert Griffiths	Juvenile Court	Service With Option	B	11/18/2017	Option B	
Dahlia Williams	MNPS	Service Without Option	B	10/25/2017	Normal	
Ruth Yearout	General Hospital	Service With Option	B	11/05/2017	Option B	
Bobbye Burge	MNPS	Service Without Option	B	10/27/2017	Normal	
Jan Schuffman	General Services	Service Without Option	B	11/04/2017	Normal	
Alejandro Amezcua	MNPS	Service With Option	B	11/21/2017	Option F	
Jerry Gray	MNPS	Early Service Without Option	B	10/24/2017	Normal	
James Ayers	MNPS	Service With Option	B	11/01/2017	Option B	

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

**QDRO – None to report**

**Survivor**

Employee	Department	Survivor Name	Plan A/B	Effective Date
Paul Sparkman	Public Works	Lori Sparkman	B	12/12/2017
Mary Hench	Health	Palph Hench	B	12/10/2017
Thomas Cannon	Sheriff	Estate of Thomas Cannon	A	12/13/2017
James Bolden	Unknown	Hazel Bolden	B	12/09/2017
Robert Stavinoga	MNPS	Glenda Stavinoga	B	12/05/2017
Mary Gooch	MNPS	Robert Gooch	B	12/15/2017
James Carnahan	Water Services	Dorothy Carnahan	C	12/13/2017

**BENEFIT BOARD ITEMS**

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

1. In line of duty death benefit for Dana Binkley.

Christina Hickey reported to the Board that Dana Binkley was an active employee classified as a Firefighter 2 with the Fire Department who died on November 1, 2017 of a glioblastoma multiforme according to the death certificate. She stated that the above referenced employee had an immediate onset of facial drooping and a headache while working as a Metro firefighter and was transported to the emergency room that same day and diagnosed with a brain tumor. She stated that when this claim was reported to ASC, it was unclear if this was a presumption claim due to his symptoms, however, the emergency room records and subsequent records indicated a cancer presumption claim. She stated that the fire department completed an amended 101 form to include a brain tumor and the file was sent to ReviewMed for a causation opinion as it relates to the cancer presumption and it was documented as injury on duty related. Ms. Hickey stated this request is being made on behalf of his children and the Board will need to determine whether this case qualifies for the benefit afforded under Metro Code Section 3.20.040.

Mark Young moved for approval of the in line of duty death benefit for Dana Binkley. Jerry Hall seconded and the Board approved without objection.

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

Christina Hickey reported to the Board that staff has identified disability pensioners who have exceeded their outside allowable earnings amount and, in accordance with the Code, are to have their disability pensions adjusted accordingly. Ms. Hickey stated that the affected members have been notified of the adjustments.

Lori Meyer, Human Resources staff, was available for any questions.

There was some discussion of the earnings on some of the individual's, direct payments of insurance premiums if they are zeroed out, and whether or not those that have excessive earnings are working within their restrictions, if any.

Mark Young moved to accept the report and have the individuals disability pensions adjusted accordingly. Stephanie Bailey seconded.

After further discussion regarding restrictions changing, some of the individuals on the report not being able to return to their previous position (police and fire) and working within their restrictions, and that an individual can be brought up for re-exam at any time, a vote was taken on the motion to accept the report and have the individual's disability pensions adjusted accordingly and the Board approved without objection.

3. Correspondence:

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

Items 3.-a. and 3.-b. were for information only and no action was required.

4. Reports for your information:

- a. Return to work.
- b. Social Security approvals. (none to report)
- c. Refund of pension contributions. (none to report)
- d. Repayment of pension contributions.
- e. Denial log from Alternative Service Concepts.
- f. Benefit Board budget reports.
- g. 2018 Annual enrollment overview.
- h. Accomplishments for 2017.

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

Christina Hickey made note of items 4.-g. and 4.-h.

5. Late item(s):

There were no late items reported at the meeting.

Tom Curtis brought up the Board receiving communications from the Investment Committee.

Christina Hickey stated that Treasury is asking for a Board advisor for the 457 plan consultant request for proposal.

With nothing further presented, the meeting adjourned at 10:44 a.m.

ATTEST:

APPROVED:

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**Shannon B. Hall, Director**  
**Human Resources**

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