

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

May 1, 2018

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday, May 1, 2018 in the Metropolitan Nashville Public Schools Board of Education, Board Room, 2601 Bransford Avenue, Nashville, Tennessee, at approximately 9:35 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, W. Todd Henry, and Mark Young.

Member Talia Lomax-O'dneal 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.

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 April 3, 2018 and the April 17, 2018 Special Called meeting. With no corrections, nothing further was noted and Christine Bradley moved for approval. Jerry Hall seconded and the Board approved without objection.

B. APPEAL ANNOUNCEMENT:

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

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

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

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

Dr. Gill Wright reported to the Board that he recommends approval of the disability pension new requests, items 1 and 2, for the length of time as recommended. Jerry Hall moved for approval of the recommendation to approve the disability pension new requests, items 1 and 2 for the length of time as recommended. Tom Curtis seconded and the Board approved without objection.

On item 3, Dr. Gill Wright reported to the Board that a recommendation on the disability pension request is to be determined, however, he is requesting approval of an independent medical evaluation.

Jerry Hall moved for approval of the independent medical evaluation on item 3. Tom Curtis seconded.

There was some discussion of the medical record, past history with this particular condition, and the purpose of the independent medical evaluation.

There was some discussion regarding the employee's current status and approving the pension.

Jamie Summers, Fire Department, stated that the employee is currently out of leave time.

Shannon Hall informed the Board that if a disability pension is approved it would be retroactively paid to the day after the last active day on payroll.

There was discussion of approving a medical disability pension.

Dr. Gill Wright stated that based on the information in the current medical record, his recommendation would be to deny a request for a disability pension both medical or in line of duty. He stated that his treating physician is inconsistent in his findings and that is why there is no recommendation other than that for and independent medical evaluation.

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A vote was taken on the motion for approval of the independent medical evaluation on item 3 and was approved with B.R. Hall opposed.

After some discussion regarding a motion for a disability pension and there not being a recommendation for a disability pension, Mark Young moved to approve a medical disability pension for item 3. B.R. Hall seconded.

It was clarified that based on the information in the current medical record, Dr. Gill Wright's recommendation on a request for a disability pension would be to deny that request.

A vote was taken on the motion on item 3 to approve a medical disability pension and failed with Mark Young, B.R. Hall, Jerry Hall and Todd Henry in favor and Shannon Hall, Tom Curtis, Stephanie Bailey, Edna Jones, and Christine Bradley opposed.

B.R. Hall stated that he wanted to change his vote to the majority.

There was some discussion regarding the timeline for the independent medical evaluation for item 3.

Dr. Gill Wright reported to the Board that on the disability pension new request item 4, he recommends to deny the request and return the individual to work.

A representative from the department (MAC) was not present.

Jerry Hall moved for approval of the recommendation on the disability pension new request item 4 to deny the request and return the individual to work. Christine Bradley seconded and the Board approved with B.R. Hall and Mark Young opposed.

Christina Hickey suggested that some of the disability pension re-examinations be discussed individually.

Dr. Gill Wright reported to the Board that he recommends approval for continuing the disability pension reexamination, item 5, with an independent psychological evaluation, for the length of time as recommended. Shannon Hall moved for approval of the recommendation to continue the disability pension reexamination, item 5, with an independent psychological evaluation, for the length of time as recommended. Jerry Hall seconded and the Board approved without objection.

Dr. Gill Wright reported to the Board that he recommends approval for continuing the disability pension reexamination, item 6, for the length of time as recommended. Mary Young moved for approval of the recommendation to continue the disability pension reexamination 6, for the length of time as recommended. Stephanie Bailey seconded and the Board approved without objection.

Dr. Gill Wright reported to the Board that he recommends approval for continuing the disability pension reexamination, item 7, with an independent psychological evaluation, for the length of time as recommended. Jerry Hall moved for approval of the recommendation to continue the disability pension reexamination, item 7, with an independent psychological evaluation, for the length of time as recommended. Stephanie Bailey seconded and the Board approved without objection.

The individual was present for item 8, however, they declined to address the Board.

On item 8, Dr. Gill Wright reported to the Board that he recommends approval for continuing the disability pension as a medical disability pension for the length of time as recommended. He stated that based on the medical record the primary problem now stems from other medical conditions and not the injury on duty condition. Stephanie Bailey moved for approval of the recommendation to continue the disability pension reexaminations, item 8, as a medical disability pension for the length of time as recommended. Tom Curtis seconded and the Board approved with B.R. Hall opposed.

Dr. Gill Wright reported to the Board that he recommends approval for continuing the disability pension reexamination, item 9, without stipulation of scheduled re-exam. Todd Henry moved for approval of the

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recommendation to continue the disability pension reexamination, item 9, without stipulation of scheduled re-exam. Stephanie Bailey seconded and the Board approved without objection.

Dr. Gill Wright reported to the Board that he recommends approval for continuing the disability pension reexamination, item 10, with an independent psychological evaluation, for the length of time as recommended. Stephanie Bailey moved for approval of the recommendation to continue the disability pension reexamination, item 10, with an independent psychological evaluation, for the length of time as recommended. Todd Henry seconded and the Board approved without objection.

Jamie Summers, Fire Department was present for item 11 and the employee was not present.

On item 11, Dr. Gill Wright reported to the Board that he recommends approval of return to work. He stated that the injury on duty condition is resolved, however, there is no medical documentation to support the symptoms the individual is currently having related to the injury on duty and there may be some restrictions due to a medical issue. He also stated she is not eligible for a medical disability pension and that is the basis for the recommendation of return to work.

Jamie Summers stated that she would have to be released with no restrictions to return to work.

There was some discussion regarding the eligibility requirements for a disability pension, exploring other positions to accommodate the restrictions and any civilian vacancies in the department currently.

Jamie Summers stated that there were no vacancies at this time.

Nicki Eke, Legal Department, reviewed the Board's options regarding this case. She stated that in cases where the injury on duty has resolved and there may be other issues all you can do is return that person to work. She stated that once the person has been returned to work then the same procedure is used as with any other pensioner. She stated that if they are unable to perform the duties of their position then the department treats them administratively in the same manner as any other active employee who is unable to perform the functions of their position.

Jamie Summers questioned whether or not from an administrative standpoint they would be terminated.

Nicki Eke stated that is something that this Board can not determine for the department. She stated that it is a personnel matter from then on.

Jamie Summers stated that she can not be returned to her previous job with no restrictions which would be required in order to return her to work.

Nicki Eke stated that in order for the pension to terminate the person has to be returned to work. She stated that return to work does not mean actually going out into the field and performing duties but administratively a return to work has to happen. She stated that from there on it's on the employer to take whatever administrative measures that are appropriate. She stated that we have had those cases in the past where there is an in line of duty injury, the injury is resolved and that's the way it is handled. She stated that under case law that's the only way it can be handled because the Board's only authority is to return someone to work once they are no longer eligible for a disability pension.

After further discussion regarding the individual is currently on a disability pension and the procedures regarding returning public safety employees to work, Stephanie Bailey moved for approval of the recommendation on item 11 to return the individual to work. Shannon Hall seconded and the Board approved with Mark Young and B.R. Hall opposed.

Edna Jones noted that there are two late items.

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Dr. Gill Wright reported to the Board that he recommends approval of the disability pension new requests, late items 1 and 2, for the length of time as recommended, with case management services where noted.

It was suggested that the late items be discussed separately.

Dr. Gill Wright reported to the Board that he recommends approval of the disability pension new request, late item 1, with case management services for the length of time as recommended. Jerry Hall moved for approval of late item 1, with case management services for the length of time as recommended. Christine Bradley seconded and the Board approved without objection.

Dr. Gill Wright reported to the Board that he recommends approval of the disability pension new request, late item 2, for the length of time as recommended. He stated that the individual applied for a medical disability pension and he does have an injury on duty claim, but that has not been determined yet.

There was some discussion regarding the status of the claim.

Vickie Hampton and Tracy Patterson, Alternative Service Concepts, addressed the status of the claim. Vickie Hampton stated that the claim is out for review.

There was some discussion regarding what the individual applied for and clarification on the process that was approved by the Board, which is that initial determinations are made by ASC.

Nicki Eke, Legal Department, stated that the Board needs to have sufficient information to make any decision and it appears that the Board does not have all of the information needed to determine injury on duty. She stated that the presumption does not mean that you do not gather all the necessary information to make a determination.

B.R. Hall requested a copy of the policy and when it was approved by the Board.

Stephanie Bailey moved for approval of the disability pension new request, late item 2, as a medical disability pension, for the length of time as recommended. Tom Curtis seconded and the Board approved with Mark Young opposed.

NEW REQUESTS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
1.	Eric D. Forrest	Public Works	In Line of Duty	As moved, seconded and approved, this disability pension request was approved for five months, (October 2018), with re-exam at that time.
2.	Delores A. Rainey	Metro Action Commission	Medical	As moved, seconded and approved, this disability pension request was approved for one year, (May 2019), with re-exam at that time.
3.	Brian S. McAfee	Fire	In Line of Duty	As moved, seconded and approved, an independent medical evaluation was approved for this individual.
4.	Howard L. Turntine	Metro Action Commission	Medical	As moved, seconded and approved, this disability pension request was denied.

REEXAMINATIONS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
5.	Christopher D. Allgood	Sheriff	Medical	As moved, seconded and approved, this disability pension was continued with an independent psychological evaluation, for three months, (August 2018), with re-exam at that time.
6.	Elizabeth M. Berry-Loucks	Police	In Line of Duty	As moved, seconded and approved, this disability pension was continued for one year, (May 2019), with 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 continued with an independent psychological evaluation, for five months, (October 2018), with re-exam at that time.
8.	Tammie M. Smith	Parks	Medical	As moved, seconded and approved, this disability pension was continued as a medical disability pension for two years, (May 2020), with re-exam at that time.
9.	Christopher T. Taylor	Police	Medical	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam at that time.
10.	Lawrence Taylor, Jr.	Police	Medical	As moved, seconded and approved, this disability pension was continued with an independent psychological evaluation, for three months, (August 2018), with re-exam at that time.

RETURN TO WORK:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
11.	Elizabeth A. Troupe	Fire	In Line of Duty	As moved, seconded and approved, this individual was returned to work.

NEW REQUESTS - LATE ITEM

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
1.	David M. Tippitt	Sheriff	Medical	As moved, seconded and approved, this disability pension request was approved with case management services, for three months, (August 2018), with re-exam at that time.

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NEW REQUESTS - LATE ITEM

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
2.	Richard S. Uselton	Fire	Medical	As moved, seconded and approved, this disability pension request was approved for three months, (August 2018), with re-exam at that time.

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. Jerry Hall seconded and the Board approved without objection.

Item	Name	Department	Review Originated From	Referral Recommendation		Comments
				Case Management	CSME	
1	Adams, Dennis D.	MNPS	Pension Approval	Yes	Yes	Meets Medical-Vocational guidelines
2	Ragland, Steven D.	Public Works	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.

Service

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Thomas Jobes *	Convention Center	Cvn Ctr Safety Officer 2	B	04/09/2018	07/01/2018
Sylvia Rapoport	Parks	Special Projects Mgr	B	04/18/2018	05/01/2018
Kenneth Phillips	Water Services	Equip Operator 3	B	04/18/2018	05/11/2018
Linda Green	Water Services	Admin Svcs Mgr	B	04/11/2018	04/28/2018
Carey Adkerson	Police	Police Officer 2	B	04/04/2018	09/01/2018
Jeffrey Thomas	Police	Police Officer 2	B	04/11/2018	04/28/2018
Kimberly Waters	Sheriff	Div Mgr-Sheriff	B	04/11/2018	05/12/2018
Carey Stribling	Fire	Fire Captain	B	04/11/2018	04/28/2018
Donna Jones	MNPS	SPEC - HELPDESK	B	03/28/2018	07/06/2018
Jerry Holt Sr	Police	Police Operations Supv	B	04/18/2018	06/01/2018
Felicia Hines	MNPS	ED ASST - EX ED ONE TO ONE	B	03/28/2018	05/25/2018
Jessie Hewitt	MNPS	ASST - FOOD SVC	B	04/04/2018	04/04/2018
Donna Greer	MNPS	MGR - FOOD SERVICE III HS	B	04/11/2018	05/26/2018
Robin McNabb	MNPS	MGR - FOOD SERVICE II	B	03/28/2018	05/25/2018
Sheryl Sawyer	MNPS	DRIVER - BUS	B	03/28/2018	04/06/2018
Sandra Clements	MNPS	ASST - SCHOOL GENERAL	B	04/04/2018	05/26/2018
Elizabeth Chapman	MNPS	ED ASST - EX ED PRE-K	B	04/04/2018	05/26/2018
Sidney Bunch Iii	MNPS	ASST - SCHOOL GENERAL	B	04/11/2018	04/13/2018
Charles Snyder Jr.	Register of Deeds	Satellite position	B	03/28/2018	06/01/2018
Sharon Green	MNPS	PARA-PRO - EX ED	B	03/28/2018	05/25/2018
Lois Roof	MNPS	MGR - FOOD SERVICE II	B	04/18/2018	05/25/2018

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

Service

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Glenda Uselton	MNPS	ADMIN - RECORDS SCH FIN PAY 1	B	04/04/2018	06/30/2018
Hattie Griffin-McAdoo	Health	Public Health Nurse 1	B	04/04/2018	05/26/2018
Ricky Lloyd	Public Works	Waste Management Supervisor	B	04/18/2018	04/27/2018
M. Carolyn Johnston	Water Services	Service Rep 2	B	04/18/2018	05/01/2018
Sylvester Baines	Water Services	Treatment Plant Tech 2	B	04/18/2018	04/19/2018
Michael Bowers	Water Services	Engineer Technician Senior	B	03/27/2018	03/30/2018

Disability to service – None to report

Options Elected

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	Drop Election
Willie Cameron	General Hospital	Service With Option	B	04/01/2018	Option B	
David Loftis	Water Services	Service Without Option	B	03/31/2018	Normal	
Terry Cobb	Codes Administration	Service With Option	B	04/07/2018	Option A	
Danny Warren	Police	Early Service With Option	B	03/24/2018	Option A	
William Whitworth Jr	Police	P&F Service Pen With Option	B	03/17/2018	Option E	3
Rex Davenport	Police	P&F Service Pen With Option	B	03/31/2018	Option E	
James Holmes Jr	Fire	P&F Service Pen With Option	B	03/31/2018	Option A	1
Bobby Pratt	Fire	P&F Service Pen With Option	B	03/15/2018	Option E	2
Monroe Fannin Jr.	Sheriff	P&F Service Pen With Option	B	04/01/2018	Option A	
Elnora Webb	MNPS	Early Service Without Option	B	02/24/2018	Normal	
Rhonda Johnson	MNPS	Service Without Option	B	03/30/2018	Normal	2
Delores Waters	MNPS	Service Without Option	B	03/30/2018	Normal	
Karen Mallory	Circuit Court Satellite	Early Service Without Option	B	04/01/2018	Normal	
Becky Dye	Circuit Court Satellite	Service With Option	B	03/31/2018	Option B	1
Lisa Smith	Trustee	Service Without Option	B	03/03/2018	Normal	1
James Roberson	General Hospital	Early Service With Option	B	03/07/2018	Option A	
Kay Kirkpatrick	Public Library	Service With Option	B	02/28/2018	Option B	3
Eugene Scruggs	Water Services	Service With Option	B	03/03/2018	Option B	3
Cecil Clark Jr	Water Services	Service With Option	B	03/24/2018	Option E	
Harriet Floyd	Health	Service With Option	B	03/17/2018	Option A	3
Elizabeth Smotherman	Health	Service With Option	B	03/01/2018	Option A	
Evangelina Bass	Sheriff	Service With Option	B	03/24/2018	Option F	1
Robert Kane	Sheriff	P&F Service Pen Without Option	B	01/01/2018	Normal	
Eddie Britt	Criminal Court Clerk	Service With Option	A	04/01/2018	Option E	
James Bowden	Mayor's Office	Service With Option	B	03/01/2015	Option E	
Robert Kane	Sheriff	P&F Service Pen Without Option	B	01/01/2018	Normal	

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	

QDRO – None to report

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

Survivor

Employee	Department	Survivor Name	Plan A/B	Effective Date
Dinah Gregory	Social Services	James Monk	B	04/07/2018
Steve Underwood	Police	Patti Underwood	B	04/07/2018
William Curran III	Fire	Pamela Curran	B	03/24/2018
David Curtis	Water Services	Mitzi Curtis	B	04/09/2018
Walter Messemer	Water Services	Linda Messemer	B	03/25/2018
Clayborn Hughes	Public Works	Geraldine Hughes	A	04/12/2018
Jimmy Ball	Police	Barbara Ball	C	04/17/2018
James Pitt	MNPS	Cynthia Pitt	B	03/12/2018

BENEFIT BOARD ITEMS

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

1. Correspondence:

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

Items 1.-a. and 1.-b. were for information only and no action was required.

2. 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. Denial log from Alternative Service Concepts.
- f. Benefit Board budget reports.

Items 2.-a. through 2.-f. were for information only and no action was required.

3. Late item(s):

The items to be listed under this section were reported at the meeting and have been incorporated into these minutes.

With nothing further presented, the meeting adjourned at 10:06 a.m.

ATTEST:

APPROVED:

Shannon B. Hall, Director
Human Resources

Edna J. Jones, Chair
Employee Benefit Board

