

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

July 3, 2018

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday, July 3, 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, W. Todd Henry, Talia Lomax-O'dneal and Stacey Rucker.

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 June 5, 2018. With no corrections, nothing further was noted and Christine Bradley moved for approval. Stacey Rucker 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.

Edna Jones stated that some of the requests will be discussed separately.

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

Dr. Gill Wright reported to the Board that he recommends approval of the disability pension new request, item 1, with a return to work as the department can accommodate the restrictions.

Jamie Summers, Fire Department, stated that they can accommodate the individual.

Jerry Hall moved for approval of the recommendation to approve the disability pension new request, item 1, with a return to work. Tom Curtis seconded and the Board approved without objection.

Dr. Gill Wright reported to the Board that he recommends approval of the disability pension new request, item 2, for the length of time as recommended. B.R. Hall moved for approval of the recommendation to approve the disability pension new request, item 2, 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 of the disability pension new request, item 3, for the length of time as recommended. B.R. Hall moved for approval of the recommendation to approve the disability pension new request, item 3, for two years. Tom Curtis seconded and the Board approved without objection.

Dr. Gill Wright reported to the Board that he recommends approval of the disability pension new request, item 4, for the length of time as recommended. Todd Henry moved for approval of the recommendation to approve the disability pension new request, item 4, for the length of time as recommended. B.R. Hall seconded and the Board approved without objection.

The employee and Mark Young, union representative, were present. Mark Young also provided some additional information.

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

Dr. Gill Wright reported to the Board that he recommends denial of the disability pension new request, item 5. He stated that the department has been able to accommodate her restrictions and her other medical issues are not work related.

Mark Young, union representative, reviewed a memo from Metro Legal, a job audit, the injury, being accommodated and her previous and current job duties. He stated that there is conflicting medical information regarding what her restrictions should be according to the treating physician and from the functional capacity evaluations. He also requested that an independent medical evaluation be done.

Dr. Gill Wright stated that the argument regarding accommodations is not before this Board but with the department. He stated she was off due to a non-work related condition and can not recommend approval of the request for an injury on duty disability pension. He also stated that there is no need for an independent medical evaluation as there are two valid functional capacity evaluations that have already been done and her restrictions are accommodated. He further stated that the treating physician would not clarify the restrictions.

Jamie Summers, Fire Department, was present. She stated that they have been accommodating the employee.

There was some discussion regarding the employee's duties and how those duties have changed over time, accommodations, the treating physician's opinion and the restrictions.

There was also some discussion of the timeline from the initial injury on duty in 2015 and accommodations until now.

There was further discussion regarding which restrictions are being accommodated, the treating physicians or the CSME's recommendation.

Jamie Summers stated that the department has been accommodating the restrictions based on the CSME's recommendations. She also stated that they have tried to clarify the restrictions with the treating physician.

Mark Young, union representative, stated the employee wants to work, however, this was the only avenue left for the employee. He stated that if the daily duties are met for the job there is not a problem.

The Board discussed the restrictions from the treating physician, the functional capacity evaluation, the job audit (from 2014) and current duties.

Jamie Summers stated that the audit performed was based on her functions of that particular duty and not overall.

Shannon Hall stated that there are several important issues that need to be hashed out with this request. She stated that the employee wants to work and is capable of working, the CSME says that she is not disabled under the general government standard for an injury on duty nor a medical, (which she is not eligible for because she does not have 10 years of credited service). Ms. Hall stated that the issues need to be discussed in a different venue and the Board does not have the authority to grant this employee a disability pension at this time. She stated that this was the advice given to the employee and it was pursued even though it was not the employee's intent to go this route.

There was some discussion regarding getting some type of independent medical evaluation, however, there is no basis, i.e. to get clarification on restrictions related to an injury on duty through the IOD program. If it is for clarification for accommodation on something non-job related it would go through the employee's health insurance.

It was also noted that the role of the Board is to determine whether or not this person should be granted the only disability pension for which she is eligible.

The employee stated that she has been released by her treating physician for the non-work related condition.

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

There was some discussion regarding the employee withdrawing the request or does she want the Board to take an official action.

The employee addressed the Board regarding the request. She stated that she never thought that this would get to requesting an injury on duty disability pension. She stated that her restrictions have been met. She also discussed her job prior to the restrictions and currently.

The Board discussed the memo from the Legal Department regarding the essential functions of her job and that memo indicating that she does not have the capability to perform those functions of equipment and supply clerk with or without reasonable accommodations.

The Board further discussed the recommendation from the CSME to deny the request for an in line of duty disability pension, that the employee is not eligible for a medical disability pension and the disability standards outlined in the Code and that she is not disabled by the general government standard.

It was suggested that the employee work with Human Resources staff in order to find another position within Metro.

Nicki Eke, Legal Department, stated that it appears that the individual has a work related injury and the issue is whether this individual is able to perform the duties of her position that she currently holds or that has been offered to her. She stated that if the department is able to accommodate the work related injury and has provided her with a position that will accommodate, she will not qualify for a pension. However, if the department has not provided her a position that will accommodate her, then she will qualify for a pension. She stated that the key is whether or not she is able based on her restrictions to perform the duties of her position that's been offered to her.

Jamie Summers, Fire Department, stated that based on what she knows, has read and who she has spoke with, the department should be able to accommodate her restrictions. She stated that on a day to day basis doing the job, the employee feels like the department can not accommodate her restrictions. She stated that based on the duties of that position, it's accommodated according to the restrictions from the CSME, which are different from her treating physician.

After some discussion of any restrictions associated with the injury on duty and those restrictions being accommodated, Jerry Hall moved for approval of the recommendation to deny the disability pension new request, item 5. Edna Jones seconded and the Board approved with Stacey Rucker opposed and Talia Lomax-O'dneal abstaining.

Dr. Gill Wright reported to the Board that he recommends denial of the disability pension new request, item 6.

Charles Boddie, Public Works, was present. Mr. Boddie stated that they can return the individual to work.

The employee was present and addressed the Board regarding the request.

Dr. Gill Wright stated that the individual has no current restrictions and his treating physician for the injury on duty has released him to full duty.

Tom Curtis moved for approval of the recommendation to deny the disability pension new request, item 6. Talia Lomax-O'dneal seconded and the Board approved without objection.

Dr. Gill Wright reported to the Board that he recommends denial of the disability pension new request, item 7.

Stephanie Bailey moved for approval of the recommendation to deny the disability pension new request, item 7. Christine Bradley seconded and the Board approved without objection.

Dr. Gill Wright reported to the Board that he recommends approval for continuing the disability pension reexaminations, items 8 through 14, (with the exception of items 11 and 12), for the length of time as recommended and case management where noted. Tom Curtis moved for approval of the recommendation to

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

continue the disability pension reexaminations, items 8 through 14, (with the exception of items 11 and 12), for the length of time as recommended and case management where noted. 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 reexam, item 11 as a medical disability pension for the length of time as recommended. He stated that all current conditions are not work related.

Harold Finch, Metropolitan Nashville Public Schools, was present.

Christine Bradley moved for approval of the recommendation to continue the disability pension reexam, item 11, as a medical disability pension for the length of time as recommended. Jerry Hall seconded and the Board approved without objection.

On item 12, Dr. Gill Wright reported to the Board that he will be receiving additional medical information regarding this individual's condition. He stated that he does not think the condition is going to change and his recommendation would be to continue without stipulation of scheduled re-exam at that time.

B.R. Hall moved for approval of the recommendation to continue the disability pension reexam, item 12 without stipulation of scheduled reexam at that time. Jerry Hall seconded and the Board approved without objection.

Dr. Gill Wright reported to the Board that on item 15 he recommends approval of return to work without restrictions. He stated that the results of an independent medical evaluation indicated no restrictions for the individual.

The individual and his attorney, Jack Byrd, were present. Jack Byrd requested a deferral to allow time for an upcoming visit to a new physician.

Dr. Gill Wright noted that the individual did have an upcoming appointment with the current treating physician, which he cancelled.

Todd Henry moved to defer this item for one month. B.R. Hall seconded.

It was noted that one month may not be enough time to review the medical record.

Todd Henry moved to defer item 15 for two months. B.R. Hall seconded.

There was some discussion regarding why the individual changed physicians, whether or not he checks his pressures and any effects his business may have on his condition.

A vote was taken on the motion to defer item 15 for two months and was approved with Stephanie Bailey and Edna Jones opposed.

NEW REQUESTS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
1.	Michael D. Figlio, III	Fire	In Line of Duty	As moved, seconded and approved, this disability pension request was approved and the individual returned to work.
2.	Frank J. Hardy	Sheriff	In Line of Duty	As moved, seconded and approved, this disability pension request was approved for eight months, (March 2019), 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
3.	Brian S. McAfee	Fire	Medical	As moved, seconded and approved, this disability pension request was approved as a medical disability pension for two years, (July 2020), with re-exam at that time.
4.	Edward M. Westerman, Jr.	Police	In Line of Duty	As moved, seconded and approved, this disability pension request was approved for one year, (July 2019), with re-exam at that time.
5.	LaRaine V. Heflin	Fire	In Line of Duty	As moved, seconded and approved, this disability pension request was denied.
6.	Titus E. Moore	Public Works	Medical	As moved, seconded and approved, this disability pension request was denied.
7.	Bashir A. Popal	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
8.	Timothy L. Crenshaw	Water	Medical	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam at that time.
9.	Alonzo N. Giles	Juvenile Court	Medical	As moved, seconded and approved, this disability pension was continued with case management services, for four months, (November 2018), with re-exam at that time.
10.	Eric J. Hayes	Police	In Line of Duty	As moved, seconded and approved, this disability pension was continued for three months, (October 2018), with re-exam at that time.
11.	Youza R. Khalaf	Metropolitan Nashville Public Schools	Medical	As moved, seconded and approved, this disability pension was continued as a medical disability pension for one year (July 2019), with re-exam at that time.
12.	James K. Pearce	Police	In Line of Duty	As moved, seconded and approved, this disability pension was continued without stipulation of scheduled re-exam at that time.

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

REEXAMINATIONS: (continued)

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
13.	John W. Shelton, II	Public Works	Medical	As moved, seconded and approved, this disability pension was continued for one year, (July 2019), with re-exam at that time.
14.	Sean M. Souza	Water	Medical	As moved, seconded and approved, this disability pension was continued for three months, (October 2018), with re-exam at that time.

RETURN TO WORK:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Recommendation
15.	Christopher L. Clark	Police	In Line of Duty	As moved, seconded and approved, this disability pension was deferred for two months.

SOCIAL SECURITY REFERRALS:

There were no Social Security referrals reported.

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

Jerry Hall moved for approval of the pensions. Stephanie Bailey seconded and the Board approved without objection.

Service

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Patricia Montgomery *	Information Technology Service	Info Systems App Analyst 3	B	06/18/2018	07/01/2018
James Leavell	MNPS	TECH SR - MAINT & REPAIR - FNS	B	06/06/2018	07/06/2018
Susan Dyer	MNPS	DRIVER - BUS	B	06/20/2018	08/07/2018
Janice Ferguson	MNPS	CUSTODIAN - ROSTER	B	06/20/2018	07/14/2018
Alice Warner	MNPS	SUPV - CAMPUS	B	05/30/2018	05/25/2018
Brenda Wooten	MNPS	ASST - SCHOOL GENERAL	B	06/13/2018	05/25/2018
Doris Johnson	MNPS	PARA-PRO - EX ED	B	06/13/2018	05/25/2018
Charles Smith	MNPS	ASST - MATERIALS CONTROL	B	06/06/2018	09/29/2018
Don Woods	MNPS	SKILL LABORER - MASONRY LD	B	06/06/2018	07/07/2018
Diane Phillips	MNPS	THERAPIST - PHYSICAL	B	05/30/2018	08/01/2018
Janice McSwiney	MNPS	CLERK - BKKPR & TTKPR	B	05/30/2018	07/01/2018
Vanessa Davis	MNPS	SPEC - TRUANCY INTERVENTION	B	06/06/2018	05/25/2018
Judy Hilton	MNPS	OFFICER - SECURITY	B	05/30/2018	06/15/2018
Deanna Larson	Public Library	Library Assoc 1	B	06/20/2018	06/23/2018
Thomas Gustine	Sheriff	Correctional Officer 2	B	06/13/2018	06/19/2018
Amanda Crutchfield	MNPS	ASST - EXEC	B	05/30/2018	06/30/2018
Catherine Pond	Social Services	Office Support Rep 2	B	06/04/2018	05/29/2018
Randall Pruitt	Public Library	Bldg Maint Supv	B	05/30/2018	07/07/2018
Charles Robinson Jr	Water Services	Admin Svcs Officer 4	B	06/13/2018	07/07/2018
Barry Gager	Parks	Specialized Skills Instr	B	06/20/2018	07/27/2018
Joe Richardson	Water Services	Indust Mechanic 1	B	06/19/2018	06/23/2018
Richard Jones	Fire	Fire Fighter 2	B	06/13/2018	06/14/2018
Verner King	Fire	Fire District Chief	B	06/20/2018	06/30/2018
Brigitte Stewart	District Attorney	Office Support Spec 2	B	06/20/2018	06/30/2018

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

Service (continued)

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
James Overton Iii	Fire	Fire Captain	B	06/06/2018	06/19/2018
Vivian Johnson	Human Resources	Application Tech 3	B	06/20/2018	06/30/2018
Peter Bernhart	Fire	Admin Svcs Officer 3	B	06/07/2018	06/07/2018
Troy Meadows	Police	Police Officer 2	B	05/16/2018	06/16/2018
Jeffrey Tharpe	Police	Police Officer 2	B	06/13/2018	06/16/2018
Jeffrey Goodwin	Police	Police Sergeant	B	06/06/2018	06/23/2018
James Lane Jr	Police	Police Sergeant	B	06/13/2018	06/21/2018
Ronnie Johnson	MNPS	DRIVER - BUS	B	06/13/2018	05/23/2018
Dorris Petway	MNPS	SECRETARY-CLERK	B	05/29/2018	05/25/2018
Billy King	MNPS	MONITOR - SCHOOL BUS	B	06/06/2018	05/25/2018
William Shoulders	General Hospital	Mailroom Clerk	B	06/06/2018	06/30/2018
Dennis Callies	Public Works	Sanitation Worker	B	06/20/2018	07/21/2018
Danny Beard *	General Hospital	Electrician	B	06/01/2018	08/01/2018
Michael Mooney *	Police	Police Officer 2	B	06/18/2018	09/01/2018
Deidre Dilg *	MNPS	ED ASST - EX ED LIFE SKILLS	B	06/18/2018	06/01/2018
Wanda Hutchison *	MNPS	MGR - FOOD SERVICE II	B	06/20/2018	08/01/2018
Marcus Ryherd *	Police	Police Officer 2	B	05/25/2018	06/01/2018
Theresa Starkey *	General Hospital	LPN	B	06/12/2018	06/01/2018
Harry Tinsley Iii *	Fire	Fire Fighter 2	B	06/13/2018	08/01/2018

Disability to service

Employee	Department	Plan A/B	Effective Date of Conversion
David Ridings	Police	B	06/01/2018
Larry Dunn	Parks	B	06/01/2018
Allan Welch	Fire	B	02/01/2018
Janet VanBrackle	Health	B	05/01/2018
Kenneth Carnduff	Water Services	B	06/01/2018

Options Elected

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	Drop Election
Richard Byrd	Mayor's Office	Service With Option	B	05/01/2018	Option A	
Donna Greer	MNPS	Service Without Option	B	05/26/2018	Normal	
Mary Aldridge	MNPS	Early Service Without Option	B	05/26/2018	Normal	
Robin McNabb	MNPS	Early Service Without Option	B	05/26/2018	Normal	
Mary Spurlock	MNPS	Service Without Option	B	05/25/2018	Normal	
Alice Warner	MNPS	Early Service With Option	B	05/25/2018	Option D	
Sandra Clements	MNPS	Early Service With Option	B	05/26/2018	Option B	
Kay Lander	MNPS	Service Without Option	B	05/25/2018	Normal	
Elizabeth Chapman	MNPS	Early Service With Option	B	05/25/2018	Option F	
Nancy King	MNPS	Service Without Option	B	05/26/2018	Option C	
Bonita Whitehead	MNPS	Service With Option	B	05/26/2018	Option B	
Pamela Lynch	Health	Service Without Option	B	05/26/2018	Normal	
Charles Snyder Jr.	Register of Deeds	Service Without Option	B	06/01/2018	Normal	2
Howard Turntine	Metro Action Commission	Early Service With Option	B	03/24/2018	Option F	
Sharon Green	MNPS	Service With Option	B	05/25/2018	Option D	
Catherine Pond	Social Services	Early Service Without Option	B	05/29/2018	Normal	
Gary Martin	Health	Early Service Without Option	B	05/26/2018	Normal	
Hattie Griffin-McAdoo	Health	Service Without Option	B	05/26/2018	Normal	
Gary Nicholson	Water Services	Early Service Without Option	B	04/25/2018	Normal	
Debbie Martin	Water Services	Service Without Option	B	05/19/2018	Normal	2
Ronald Cannon Jr	Water Services	Service With Option	B	05/05/2018	Option F	2
Doris Lester	Parks	Service Without Option	B	05/16/2018	Normal	
Jason Rosalia	Police	Early Service With Option	B	05/11/2018	Option F	
Hayes Williams	Sheriff	P&F Service Pen With Option	B	05/26/2018	Option E	
Terry Taylor	State Fair Board	Early Service Without Option	B	05/12/2018	Normal	
Jerry Holt Sr.	Police	Service With Option	B	06/01/2018	Option A	3

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

Options Elected

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	Drop Election
Anita Lockridge	Police	Service Without Option	B	05/17/2018	Normal	3
Tracy Mitchell	Criminal Court Clerk	Early Service Without Option	B	05/12/2018	Normal	
Roy Johnson	Fire	P&F Service Pen With Option	B	06/04/2018	Option B	3
Kimberly Waters	Sheriff	Service With Option	B	05/13/2018	Option F	1
Richard Martin Jr	Police	Early Service With Option	B	06/01/2018	Option D	
Millicent Watkins	Human Resources	Service With Option	B	05/19/2018	Option F	3
Gregory Lewis	Information Technology Service	Service With Option	B	05/05/2018	Option B	
Linda Green	Water Services	Service With Option	B	04/28/2018	Option D	
Kenneth Phillips	Water Services	Service With Option	B	05/11/2018	Option E	
Virginia Brassell	MNPS	Service With Option	B	05/26/2018	Option D	
Dorris Petway	MNPS	Service Without Option	B	05/26/2018	Normal	
Felicia Hines	MNPS	Service Without Option	B	05/25/2018	Normal	
Betty Fannin	MNPS	Early Service Without Option	B	05/25/2018	Normal	
Judy Champ	MNPS	Service Without Option	B	06/02/2018	Normal	
Horace Pulse	MNPS	Service Without Option	B	06/01/2018	Normal	
Etheleen Kicker	MNPS	Service Without Option	B	05/01/2017	Normal	
Beverly Cole	Information Technology Service	Service With Option	B	06/01/2018	Option D	
Marcus Ryherd	Police	P&F Service Pen With Option	B	06/01/2018	Option A	
Ronald Williams	Sheriff	P&F Service Pen With Option	B	05/01/2018	Option A	

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

Survivor

Employee	Department	Survivor Name	Plan A/B	Effective Date
Robert Alexander	Police	Donna Alexander	A	06/01/2018
Richard Poirier	Fire	Betty Poirier	A	06/24/2018
Margaret Mitchell	General Hospital	Clifton Mitchell	B	05/22/2018
Robert Wingo	Water Services	Marion Wingo	A	05/26/2018
James Dozier	General Hospital	Carol Dozier	B	05/24/2018

BENEFIT BOARD ITEMS

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

1. Humana plan rates.

Christina Hickey reported to the Board that the Humana plan rates for 2018 will be presented by Findley (formerly BPS&M) for the Board's consideration and approval.

Joe Meyers and Lauren Chrisman with Findley were present.

Michelle Tallman, Humana, was present.

Joe Meyers noted that there are some benefit updates to the coverage.

1. Humana plan rates. (continued)

Michelle Tallman, Humana, stated that the tele-medicine benefit will be expanded to include a behavioral health component and more information will be available during annual enrollment.

Joe Meyers, Findley, reviewed some stats on the plan. He stated that there is a 24% reduction and the monthly premium will be \$65.00 per month. He stated that there are two reasons for the decrease; 1) experience of the group and 2) elimination of the Affordable Care Act, (ACA), fee.

After some discussion regarding contract renewals with the physicians, Christine Bradley moved for approval of the 24% decrease to the Humana plan. Jerry Hall seconded and the Board approved without objection.

2. Pension review – Service pensioner from General Sessions Court.

Pension Committee Chair Todd Henry asked if there were any amendments, corrections or questions regarding the minutes from the Committee meeting. With three corrections, Christine Bradley moved for approval of the Pension Committee meeting minutes. Stephanie Bailey seconded and the Committee minutes were approved.

Pension Committee Chair, Todd Henry reported to the Board that there were two items before the Committee. He stated that on Committee item 1, Pension review – Service pensioner from Metropolitan Nashville Police Department, (MNPD), a deferral was requested until completion of the audit regarding the situation. He stated that to date, that audit has not been completed and this item remains at the Committee level.

Pension Committee Chair, Todd Henry reported to the Board that on Pension Committee and Board item 2, Pension review – Service pensioner from General Sessions Court, the following documents have been provided for the Board's review: legal memorandum from the Department of Law; the pensioner's resignation letter; T.C.A. § 8-35-124; superseding indictment; petition to enter guilty plea and order accepting plea petition; plea agreement; and order approving plea petition.

Worrick Robinson, attorney, was present on behalf of the service pensioner from General Sessions Court. He stated that he received a copy of the above mentioned documents and requested to defer this for one month in order to discuss the documents and any recommendations from the Legal Department with the Legal Department.

Nicki Eke, Legal Department, stated that there have not been any recommendations from the Legal Department to the Board regarding this matter. She stated that a memorandum was issued regarding what the T.C.A. states and what the law says. She stated that the memorandum is not an analysis of the facts of this case, nor a recommendation. She stated that the Board reviews the record and the facts and then based on the facts will make the decision on this matter.

Worrick Robinson requested a deferral in order to provide a memorandum for the Board to review.

B.R. Hall moved to defer this item, Pension review – Service pensioner from General Sessions Court. Todd Henry seconded and the motion failed with B.R. Hall, Stacey Rucker and Todd Henry in favor and Edna J. Jones, Christine Bradley, G. Thomas Curtis, Jerry Hall, Shannon B. Hall and Talia Lomax-O'dneal opposed and Stephanie Bailey abstaining.

It was noted that this information was supplied to Mr. Robinson well in advance of this meeting.

Edna Jones moved to terminate the service pension of the service pensioner from General Sessions Court in accordance with the law. Christine Bradley seconded.

Worrick Robinson, attorney, discussed the charges, counts and the definition of malfeasance. He stated that none of the acts involved his official capacity as a judge and these were a series of poor decisions made as an individual and not as a judge. Mr. Robinson requested on his behalf that he be allowed to continue the service pension.

The Board discussed official capacity, malfeasance, the charges and plea agreement.

3. Pension review – Service pensioner from General Sessions Court. (continued)

Stephanie Bailey called for the question closing off any further discussion.

A vote was taken on the motion to terminate the service pension of the service pensioner from General Sessions Court in accordance with the law and was approved unanimously by the Board.

4. 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.

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.
- e. Denial log from Alternative Service Concepts.
- f. Benefit Board budget reports.
- g. Investment Committee minutes.

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

6. Late item(s):

There were no late items reported at the meeting.

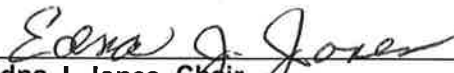
With nothing further presented, the meeting adjourned at 11:09 a.m.

ATTEST:

APPROVED:



Shannon B. Hall, Director
Human Resources



Edna J. Jones, Chair
Employee Benefit Board