

MINUTES
METROPOLITAN EMPLOYEE BENEFIT BOARD
PENSION COMMITTEE

June 20, 2023

The Metropolitan Employee Benefit Board's Pension Committee met on Tuesday, June 20, 2023 in the Sonny West Conference Room, Howard Office Building, 700 2nd Avenue South, Nashville, TN at approximately 9:53 a.m.

Committee Members present: Chair: Christine Bradley; Vice-Chair: Edna J. Jones; Members: B.R. Hall, Sr. and Shannon B. Hall. Alternate(s): Jonathan Puckett.

Others present: Christina Hickey, Metro Human Resources and Nicki Eke and Courtney Mohan, Metro Legal Department.

Christina Hickey opened the floor to nominations for Committee Chair and Vice-Chair.

B.R. Hall nominated Christine Bradley for Committee Chair. Edna Jones seconded. A vote was taken on the nomination for Committee Chair and was approved without objection.

Christine Bradley nominated Edna Jones for Committee Vice-Chair. Shannon Hall seconded. A vote was taken on the nomination for Committee Vice-Chair and was approved without objection.

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

Items pending before the Committee are as follows:

1. Determination of pension plan status.

Christina Hickey reported to the Committee that employee Havron Boyd recently contacted our office inquiring as to which pension plan she is a participant and according to staff records, Ms. Boyd is in the Division A pension plan. She stated Ms. Boyd contends that her start date and pension plan status is incorrect, however, there is no documentation reflecting this information. If an employee did not provide a written application requesting to change during the transfer window, they would remain in Division A.

Ms. Hickey stated that Ms. Boyd states she started in 1993 part time and then went full time in July 1993. She has not provided anything to substantiate the 1993 hiring and Human Resources (HR) has no payroll records prior to 1994. HR records reflect a part time hire date of 10/26/1994 but the department worked her full time hours which was discovered in August 1995. At that point she was moved into a full time position and given pension credit back to 10/26/1994. Additionally, HR does show a start date in the system of 5/1/1982 (she was hired seasonal) with a pension eligible membership date of 10/26/1994. USI, Metro's actuarial consultant, conducted an audit in 2017 of all Division A members. They found Ms. Boyd was correctly listed in Division A. HR has been unable to locate any form showing she requested to transfer into Division B.

Ms. Hickey stated the date on her application for membership in the benefit system shows 10/26/1993 all of our mainframe data shows 10/26/1994 but was signed on 10/5/95. This application is signed by Ms. Boyd with the endorsement, "The above named employee is fully covered for benefits provided in the Metropolitan Code of Laws under Sections 3.28.010 – 3.28.030 and 3.32.010 through 3.32.040 or 3.36.010 through 3.36.040". PERC (Pension Earnings Repository Calculation) statements, Personal Benefit Statement, and Benefits Confirmation Statement (attached) received by Ms. Boyd indicate she is enrolled in Division A, with the exception of three benefits confirmation statements (2020, 2021, and 2022) that stated Division B due to a system glitch with the implementation of the R12 system. This system error was corrected in February 2022.

The Metro Code is very specific about transfers into Division B of the plan. In order to transfer into Division B, an employee would have had to positively elect a transfer in writing before January 1, 1996. Metro Code Section 3.12.031.

1. Determination of pension plan status. (continued)

Ms. Hickey stated that a 2000 Benefit Board Performance and Operational audit performed by KPMG Investment Consulting Group found that the Board does not have the authority to allow transfers outside of the 1995 transfer window. All other previous appeals of pension plan determinations heard by the Board have not been allowed to switch plans outside of the transfer window. At this time, Ms. Boyd is requesting the Benefit Board to allow her to transfer into the Division B pension plan.

The employee and Brad Rayson, Service Employees International Union, (SEIU), were present.

Christi Mayo and Dylan Lynch, Human Resources, were also present.

Brad Rayson stated that there are some unusual circumstances with this case that would justify moving her into Division B. He stated that she was never given the option as she was a part-time employee and not eligible to participate in the pension plan and therefore not notified.

There was some discussion of the application for membership, her hire date, being classified as a part-time employee working full-time hours and payroll earnings.

There was some discussion of the process to transfer into Division B.

Nicki Eke, Legal Department, asked for clarification on the dates on the application for membership and what the minutes state.

There was also some discussion of what the Code states and Nicki Eke stated that the Committee has to determine whether or not this individual made an application to move from A to B before January 1, 1996.

There was some discussion that in order to be in Division B the effective hire date would have to have been July 1, 1995 or later and that based on the work history she was considered an employee for benefit purposes retroactive to a date prior to when it was approved in the minutes.

There was further discussion of the application for benefits and what the Code states.

Nicki Eke asked for clarification on the employee's hire date as part-time and when she went full-time.

The employee addressed the Board regarding her hire date and when she went full time.

There was further discussion of the payroll records and what if those records indicate that she was an employee whether she had an application for benefits or not approved by the Board and how does the Board overcome that in order to qualify her for Division B.

Nicki Eke stated that the Board has to look at all the evidence and make that determination in regards to whether or not she was an employee as of June 30, 1995.

There was some discussion of the earnings and checking with her department to see if there is any additional information regarding her earnings and the pension statements that showed she was in Division A.

Edna Jones moved to deny the request. Shannon Hall seconded.

Nicki Eke stated that if there is additional information related to her earnings this matter should be deferred in order to obtain that information.

The motion to deny was withdrawn and Shannon Hall moved to defer this matter. Christine Bradley seconded, and the Committee approved with B.R. Hall opposed.

With nothing further presented, the meeting adjourned at 10:53 a.m.

ATTEST:

APPROVED:

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

**Christine Bradley, Chair
Pension Committee**