

## MINUTES

### METROPOLITAN EMPLOYEE BENEFIT BOARD

#### IN LINE OF DUTY COMMITTEE

January 14, 2021

The Metropolitan Employee Benefit Board's In Line of Duty Committee met on Thursday, January 14, 2021 via teleconference at approximately 12:03 p.m.

Committee Members present: Chair: Stacey Rucker; Vice-Chair: Christine Bradley; Members: Harold W. Finch, II and Shannon B. Hall. Alternate: Edna J. Jones

Benefit Board Member(s) present: B.R. Hall, Sr. and Jeremy Moseley.

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

Committee Chair Stacey Rucker called the meeting to order and stated that the first order of business will be a roll call by Christina Hickey to establish a quorum and the electronic meetings requirement.

**Christina Hickey stated that as a result of the Coronavirus pandemic the Governor issued Executive Order #16 and subsequently Orders #34, #51, #60 #65 and #71 authorizing Boards to meet and conduct their essential business by electronic means if the Board determines that meeting electronically is necessary to protect the health, safety and welfare of Tennesseans in light of the COVID-19 outbreak. This Executive Order #71 will expire on February 27<sup>th</sup>. She also stated that before considering items on the agenda the Committee needs to determine by a roll call vote that the meeting agenda constitutes essential business of the Committee and meeting electronically is necessary to protect the health, safety and welfare of Tennesseans in light of the COVID-19 outbreak.**

**The Committee members were in agreement to have the meeting electronically.**

**Ms. Hickey also stated that each time a Board member, staff or other participant who is using audio only participation wishes to speak he or she shall identify themselves in a manner reasonably calculated to permit the public to ascertain the identity of the person speaking.**

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

Stacey Rucker informed the Committee that items 1, 3, & 4 have requested deferrals.

Harold Finch moved that items 1, 3, & 4 be deferred. Shannon Hall seconded and the Committee approved without objection.

1. In line of duty medical care appeal – Employee from the Fire Department.

This item was deferred.

2. In line of duty medical care appeal – Employee from the Fire Department.

This item was withdrawn.

3. In line of duty medical care appeal – Employee from the Fire Department.

This item was deferred.

4. In line of duty medical care appeal – Employee from the Police Department.

This item was deferred.

5. In line of duty medical care appeal – Employee from the Police Department.

Christina Hickey noted that staff has not heard from anyone regarding items 5, 6, or 7 nor is there anyone present for participation at Sonny West.

Tracy Harvey, Alternative Service Concepts, (ASC), reviewed the appeal with the Committee. She stated that the post-traumatic stress disorder, (PTSD), the individual suffers from is more of a generalized anxiety from not knowing where her employment stands. She stated that in the notes from the Health Department she claims no psychiatric issues however there are some talked about in the primary care medical records but nothing that rises to the level of PTSD. She also stated that in the Police Departments behavioral health services record it appears that the incident does not rise to the criteria for psychological claims.

After some discussion of the medical record, the possibility of discipline, the employees recorded statement from ASC, and ASC's due diligence in contacting the department regarding this incident, Shannon Hall moved to uphold ASC's denial of the claim. Christine Bradley seconded and the Committee approved without objection.

6. In line of duty medical care appeal – Employee from Metro Action Commission.

Tracy Harvey, ASC, reviewed the appeal with the Committee. She stated that in December of 2019 the employee filed a claim with an injury date of February 2019. She was treated at the injury on duty, (IOD), clinic with no actual diagnosis. She stated she then went to see a physician on her own and reported back to the IOD clinic that she was diagnosed with carpal tunnel syndrome. Ms. Harvey stated that the law changed in 2011 regarding carpal tunnel syndrome citing that cumulative trauma injuries are not occupational diseases. She also stated that ASC did request additional information and the employee has never filed a 101 for carpal tunnel.

Christine Bradley moved to uphold ASC's denial of the claim. Harold Finch seconded and the Committee approved without objection.

7. In line of duty medical care appeal – Employee from Metropolitan Nashville Public Schools.

Tracy Harvey, ASC, reviewed the appeal with the Committee. She stated that the employee completed the 100 Form in May of 2019, however, ASC did not receive it until August of 2019. She stated that the employee was considering surgery prior to the date of injury and why he needed surgery was pre-existing to the fall at work. Ms. Harvey stated that the medical records are very clear that it is not a compensable injury because the need and recommendation for surgery occurred prior to reporting the accident.

Harold Finch moved to uphold ASC's denial of the claim. Christine Bradley seconded and the Committee approved without objection.

Christina Hickey stated that the decisions of this Committee are only recommendations to the full Board for consideration.

James Smallwood, Fraternal Order of Police, (FOP), asked if there have been any Covid-19 appeals.

Tracy Harvey, ASC, stated that they are in receipt of 7 or 8 pending on appeal. She also stated that she had received some type of notification from some outside source that indicated that Tennessee was looking to enact legislation on a Covid presumption for first responders, however, she has not been able to find anything on that.

James Smallwood, FOP, stated that he is aware of Federal legislation and it was requested that he share it with the HR staff.

Christina Hickey stated that staff will be working on bringing those Covid related appeals to the next IOD Committee meeting.

There was some discussion of the Covid cases that have been denied and the basis for the denials.

B.R. Hall requested a copy of the Covid denials for the Board members from ASC.

With nothing further presented the meeting was adjourned at 12:31 p.m.

ATTEST:

APPROVED:

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

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**Stacey Rucker, Chair  
In Line of Duty Committee**