

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

IN LINE OF DUTY COMMITTEE

May 12, 2021

The Metropolitan Employee Benefit Board's In Line of Duty Committee met on Wednesday, May 12, 2021 in the Sonny West Conference Room, Howard Office Building, 700 2nd Avenue South, Nashville, Tennessee at approximately 9:33 a.m.

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

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

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

1. In line of duty medical care appeal - Employee from Police Department.

The employee was not present.

Tracey Harvey, Davies, was present and reviewed the claim with the Committee. She stated that they were not able to identify a positive source within the 14-day incubation period. She stated that during the recorded statement the employee did cite a possible exposure. She stated they did contact the safety department and obtained the call sheets and still could not find a possible source within the time frame and the claim was denied.

The Committee discussed the medical record, the possibility of conflicting information, a possible exposure to a co-worker and this item being deferred from the last meeting for additional information.

Christine Bradley moved to uphold the denial of the claim. Shannon Hall seconded, and the Committee approved without objection.

2. In line of duty medical care appeal - Employee from the Police Department.

The employee nor his attorney were present.

Committee Chair Harold Finch informed the Committee that there has been a request to defer this item.

It was noted that this item was also deferred from the last Committee meeting for additional information.

The Committee discussed the medical record and the injury.

Tracey Harvey, Davies, reviewed the claim. She stated the employee was involved in a motor vehicle accident in August of 2018 which caused an injury to his neck and back and treatment concluded in October of 2018 and he was released to full duty. She stated that in September of 2020 the employee sought treatment on his own for his shoulder and when surgery was recommended he came back to the injury on duty clinic. She stated that after review of the medical records his shoulder problem pre-dated his employment and was due to playing baseball.

Dr. Gill Wright discussed the employees injury on duty, the current condition and that the current condition is not related to the injury on duty.

Christine Bradley moved to uphold the denial of the claim. Shannon Hall seconded.

After some discussion of the employee providing additional medical information in advance of the June Board meeting, a vote was taken on the motion to uphold the denial and the Committee approved with Jeremy Moseley opposed.

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

Committee Chair Harold Finch informed the Committee that there has been a request to defer this item.

Mark Young, Fire Union, stated that the employee has more medical information to present and they are obtaining legal counsel.

After some discussion and concern with the amount of claims on file for this employee, Shannon Hall moved to defer this item to the next Injury on Duty Committee meeting. Jeremy Moseley seconded, and the Committee approved without objection.

4. In line of duty medical care appeal - Employee from the Parks Department.

The employee was present.

Tracey Harvey, Davies, reviewed the claim with the Committee. She stated that the employee was working on a ball field in Madison and during his lunch break he was robbed at gunpoint by two males and afterwards the employee punched his work truck resulting in an injury to his right hand. She stated the claim was denied because the mere presence at a place where injury takes place is not sufficient to make the injury compensable unless the injury is related to the employment. She also cited case law to a similar case.

The employee described the incident, how traumatizing it was and possibly being reimbursed for what was stolen from him that day.

The Committee discussed the employee receiving services from the Employee Assistance Program, (EAP), documentation in the medical record from the injury on duty clinic that states it was work related, the injury was not during the scope of his employment and the Board determining whether his reaction to the event will make this a compensable claim based.

After some discussion regarding the facts associated with this claim and that it was connected to his employment as he was responding to a customer, and that if approved it would be for medical care only, Christine Bradley moved to overturn the denial of the claim.

After some discussion of amending the 101 Form for this claim and reviewing it for a psych component, Jeremy Moseley seconded, and the Committee approved without objection.

Jeremy Moseley suggested taking items 5-9 together as they are related to an outbreak in the same department. After clarification from the Legal Department, items 5-9 were discussed as a whole while also considering the facts of each case.

It was also noted that none of the employees for items 5-9 were present.

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

6. In line of duty medical care appeal - Employee from the Police Department.

7. In line of duty medical care appeal - Employee from the Police Department.

8. In line of duty medical care appeal - Employee from the Police Department.

9. In line of duty medical care appeal - Employee from the Police Department.

Tracey Harvey, Davies, reviewed the claims with the Committee. She stated there are five employees in the records department at the Police Department that all tested positive for Covid-19. She stated they requested the exposure forms and the claims were denied based on the criteria as they are not first responders or health care workers.

After some discussion regarding protocols within offices that have clusters and evaluations, and the possible exposure coming from a supervisor, Christine Bradley moved to uphold the denials on items 5-9. Shannon Hall seconded and the Committee approved without objection.

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

ATTEST:

APPROVED:

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

**Harold W. Finch, II, Chair
In Line of Duty Committee**