

## **MINUTES**

### **SPECIAL CALLED MEETING**

#### **METROPOLITAN EMPLOYEE BENEFIT BOARD**

**April 13, 2020**

The Metropolitan Employee Benefit Board met for a Special Called meeting on Monday, April 13, 2020 via teleconference and was broadcast through the Metro Nashville Network, (MNN), on Nashville's Comcast Channel 3, AT&T UVerse Channel 99, and on the MNN Live Stream at approximately 9:36 a.m.

Benefit Board members: Chair: Edna J. Jones; Vice Chair: Christine Bradley; Members: Kevin Crumbo, Harold W. Finch, II, B.R. Hall, Sr., Shannon B. Hall, W. Todd Henry, and Stacey Rucker.

Member G. Thomas Curtis was unable to be present.

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

**Chair Edna Jones called the meeting to order and stated that the first order of business will be a motion to determine under the Governor's Executive Order #16 that the meeting agenda constitutes essential business of this Board and meeting electronically is necessary to protect the health, safety and welfare of Tennesseans in light of the COVID-19 outbreak. B.R. Hall moved for approval. Christine Bradley seconded and the Board approved without objection.**

#### **BENEFIT BOARD ITEMS**

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

1. Voya CARE Act 457 plan coronavirus related distributions.

Christina Hickey reported to the Board that on Friday, March 27, 2020, President Trump signed into law the Coronavirus Aid, Relief, and Economic Security Act, or CARES Act (the "Act"). This Act permits the Benefit Board to allow a plan participant to take a coronavirus related distribution from the Voya 457 plan beginning March 27, 2020 and before December 31, 2020. The Benefit Board will need to decide if they would like to approve the CARES Act coronavirus related distributions option for Metro plan participants.

Tom Eddlemon, Treasury, informed the Board that participants in the 457 plan may withdraw up to \$100,000 with no penalty for an illness related event. He stated that if the individual or their spouse is determined to have the coronavirus as determined by a test approved by the Centers for Disease Control, (CDC), they are authorized to take a distribution from their 457 plan. He stated that also if an individual and not a family member is being quarantined, laid off or had working hours reduced, and lack of childcare they can request an emergency withdrawal request.

There was discussion regarding counseling with the employees that may request a withdrawal and them understanding any potential implications and the payback mechanism.

B.R. Hall moved for approval of the Coronavirus Aid, Relief, and Economic Security Act, (CARES Act). Stacey Rucker seconded and the Board approved without objection.

2. Request by Board member to address presumption of Covid-19.

Christina Hickey informed the Board that this request was made by Todd Henry.

Todd Henry reported to the Board that a Police Officer tested positive for Covid-19, submitted his 101 Form and was denied in line of duty medical care for the Covid-19. He stated that he is wanting to see if the Board can create a presumption for public safety employees related to the Covid-19. He also stated that after he initially brought this up and speaking with legal he was informed that the Board does not have the authority to do that and it would have to go through a lengthy process such as the Study and Formulating Committee, the Board and Council. He stated that he has had discussions with employees and has advised employees that this was an individual case and any case will be looked at individually.

2. Request by Board member to address presumption of Covid-19. (continued)

He also noted that some of his employees are concerned that it would not be considered in line of duty if they died from Covid-19, how individuals are not forthcoming with having the virus and how to determine where you came in contact with it.

Nicki Eke, Legal Department, informed the Board that it does not have the authority to adopt such a presumption.

B.R. Hall questioned if the Mayor can issue an Executive Order related to the Covid-19.

Nicki Eke stated that she has not legally reviewed the issue of an Executive Order.

B.R. Hall stated for the record that he would like to call upon the Mayor to issue an Executive order, if possible to cover this situation.

After discussion as to whether or not Mr. Hall's statement needs to be a formal motion, Nicki Eke stated that the issue has not been legally explored and a motion is not needed.

Harold Finch brought up the issue with other essential employees and concerns with no control over who is approved or denied.

There was mention of this being discussed with the currently appointed Study and Formulating Committee, the processes already in place for coverage regarding testing and treatment for the virus and the ability for any benefit eligible employee to file 101 Form at anytime for the virus.

It also mentioned that claims for injury on duty medical care not time barred.

There was mention of the message that is being sent to employees if claims for the virus are denied.

It was also noted by Nicki Eke, Legal Department, that the time limit for injury on duty medical claims is 6 years.

Mark Young, Fire Department union representative, addressed the Board regarding what the union and the state of Tennessee is doing regarding the virus. He stated that the state is requesting information regarding how municipalities are treating employees that have tested positive for the virus.

James Smallwood, Fraternal Order of Police, (FOP), stated that the FOP has also been working with the state and federal government. He stated that a letter was sent out from the police officers benefit safety fund that they will be covering the cases where an officer dies from the virus as in line of duty.

Brad Rayson, Service Employees International Union, (SEIU), addressed the issue of lay-offs and that this goes beyond public safety employees.

There was some discussion regarding appointing a special committee to discuss this issue, the current processes in place and that a presumption is a legislative issue and the Board has no authority to create a presumption for Covid-19.

With nothing further presented, the meeting adjourned at 11:22 a.m.

ATTEST:

APPROVED:

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

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**Edna J. Jones, Chair**  
**Employee Benefit Board**