

## **MINUTES**

### **METROPOLITAN EMPLOYEE BENEFIT BOARD**

**September 7, 2021**

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday, September 7, 2021 in the Sonny West Conference Room, Howard Office Building, 700 2nd Avenue North, Nashville, Tennessee, at approximately 9:31 a.m.

Benefit Board members: Chair: Edna J. Jones; Vice Chair: Christine Bradley; Members: \*G. Thomas Curtis, Harold W. Finch, II, B.R. Hall, Sr., Shannon B. Hall, Jeremy Moseley, and Jonathan Puckett.

Member Stephanie Bailey was unable to be present.

Others present: Christina Hickey, Metro Human Resources, Nicki Eke, Attorney, Metro Legal Department and Dr. Joanna Shaw-KaiKai and Diana Buzby-Soto, Nurse Practitioner for the 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 August 3, 2021. With one correction, nothing further was noted and Christine Bradley moved for approval. Jeremy Moseley seconded, and the Board approved without objection.

\*Denotes the arrival of G. Thomas Curtis.

#### **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.

Dr. Joanna Shaw-KaiKai, Diana Buzby-Soto, Nurse Practitioner, and Claire Cobb, Civil Service Medical Examiner's Assistant, reviewed the disability pensions with the Board.

Dr. Joanna Shaw-KaiKai reported to the Board that the Civil Service Medical Examiner recommends approval of the disability pension new request, item 1 for the length of time as recommended.

The disability applicant was present for item 1, however, she did not address the Board.

Jonathan Puckett moved for approval of the recommendation to approve the disability pension new request, item 1 for the length of time as recommended. Harold Finch seconded and the Board approved without objection.

Dr. Joanna Shaw-KaiKai reported to the Board that the Civil Service Medical Examiner recommends approval of the disability pension new request, item 2 for the length of time as recommended. Jeremy Moseley moved for approval of the recommendation to approve the disability pension new request, item 2 for the length of time as recommended. Shannon Hall seconded and the Board approved without objection.

Claire Cobb, Civil Service Medical Examiner's Assistant reported to the Board that the Civil Service Medical Examiner recommended to deny the disability pension new request, item 3, however the recommendation is now to defer for one month based on a statement from the treating physician regarding additional testing to address restrictions.

The disability applicant was present for item 3.

Christine Bradley moved for approval of the recommendation to defer the disability pension new request, item 3 for one month. Harold Finch seconded and the Board approved without objection.

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

Claire Cobb, Civil Service Medical Examiner’s Assistant reported to the Board that the Civil Service Medical Examiner recommends approval for continuing the disability pension reexaminations, items 4 through 9 for the length of time as recommended. Tom Curtis moved for approval of the recommendation to continue the disability pension reexaminations, items 4 through 9 for the length of time as recommended. Jonathan Puckett seconded

After some discussion of the restrictions on item 4 a vote was taken on the motion to continue the disability pension reexaminations items 4 through 9 and the Board approved without objection.

Claire Cobb, Civil Service Medical Examiner’s Assistant reported to the Board that on items 10 through 13, the Civil Service Medical Examiner requests a deferral for the length of time as recommended. Tom Curtis moved for approval of the request to defer items 10 through 13 for the length of time as recommended. B. R. Hall seconded.

After some discussion regarding the initial injury on item 10 and the permanent restrictions on item 12 a vote was taken on the motion to defer the disability pension reexaminations items 10 through 13 and the Board approved without objection.

Claire Cobb, Civil Service Medical Examiner’s Assistant reported to the Board that on item 14 the Civil Service Medical Examiner recommends a denial of the employee’s request to return to work in a sworn position. She stated that he is currently working with restrictions in a non-sworn position with an active employee salary supplement. She stated the Civil Service Medical Examiner is wanting to review the need for restrictions and the updated medical records and testing still indicate the need for those restrictions.

The employee was present along with Daniel Newburn, Police Department.

The employee addressed the Board regarding his request, his previous position and current duties, military duties and he stated that he was hired with this condition.

Daniel Newburn, Police Department, addressed the Board regarding the employee’s request and that he would not be a safety hazard if he is returned to a sworn position.

There was some discussion of the condition getting worse and obtaining an independent medical evaluation or a functional capacity evaluation to further assess the condition. There was also some discussion of the testing from the military record and Metro’s testing to gain employment.

Shannon Hall moved to defer item 14 the request to return to work pending the results from an independent medical evaluation. Harold Finch seconded and the Board approved without objection.

**NEW REQUESTS:**

	<b>Name</b>	<b>Department</b>	<b>In Line of Duty (IOD) or Medical Disability</b>	<b>Board Action Taken</b>
1.	Linda J. Brown	Fire	In Line of Duty	As moved, seconded, and approved, this disability pension request was approved for three months, (December 2021), with re-exam at that time.
2.	Tiffany M. Coleman	Metropolitan Nashville Public Schools	Medical	As moved, seconded, and approved, this disability pension request was approved for six months, (March 2022), with re-exam at that time.
3.	Joanne R. Hilliard	Health	Medical	As moved, seconded, and approved, this disability pension request was deferred.

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

**REEXAMINATIONS:**

	<b>Name</b>	<b>Department</b>	<b>In Line of Duty (IOD) or Medical Disability</b>	<b>Board Action Taken</b>
4.	Ashley R. Brown	Parks	In Line of Duty	As moved, seconded, and approved, this disability pension was continued for one year, (September 2022), with re-exam at that time.
5.	Rodney J. Clark	Police	In Line of Duty	As moved, seconded, and approved, this disability pension was continued without stipulation of scheduled re-exam at that time.
6.	Cynthia D. Clopton	Metropolitan Nashville Public Schools	In Line of Duty	As moved, seconded, and approved, this disability pension was continued without stipulation of scheduled re-exam at that time.
7.	Christopher J. Jones	Police	In Line of Duty	As moved, seconded, and approved, this disability pension was continued for five months, (February 2022), with re-exam at that time.
8.	Cody W. O'Quinn	Police	In Line of Duty	As moved, seconded, and approved, this disability pension was continued without stipulation of scheduled re-exam at that time.
9.	Derek T. Smith	Parks	Medical	As moved, seconded, and approved, this disability pension was continued for three months, (December 2021), with re-exam at that time.

**REEXAMINATIONS - DEFER:**

	<b>Name</b>	<b>Department</b>	<b>In Line of Duty (IOD) or Medical Disability</b>	<b>Board Action Taken</b>
10.	Tammy L. Binkley-Vanatta	Metropolitan Nashville Public Schools	Medical	As moved, seconded, and approved, this disability pension re-exam was deferred for three months, (December 2021), with re-exam at that time.
11.	Corey P. Daniel	Fire	In Line of Duty	As moved, seconded, and approved, this disability pension re-exam was deferred for three months, (December 2021), with re-exam at that time.
12.	Hajija R. Ghazi	Metropolitan Nashville Public Schools	In Line of Duty	As moved, seconded, and approved, this disability pension re-exam was deferred for three months, (December 2021), with re-exam at that time.

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

**REEXAMINATIONS - DEFER:**

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
13.	Joseph H. Leurs	Police	Medical	As moved, seconded, and approved, this disability pension re-exam was deferred for three months, (December 2021), with re-exam at that time.

**REQUEST - RETURN TO WORK:**

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
14.	Angelo Iezzi, Jr.	Police	Medical	As moved, seconded and approved, this return to work request was deferred with approval of an independent medical evaluation.

**SOCIAL SECURITY REFERRALS:**

There were no Social Security referrals.

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

Christine Bradley moved for approval of the pensions. Jeremy Moseley seconded, and the Board approved without objection.

**Service**

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Alberta Wade *	MNPS	Driver - Bus	B	07/21/2021	08/01/2021
Mike Deal	MNPS	Tech - Fire Extinguisher Sr	B	07/21/2021	09/21/2021
Robin Lyle	MNPS	Spec - Data Quality	B	04/28/2021	07/24/2021
Beulah Boatman	Fire	Application Tech 3	B	07/23/2021	09/01/2021
Brenda Mason	MNPS	Driver - Bus	B	08/25/2021	08/12/2021
Barbara Hudson	MNPS	Supervisor - Transportation Reg Ed	B	08/13/2021	08/13/2021
Lillian Pope	MNPS	Asst - Restorative Practice	B	07/30/2021	08/10/2021
Kimberly Stephens	MNPS	Interpreter - Sign Lang Non-Li	B	07/23/2021	08/14/2021
Vicky Kelley	MNPS	Admin - Records Sch Fin Pay I	A	08/19/2021	07/01/2021
Melanie Vinson	MNPS	Secretary-Clerk	B	07/22/2021	08/10/2021
Jesse Washington	MNPS	Supervisor - Campus	B	08/12/2021	04/02/2021
Robert Gilmer	Sheriff	Correctional Officer Sergeant	B	08/25/2021	09/08/2021
Patti Pardue	MNPS	Spec - Data Quality	B	08/11/2021	09/01/2021
Dianna Yandell	MNPS	Para-Pro - Ex Ed	B	07/27/2021	05/26/2021
Darlene Rappette	MNPS	Tech Acct II	B	07/06/2021	07/31/2021
William Fox	Police	Police Officer 2	B	08/23/2021	09/01/2021
Robert Kerner	Fire	Paramedic 2	B	08/02/2021	09/16/2021
Richard Felts	Fire	Fire Fighter/Paramedic	B	08/03/2021	08/14/2021
Paul Lovell	Water Services	Industrial Tech Master	B	08/11/2021	09/09/2021
Terry Finney	Water Services	Equipment Operator Senior	B	08/18/2021	10/01/2021
James Bradley	Water Services	Industrial Maintenance Supervisor 2	B	03/09/2021	07/01/2021
Benjamin Crimmons	Water Services	Utility Compliance Insp 1	B	08/16/2021	10/02/2021
David Rives Sr	Fire	Fire Engineer	B	08/10/2021	10/01/2021
Katherine Smith	Sheriff	Sheriff Prisoner Processor 1	B	08/14/2021	08/14/2021
Paul Burton	Police	Police Officer 2	B	08/12/2021	12/01/2021
Jeremy Murray	Sheriff	Sheriff Maintenance Mechanic 2	B	07/28/2021	08/07/2021

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

**Service**

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Karen Kelly	Information Technology Service	Info Systems App Tech 2	B	08/23/2021	11/27/2021
Rita Coleman	Criminal Court Clerk	Deputy Criminal Ct Clerk 3	B	07/27/2021	08/14/2021
Ronald Talley	Fire	Emergency Medical Tech 2	B	08/10/2021	09/01/2021
Russell Anthony	Social Services	Social Worker	B	07/30/2021	09/17/2021
Deborah Phillips	Police	Police Officer 2	B	07/26/2021	08/03/2021
Charles Coe li	Police	Police Officer 2	B	08/23/2021	09/02/2021
David Miller	Police	Police Officer 2	B	07/25/2021	08/05/2021
Terri Lawrence	Emergency Communication Center	Emer Telecommunications Off 4	B	05/13/2021	08/20/2021
Alan Moore	Information Technology Service	Information Systems Advisor 1	B	07/31/2021	07/31/2021
Alberta McClellan	County Clerk	Office Support Rep	B	08/24/2021	02/06/2021
Teresa Thompson *	General Hospital	Radiologic Tech	B	04/23/2021	02/01/2019
Sandra Yarbrough *	Bordeaux Long Term Care	Licensed Practical Nurse	B	08/12/2021	04/01/2021
Andrea Eddins *	Bordeaux Long Term Care	Nursing Asst -Certified 1	B	08/11/2021	08/01/2021
Adam Goodrich *	Sheriff	Correctional Officer Lieutenant	B	08/02/2021	10/01/2020
Johnnie Dodd II *	Police	Account Clerk 1	B	07/29/2021	10/01/2021
Regina Hale *	Police	Police Operations Asst 3	B	08/17/2021	09/01/2019
Sharon Felton *	Human Resources	Human Resources Analyst 3	B	08/13/2021	09/01/2021
Lawrence Coleman Jr *	Metro Action Commission	Bus Driver	B	08/16/2021	09/01/2018
Sharon Moore *	NCAC	Resource Ctr Liaison-NCAC	B	07/31/2021	08/01/2020
Roxanne Campbell *	General Hospital	Registered Nurse	B	07/29/2021	11/01/2015
Jimmy Johnson *	MNPS	Driver - Bus	B	07/29/2021	08/01/2021
Donald Swartz *	Codes Administration	Property Stand Insp 2	B	08/09/2021	07/01/2016

\* Deferred Benefit

**Disability to service**

Employee	Department	Plan A/B	Effective Date of Conversion
Rita Castleman	General Hospital	A	08/01/2021
Linda Jones	Parks	B	08/01/2021

**Options Elected**

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	Drop Election
Thelma Bigham	Bordeaux Long Term Care	Service Without Option	B	08/01/2021	Normal	
Joseph Bowman	Fire	Service Without Option	B	07/16/2021	Normal	
Rondal Norwood	Information Technology Service	Service Without Option	B	07/21/2021	Option B	
Lillian Frey	MNPS	Service With Option	B	06/25/2021	Option E	
Van Ingram	Convention Center Authority	Service With Option	B	06/19/2021	Option E	
Charlene Pirtle	MNPS	Service Without Option	B	05/22/2021	Normal	
Linda Lowery	MNPS	Service With Option	B	05/01/2021	Option E	
Diane Whitley	MNPS	Early Service Without Option	B	05/27/2021	Normal	
Shelia Osborne	MNPS	Service Without Option	B	05/15/2021	Normal	
Adora Ross	MNPS	Service Without Option	B	07/01/2021	Normal	
Donna Carson	MNPS	Service With Option	B	07/01/2021	Option D	
Michelle Miles	MNPS	Service With Option	B	07/22/2021	Option F	
Lee Stewart	Social Services	Service With Option	B	07/01/2021	Option A	
Marcus Rice	Sheriff	P&F Service Pen Without Option	B	07/01/2021	Normal	
Timothy Carr	Public Works	Service Without Option	B	07/24/2021	Normal	
Joyce Tibbs	General Hospital	Service Without Option	B	06/01/2021	Normal	
James Bradley	Water Services	Service With Option	B	07/10/2021	Option A	3
Karen Brown	Police	P&F Service Pen Without Option	B	07/03/2021	Normal	2
John Jeffers	Sheriff	P&F Service Pen Without Option	B	07/01/2021	Normal	
Kenneth Adcock	General Services	Service Without Option	B	07/24/2021	Normal	
Terry Secrest	Fire	P&F Service Pen With Option	B	06/29/2021	Option E	3
Juliana Newton	State Trial Courts	Service Without Option	B	07/01/2021	Normal	
Kimberly McDaniel	Finance	Service Without Option	B	07/31/2021	Normal	
John Taylor Jr	Sheriff	Service Without Option	B	07/03/2021	Normal	3
Leonard Peck Jr	Police	P&F Service Pen Without Option	B	07/10/2021	Normal	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
James Jordan	Police	P&F Service Pen With Option	B	06/17/2021	Option A	
Bruce Sanschargin	Emergency Communication Center	Early Service With Option	B	07/10/2021	Option A	
George Patonis	Police	P&F Service Pen With Option	B	07/10/2021	Option A	
Wesley Paine	Parks	Service Without Option	B	07/01/2021	Normal	
Kathy Halbrooks	Water Services	Service Without Option	B	07/10/2021	Normal	1
Alan Moore	Information Technology Service	Service With Option	B	07/31/2021	Option A	
Ella McKinney	General Hospital	Service Without Option	B	04/01/2021	Normal	
Sandra Yarbrough	Bordeaux Long Term Care	Service Without Option	B	04/01/2021	Normal	
Asha Kincaid	Bordeaux Long Term Care	Service Without Option	B	06/01/2021	Normal	
Deborah Hawkins	General Hospital	Service With Option	B	08/01/2021	Option F	
Clark Garrett	MNPS	Service Without Option	B	08/01/2021	Normal	
Roberta Roseberry	Sheriff	Service Without Option	B	08/01/2021	Normal	
Sharon Moore	NCAC	Service Without Option	B	01/01/2021	Normal	
Pamela Bolden	Health	Service Without Option	B	07/01/2021	Normal	
Darla Fareed	Social Services	Service Without Option	B	08/01/2021	Normal	

<b>Key Codes</b>	
<b>Options</b>	<b>Drop Elections</b>
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
Tonya Young	Police	Julius Young	B	07/09/2021
Roy Thompson	MNPS	Mary Thompson	B	08/19/2021
Michael Jackson	Fire	Jamie Jones	B	07/21/2021
Aaron Pope	Juvenile Court	Lillian Pope	B	07/20/2021
Donald Heath	Police	Nancy Heath	B	08/02/2021
Douglas Anderson	Police	Alicia Anderson	B	08/17/2021
William Sullivan	Water Services	Dorotha Sullivan	B	08/05/2021
James Broadrick Jr	Police	Collette Broadrick	A	08/13/2021
Robert Overton	Water	Regina Overton	B	08/11/2021
Billy Hughes	Police	Julia Hughes	B	07/26/2021
Michael Yarlett	Sheriff	Susan Yarlett	B	08/17/2021
Patsey Winfrey	Administrative	Buford Winfrey	B	08/02/2021
Billy Gooch	MNPS	Georgia Gooch	B	08/19/2021
Evan Hughes	MNPS	James Adams	B	07/23/2021

**BENEFIT BOARD ITEMS**

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

1. Presentation of resolution.

A resolution was presented to W. Todd Henry acknowledging his dedication and service to the Employee Benefit Board.

2. Appeal of dependent's insurance coverage.

The pensioner and Mark Young, Fire Union representative were present.

Christina Hickey reported to the Board that Metro pensioner John R. Sanford retired effective 04/29/2021 from the Fire department. She stated that at the time of retirement, Mr. Sanford returned his signed election form to participate in the medical plan and listed his spouse as his dependent and did not list any other dependents. She stated that it is not uncommon for pensioners to remove a dependent at the time of pension and the insurance elections were processed as they were elected by Mr. Sanford. Ms. Hickey stated that on 08/02/2021, Mr. Sanford contacted our office stating his dependent child did not have insurance coverage and was advised he did not elect coverage for this dependent and he would not be able to add this dependent to his Metro insurance outside of the 60-day window of an eligible change in status. She stated that Mr. Sanford and his representative Mark Young asked that this matter be appealed to allow the pensioner to add his dependent child outside of the 60-day window for an eligible change in status event.

Ms. Hickey stated that both of Metro's self-insured medical plan documents are very specific as to when a pensioner is allowed to add a dependent and under what circumstances and the pensioner's dependent does not meet any of the criteria to be added at this time. Human Resources also believes the insurance election form is very clear as it instructs the pensioner to "initial your elections and list dependents you want covered". Mr. Sanford did initial where appropriate and he also handwrote his spouse's name, gender, date of birth and marked what coverage he wanted for her. Mr. Sanford was also provided with a copy of HR's Retirement Guide during his retirement process which states he is able to enroll in coverage and add eligible dependents at retirement and details the process to add an eligible dependent within 60 days of an eligible change in status.

Ms. Hickey also stated that in addition to the medical plan document, the eligible change in status matrix procedures, approved by the Board, clearly define when a member is allowed to make changes to their coverage, under what circumstances and what documentation is required. The Board has also previously ruled pensioners are not allowed to add a dependent outside of an eligible change in status event due to adverse selection. The Board has been clear in past action that dependents cannot be added to a pensioner's insurance outside of the 60 day window of an eligible change in status. In March 2001, the Board voted to deny a pensioner's appeal to add his spouse to his coverage outside of the allowed 60-day window. She stated Metro Human Resources staff recommends this pensioner's request to add his dependent to his insurance coverage be denied as it is outside of the time period specified within the self-insured medical plan document's eligibility rules.

The pensioner addressed the Board regarding this request. He stated that he does understand the policy and it was not his intent to leave him off. He also stated that if he could have had assistance filling out the forms with someone from the office it never would have happened.

There was some discussion regarding filling out the forms and that Human Resources staff is very easily reached.

Mark Young, Fire Union representative, stated that the actual in person meetings are very helpful and if he had actually attended one this probably would have been caught and this is a very honest oversight on his part.

There was some discussion regarding when a pensioner's dependent can be added.

Nicki Eke, Legal Department, stated she is not aware of this particular factual situation arising in the pension context where it's alleged that an error was made with completing the benefit election form. She stated that in the Cafeteria Plan context for active employees if someone alleges an error was made filling out the benefit election form the Internal Revenue Service has taken the informal position that the error can be corrected if the error is established by clear and convincing evidence. She stated that clear and convincing evidence means that there is no serious or substantial doubt of the correctness of the conclusion drawn from the evidence. She stated that if the Board determines that this was just an error in filling out the forms and it's not a situation where someone is just trying to add their dependents an option available is to apply the same standard as in Cafeteria Plan cases.

There was some discussion of the 60 day rule, the Cafeteria Plan document, an effective date if the dependent is added back to the coverage and notification that the dependent was no longer on the plan.

2. Appeal of dependent's insurance coverage. (continued)

B.R. Hall moved to approve this pensioner's request to add his dependent to his insurance coverage based on a clerical error. Jonathan Puckett seconded.

There was some discussion regarding setting a precedent, what the benefit election form states, premium differences, any impact with Federal guidelines and if there have been other cases similar to this one.

A vote was taken on the motion to approve this pensioner's request to add his dependent to his insurance coverage based on a clerical error and the Board approved with Edna Jones, Tom Curtis and Shannon Hall opposed.

3. Reports for your information:

- a. Repayment of pension contributions.
- b. Denial log from Davies.
- c. Benefit Board budget reports.
- d. Terminated disability pensioner.

Items 3.-a. through 3.-d. were for information only and no action was required.

Christina Hickey noted that item 3.-d. is being reviewed by Metro Legal and the Parks Department and an update will be provided at another meeting.

4. Late item(s):

There were no late items reported at the meeting.

With nothing further presented, the meeting adjourned at 10:47 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**