

## **MINUTES**

### **METROPOLITAN EMPLOYEE BENEFIT BOARD**

**January 9, 2023**

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Monday, January 9, 2023 in the Sonny West Conference Room, Howard Office Building, 700 2nd Avenue North, Nashville, Tennessee, at approximately 9:32 a.m.

Benefit Board members: Chair: Edna J. Jones; Vice Chair: Christine Bradley; Members: Harold W. Finch, II, Kelly Flannery, Gilbert Gonzales, B.R. Hall, Sr., Shannon B. Hall, and Jonathan Puckett.

Members G. Thomas Curtis and Jeremy Moseley were unable to be present.

Others present: Christina Hickey, Metro Human Resources, Nicki Eke, Attorney, Metro Legal Department and Dr. Kenton Dodd, 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 December 6, 2022. With no corrections, nothing further was noted and Christine Bradley moved for approval. Jonathan Puckett seconded, and the Board approved without objection.

#### **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. Kenton Dodd, Civil Service Medical Examiner, (CSME), and Hannah Robinson, CSME Assistant, were present and reviewed the disability pensions with the Board.

Edna Jones stated that items 3 through 6 will be discussed separately.

Dr. Kenton Dodd reported to the Board that he recommends approval of the disability pension new requests, items 1 and 2 for the length of time as recommended.

After some discussion of a new diagnosis that is related to an injury on duty on item 2, the process to review it if it becomes a disabling condition, and a shorter re-exam date, Jonathan Puckett moved for approval of the recommendation to approve the disability pension new requests, items 1 and 2 for the length of time as recommended. B.R. Hall seconded, and the Board approved without objection.

On item 3, Christina Hickey read a statement on behalf of the employee on the request as they were not able to be present.

Danny Yates, Fire Union representative was also present on behalf of the employee.

Dr. Kenton Dodd reported to the Board that he recommends approval of the disability pension new request, item 3 for the length of time as recommended.

The Board discussed the job-related and non job-related risk factors for the condition and if the injury on duty claim has been reviewed as the request is for injury on duty.

Vickie Hampton and Kimberly Jordan, Davies, were present to address the status of the injury on duty claim, which was denied.

There was some discussion of whether or not to approve the pension as medical until the records for the injury on duty claim are reviewed through the appeal process.

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

Dr. Kenton Dodd clarified that he is recommending that it be approved as injury on duty based on the information he has before him.

B.R. Hall moved for approval of the disability pension new request, item 3 for the length of time as recommended. Jonathan Puckett seconded, and the Board approved without objection.

The employee was present for item 4.

Jamie Summers, Fire Department, was also present.

Dr. Kenton Dodd reported to the Board that he recommends denial of the disability pension new request, item 4 based on the medical record and that his ability to perform the functions of the job appears to be in tact.

Jamie Summers stated that he currently has restrictions and has not been released to return to work.

There was some discussion of the disability standard for firefighters, the restrictions, fitness for duty exams, and his ability to perform the duties of a firefighter.

B.R. Hall moved for approval of the disability pension new request, item 4 as injury on duty for six months. Jonathan Puckett seconded, and the Board approved without objection.

The employee was present for item 5.

Christina Hickey noted that some additional information has also been presented for item 5.

Dr. Kenton Dodd reported to the Board that this request is regarding the employee's sensitivity to the masks he is required to wear and the documentation showing there are no masks suitable for this individual for him to continue his duty as a firefighter. Dr. Dodd stated that after review of the record there was one mask that was non-reactive. He also stated that he would recommend approval of the request with review in six months for a possible return to work if that particular mask can be obtained.

Jamie Summers, Fire Department, stated that there is one manufacturer on contract for the Fire Department and they are trying to figure out what he can do without damaging his face.

Jonathan Puckett moved for approval of the disability pension new request, item 5 as injury on duty for three months. B.R. Hall seconded.

After some discussion of a reasonable expectation of being able to obtain the masks from the manufacturer and making sure they are appropriate for him to wear the review date was changed to six months.

Alford Box, Fire Department Safety Office, was present and addressed the Board regarding the time frame to obtain the masks.

After some discussion of how this is a disabling condition under the disability standard versus an accommodation issue.

Jamie Summers stated that the department can not make an accommodation for firefighters where they don't have to wear a mask as it is an essential function of the job.

There was some discussion of accommodations, returning the individual to work, setting a precedent, the onset of the condition, and ADA accommodations.

Nicki Eke, Legal Department, stated that it is not appropriate to discuss ADA accommodations in this forum. She stated that what is before the Board is whether or not this person can perform the duties of a firefighter based on the medical condition.

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

After further discussion of the Fire Department being able to obtain the mask, a vote was taken on the motion to approve the disability pension new request, item 5 as injury on duty for six months and the Board approved without objection.

Dr. Kenton Dodd reported to the Board that he recommends approval of the disability pension new request, item 6 based on the information currently before the Board. He also stated that this approval is largely anecdotal based on the severity of the situation. He also noted that he has not been able to obtain the actual medical information of how the individual is doing currently and he has not medically established that this person is currently impaired and does suspect that there is some impairment based on the treatment regimen.

The employee was present for item 6 and discussed why she can't release the medical records/therapist notes regarding the situation and going back to work.

There was some discussion of the severity of the injury on duty incident, her ability to work and how the Board can approve a disability pension or have an injury on duty claim without the medical records.

The employee stated that there are medical records from her primary care physician just not the therapy notes.

There was some discussion regarding the treatment she is receiving for the injury on duty and the non-job-related injury is not from the primary care physician.

There was discussion of Davies and Dr. Dodd obtaining the therapy notes separately that shows the treatment for the injury on duty versus the non-job-related treatment from the provider.

It was noted that there needs to be a discussion of how the Board can address mental health conditions that are a result of performance on the job,

Jamie Summers, Fire Department, stated that this injury on duty claim was approved because it was clearly outside the normal scope of employment.

After some discussion that there needs to be a clear substantiation of the particular job-related injury and that it is the disabling condition, Shannon Hall moved for approval of the disability pension new request item 6 for one year. Jonathan Puckett seconded, and the Board approved without objection.

Edna Jones stated that item 9 will be discussed separately.

Dr. Kenton Dodd reported to the Board that he recommends approval for continuing the disability pension reexaminations, items 7 and 8 for the length of time as recommended. B.R. Hall moved for approval of the recommendation to continue the disability pension reexaminations, items 7 and 8 for the length of time as recommended. Shannon Hall seconded, and the Board approved without objection.

On item 9, there was some discussion regarding the ESL class and the status of the injury, Shannon Hall moved for approval of the recommendation to continue the disability pension reexam item 9 for the length of time as recommended. B.R. Hall seconded, and the Board approved without objection.

Dr. Kenton Dodd reported to the Board that on item 10 he requests a deferral for one month. Jonathan Puckett moved for approval of the request to defer item 10 for one month. Christine Bradley seconded, and the Board approved without objection.

The pensioner and Beth Doberman were present for item 11.

David Hines, Metropolitan Nashville Public Schools, (MNPS), was present.

Dr. Kenton Dodd reported to the Board that on item 11 he recommends approval of return to work as the conditions addressed have resolved. He did note that she does have continuing medical issues that were previously present and will be after she is returned to work.

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

The pensioner addressed the Board and stated that she has been approved for Social Security Disability Income.

Dr. Kenton Dodd stated that based on that determination his recommendation would be to continue the disability pension in order to get that information.

After some discussion of deferring this item for one month, Shannon Hall moved for approval of deferring item 11 for one month. B.R. Hall seconded, and the Board approved without objection.

Juanita Graham, Nashville Department of Transportation, (NDOT), was present for item 12.

Dr. Kenton Dodd reported to the Board that on item 12 he recommends approval of return to work.

Juanita Graham, NDOT, stated they can return him to work.

Jonathan Puckett moved for approval of the recommendation of return to work. Harold Finch seconded, and the Board approved without objection.

Edna Jones noted that there was some additional information on item 13.

The pensioner was present.

Jamie Summers, Fire Department, was also present.

Dr. Kenton Dodd reported to the Board that on item 13 he recommends approval of return to work in a sworn position.

Jamie Summers stated that they are able to return him to work, however, there may procedurally be some things that need to be done to meet the minimum requirements to return to full duty.

Jonathan Puckett moved for approval of the recommendation of return to work in a sworn position. B.R. Hall 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.	Momolu S. Dorley, Jr.	Fire	In Line of Duty	As moved, seconded, and approved, this disability pension request was approved for three months, (April 2023), with re-exam at that time.
2.	Douglas A. Pardue, II	Fire	Medical	As moved, seconded, and approved, this disability pension request was approved for six months, (July 2023), with re-exam at that time.
3.	James M. Young, II	Fire	In Line of Duty	As moved, seconded, and approved, this disability pension request was approved without stipulation of scheduled re-exam at that time.
4.	Ronald S. Lawson	Fire	In Line of Duty	As moved, seconded, and approved, this disability pension request was approved for six months, (July 2023), with re-exam at that time.

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

**NEW REQUESTS: (continued)**

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
5.	John C. Dowlen	Fire	In Line of Duty	As moved, seconded, and approved, this disability pension request was approved for six months, (July 2023), with re-exam at that time.
6.	Mariah C. Tripp	Fire	In Line of Duty	As moved, seconded, and approved, this disability pension request was approved for one year, (January 2024), with re-exam at that time.

**REEXAMINATIONS:**

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
7.	Carrie T. Hendrick	Fire	In Line of Duty	As moved, seconded, and approved, this disability pension was continued without stipulation of scheduled re-exam at that time.
8.	Bahia S. Ismaeel	Metropolitan Nashville Public Schools	Medical	As moved, seconded, and approved, this disability pension was continued for three months, (April 2023), with re-exam at that time.
9.	Adnan Y. Salam	Parks	In Line of Duty	As moved, seconded, and approved, this disability pension was continued for four months, (March 2023), with re-exam at that time.

**REEXAMINATIONS - DEFER:**

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
10.	Kevin L. Breeding	Police	In Line of Duty	As moved, seconded, and approved, this disability pension re-exam was deferred for one month, (February 2023).

**RETURN TO WORK:**

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
11.	Tabitha K. Peach	Metropolitan Nashville Public Schools	Medical	As moved, seconded, and approved, this item was deferred for one month, (February 2023).
12.	Trenity T. Turner	Nashville Department of Transportation	Medical	As moved, seconded, and approved, this individual was returned to work.

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

**REQUEST - RETURN TO WORK:**

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
13.	Stephen C. Johnson	Fire	Medical	As moved, seconded, and approved, this individual was returned to work.

**SOCIAL SECURITY REFERRALS:**

Dr. Kenton Dodd reported to the Board that there are no Social Security referrals.

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

B.R. Hall moved for approval of the pensions. Christine Bradley seconded, and the Board approved without objection.

**Service**

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Angel Bradley *	MNPS	ASST - FOOD SVC ROV	B	11/30/2022	10/01/2022
Sherry Watson	Metro Action Commission	HR Business Partner-MAC	B	11/25/2022	01/12/2023
Clare Norris	Assessor of Property	Appraiser Analyst 3	B	11/17/2022	01/03/2023
Clarisa Garcia	Health	Office Support Rep Sr	B	12/06/2022	12/31/2022
Robert Lonis	General Hospital	Metro Hospital Auth Employee	B	11/28/2022	01/01/2023
Carolyn Jackman	Social Services	Office Support Rep	B	12/15/2022	02/03/2022
Prescott Phillips	Sheriff	Correctional Officer 2	B	12/14/2022	01/29/2023
Julius Hill Sr	MNPS	PARA-PRO - EX ED	B	11/01/2022	01/10/2023
Virginia Worthy	MNPS	PARA-PRO - EX ED	B	11/15/2022	12/31/2022
Rebekah Nichols	MNPS	MGR - FOOD SERVICE IV	B	12/13/2022	01/11/2023
Jann Mcdonald	MNPS	MGR - FOOD SERVICE V	B	11/15/2022	01/13/2023
Melissa Venable	Emergency Communication Center	Emer Telecommunications Off 4	B	11/14/2022	11/18/2022
Jeffrey King	Public Works	Technical Specialist 1	B	11/22/2022	01/03/2023
Brenda Wheeler	Fire	Advanced Emergency Med Tech	B	12/07/2022	12/31/2022
Brenda Gill	Metro Action Commission	Qual Assur and Comp Coord-MAC	B	11/25/2022	01/25/2023
Patricia Sanders	Health	Public Health Nurse 1	B	12/05/2022	12/31/2022
David Young	Water Services	Treatment Plant Shift Operator	B	11/29/2022	12/31/2022
Richard Clark	Police	Police Officer 2	B	11/23/2022	12/31/2022
Donald Enfinger	Information Technology Service	Info Systems Div Mgr	B	12/20/2022	12/30/2022
Tricia Eby	Emergency Communication Center	Emer Telecommunications Off 4	B	12/13/2022	12/27/2022
Sheri Burnett	Police	Admin Spec	B	11/22/2022	12/31/2022
Hubert Spears Iii	Fire	Fire Captain	B	11/28/2022	12/01/2022
Anthony Bryant	Fire	Paramedic	B	12/16/2022	12/28/2022
Ross Musgrave	Fire	Fire Captain	B	12/01/2022	12/31/2022
Tommy Potts Jr	Fire	Fire Engineer	B	12/12/2022	12/28/2022
Jimmy Greenwood Jr	Fire	Fire Captain	B	12/15/2022	12/29/2022
David Moyers	Fire	Fire Captain	B	11/28/2022	12/31/2022
Herbert Ashburn	Fire	Fire Captain	B	12/12/2022	12/30/2022
Anthony Glover	Fire	Fire Captain	B	12/05/2022	12/30/2022
Patricia Reynolds	Fire	Fire Inspector 2	B	12/06/2022	12/17/2022
Dale Mcwright	Fire	Fire Engineer	B	12/06/2022	12/31/2022
Gerald Lindsey	Fire	Fire Captain	B	12/20/2022	12/30/2022
Kevin Hymmer	Fire	Fire Engineer	B	11/23/2022	12/01/2022
James Ransford	Fire	Fire Engineer	B	12/20/2022	12/28/2022
Edward Kenderdine	Fire	Fire Engineer	B	12/06/2022	12/30/2022
Pamela Lature	Health	Medical Admin Asst 1	B	12/13/2022	12/01/2021
Samuel Seged	Water Services	Water Quality Supervisor	B	12/07/2023	01/14/2023
Margaret Buchanan	Social Services	Office Support Spec 1	B	12/15/2022	02/03/2023
Brion Delap	Police	Police Lieutenant	B	12/05/2022	12/15/2022
Lisa McMahon	Emergency Communication Center	Emer Telecommunications Manage	B	11/29/2022	12/31/2022

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

**Service (continued)**

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
David Corman	Police	Police Commander	B	12/08/2022	12/15/2022
Douglas Vinson	Police	Police Lieutenant	B	12/15/2022	12/31/2022
Mark Bradshaw	Police	Police Sergeant	B	12/17/2022	12/30/2022
Christian Locke	Police	Police Officer 2	B	12/14/2022	12/31/2022
Ricky Sanders	Police	Police Officer 2	B	12/12/2022	12/31/2022
Donald Davidson	Police	Police Officer 2	B	12/08/2022	12/15/2022
Waymon Tomberlain	Water Services	Water Services Superintendent	B	11/21/2022	12/01/2022
Patricia Shaffer	Public Library	Librarian 2	B	11/30/2022	12/31/2022
Shearon Sarver	MNPS	PARA PRO - PRE K GEN ED	B	11/21/2022	12/17/2022
James Wray	Police	Police Officer 2	B	12/03/2022	12/31/2022
Sarah Lancaster *	Health	Public Health Nurse 3	B	11/14/2022	01/01/2023
Tara Coats *	Register of Deeds	Satellite position	B	12/06/2022	05/01/2022
Mamie Henning *	MNPS	ED ASST - EX ED ONE TO ONE	B	11/08/2022	02/01/2023
Jon Warkentin *	Health	Medical Svcs Dir	B	12/09/2022	06/01/2020
Cynthia Hoeger *	General Services	Office Asst 2	B	12/05/2022	01/01/2018
Doyle Wilhoite Jr *	Police	Police Officer 2-Fld Trng Ofcr	B	11/24/2022	01/01/2023
Elizabeth Johnson *	Public Library	Human Resources Analyst 3	B	11/23/2022	12/01/2022
James White *	Fire	Paramedic 2	A	11/30/2022	11/01/2022
Terrell Lowe *	MNPS	TECHNICIAN-COMPUTER	B	11/29/2022	02/01/2016
Mark Beasley *	General Services	Radio Tech 2	B	12/14/2022	11/01/2022
Karen Briscoe *	Bordeaux Long Term Care	Patient Care Mgr	B	12/01/2022	02/01/2023

**Disability to service**

Employee	Department	Plan A/B	Effective Date of Conversion
Cathy Zoccola	District Attorney	B	11/01/2022
Carol Smith	MNPS	B	06/01/2022
Pamela Pippin	MNPS	B	03/01/2022
Brenda Irwin	MNPS	B	12/01/2022
Brenda Irwin	MNPS	B	12/01/2022
David Selby	Sheriff	B	12/01/2022
Jason Dickson	Fire	B	12/01/2022
Daulton Walker	State Fair Board	B	05/01/2022
Trina Blythe	MNPS	B	02/01/2022
Charlene Tatum	Sheriff	B	11/01/2022
Linda Brown	Fire	B	01/01/2023
Elizabeth Woelk	MNPS	B	08/01/2022

**Options Elected**

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	Drop Election
Michael Harrison	Police	P&F Service Pen With Option	B	12/01/2022	Option E	
Carla Jenks	Health	Early Service Without Option	B	10/05/2022	Normal	
Frank Goodwin	Water Services	Early Service With Option	B	10/15/2022	Option A	
Thoris Campbell	Health	Service With Option	B	10/14/2022	Normal	
Lionel Farley	Sheriff	P&F Service Pen With Option	B	10/29/2022	Option E	
Karen Riley	Parks	Service Without Option	B	10/20/2022	Normal	
Evante Hall	Fire	P&F Service Pen Without Option	B	10/06/2022	Normal	3
Darlene Sanders	Police	Service Without Option	B	11/01/2022	Normal	3
Jeffrey Mitchell	Police	Early Service With Option	B	10/29/2022	Option A	
Richard Jackson	Police	P&F Service Pen Without Option	B	10/01/2022	Normal	3
George Bouton	Police	P&F Service Pen With Option	B	10/29/2022	Option F	3
Michael Pyle	Police	Early Service With Option	B	10/20/2022	Option F	
Richard Taylor V	Parks	Early Service Without Option	B	11/11/2022	Normal	
Beverly Norris	Metro Action Commission	Service Without Option	B	12/01/2022	Normal	
Neeta Kodiatar	MNPS	Service With Option	B	11/01/2022	Option E	
James Gray	MNPS	Service With Option	B	11/01/2022	Option A	
Patricia Griggs	Election Commission	Service Without Option	B	05/01/2022	Normal	

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

**Options Elected (continued)**

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	Drop Election
Loletha Grier	Knowles Home	Service Without Option	B	10/01/2022	Normal	
Lawanda Smith	Public Library	Service Without Option	B	12/01/2022	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
William Hudgins	Unknown	Mary Hudgins	A	12/13/2022
Coleman Beard	Unknown	Beard Barbara	B	12/15/2022
Emerson Boguskie Jr	Police	Gale Boguskie	B	12/09/2022
Guinna Hall	Health	Charles Hall	B	11/26/2022
Garry Black	Water Services	Gertie Wallace	B	12/01/2022

**BENEFIT BOARD ITEMS**

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

1. Redetermination of disability pension amount based on excess earnings.

Christina Hickey reported to the Board that staff has identified disability pensioners who have exceeded their outside allowable earnings amount and, in accordance with the Code, are to have their disability pensions adjusted accordingly. Ms. Hickey stated that the affected members have been notified of the adjustments.

Lori Meyer and Janel Donaldson, Human Resources staff, were available for any questions.

B.R. Hall moved to accept the report and have the individual's disability pensions adjusted accordingly. Shannon Hall seconded, and the Board approved without objection.

2. Correspondence:

- a. Utilization report from Blue Cross Blue Shield.
- b. Utilization report from CIGNA.
- c. Upcoming provider network change.
- d. MetroMax pre-enroll mailer.

Items 2.-a. through 2.-d. were for information only.

3. Reports for your information:

- a. Social Security approvals.
- b. Repayment of pension contributions.



3. Reports for your information: (continued)

- c. Denial log from Davies.
- d. Benefit Board expense reports.
- e. Investment Committee minutes.
- f. 2023 Annual Enrollment overview.
- g. Accomplishments for 2022.

Items 3.-a. through 3.-g. were for information only.

Ginger Hall, Human Resources Assistant Director, reviewed items 3.-f. and 3.-g. with the Board.

There was some discussion regarding the transition of Medicare eligible pensioners to the Humana Medicare Advantage plan and Vanderbilt no longer accepting any Medicare Advantage plans.

Tracey Garrison and Larry Lowe, Humana, and Kelley Lewis, Deloitte, were present for any questions regarding the issue with Vanderbilt.

There was some discussion regarding the impact and ongoing negotiations with Vanderbilt.

4. Late item(s):

There were no late items reported at the meeting.

With nothing further presented, the meeting adjourned at 11:37 a.m.

ATTEST:

APPROVED:

---

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

---

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