

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

November 7, 2023

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday, November 7, 2023 in the Sonny West Conference Room, Howard Office Building, 700 2nd Avenue South, Nashville, Tennessee, at approximately 9:32 a.m.

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

Member G. Thomas Curtis was unable to be present.

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

At this time Edna Jones welcomed Kevin Crumbo back to the Board.

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 October 3, 2023. With no corrections, nothing further was noted, and Jonathan Puckett moved for approval. Christine Bradley seconded, and the Board approved with Gilbert Gonzales and Kevin Crumbo not voting.

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 Claire Wells, CSME Assistant, reviewed the disability pensions with the Board.

It was suggested that the new requests be taken separately.

Dr. Kenton Dodd reported to the Board that he recommends approval of the disability pension new request, item 1, for the length of time as recommended. Christine Bradley moved for approval of the recommendation to approve the disability pension new request, item 1 for the length of time as recommended. B.R. Hall seconded, and the Board approved without objection.

The employee was present for item 2. He addressed the Board regarding his request for an in line of duty disability pension, his treatment and diagnosis.

Dr. Kenton Dodd reported to the Board that he along with Davies are still waiting on additional medical records for the injury on duty claim and he would recommend a deferral for one month.

Jonathan Puckett moved to defer this item to the next meeting. Christine Bradley seconded, and the Board approved with out objection.

*Denotes the arrival of Shannon Hall.

Dr. Kenton Dodd reported to the Board that he recommends deferral of the disability pension new request, item 3, pending additional medical records and a determination from Davies on the injury on duty claim.

Christine Bradley moved to defer this item to the next meeting. Jonathan Puckett seconded, and the Board approved without objection.

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

There was some discussion regarding the state law that goes in effect January 1, 2024 that sets forth a definition for post-traumatic stress disorder for firefighters.

Dr. Kenton Dodd reported to the Board that he recommends approval for continuing the disability pension reexaminations, items 4 and 5 for the length of time as recommended. B.R. Hall moved for approval of the recommendation to continue the disability pension reexaminations, items 4 and 5 for the length of time as recommended. Jonathan Puckett seconded.

There was some discussion on item 4 regarding their current employment in a position outside of Metro and if there is a position with Metropolitan Nashville Public Schools, (MNPS), that can accommodate her needs.

**Denotes the arrival of Harold Finch.

A vote was taken on the recommendation to continue the disability pension reexaminations, items 4 and 5 for the length of time as recommended and the Board approved with Harold Finch not voting.

Dr. Kenton Dodd reported to the Board that on items 6 and 7, he requests a deferral for the length of time as recommended. Shannon Hall moved for approval of the request to defer items 6 and 7 for the length of time as recommended. B.R. Hall seconded, and the Board approved without objection.

Christina Hickey stated they have supplied some additional medical information and read a statement on their behalf regarding the recommendation of return to work and their physical impairments as it relates to the ability to do their job and daily living.

Dr. Kenton Dodd reported to the Board that on item 8 he recommends approval of return to work with accommodations. He stated that there is technology that can largely mitigate some of the impacts of loss of vision. He also stated they are working with MNPS and the Tennessee School of the Blind for assistance with resources.

David Hines, MNPS, was present and stated they can work with them to see if they can work something out for the pensioner in order to accommodate.

There was some discussion regarding the cost of those work accommodations and that the employer would bear the cost for that.

Christine Bradley moved for approval of the recommendation on item 8 of return to work with accommodations. Harold Finch seconded, and the Board approved with Gilbert Gonzales opposed.

The pensioner was present for item 9.

Dr. Kenton Dodd reported to the Board that on item 9 he recommends approval of return to work. Jonathan Puckett moved for approval of the recommendation on item 9 of return to work. B.R. Hall seconded.

Jamie Summers, Fire Department, was present and stated they can return them to work.

A vote was taken on the motion on item 9 for approval of return to work and the Board approved without objection.

Christina Hickey noted that the CSME's office has supplied additional medical information.

Byron Grizzle, Sheriff's Office, was present.

Dr. Kenton Dodd reported to the Board that item 10 is a request to return to work with restrictions in a non-sworn position. He stated he is recommending a deferral to the next meeting.

B.R. Hall moved for approval of the recommendation on item 10 to defer to the next meeting. Shannon Hall seconded, and the Board approved without objection.

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

Dr. Kenton Dodd reported to the Board that item 11 is a request to return to work in a sworn position. He recommends this request be denied as they cannot perform the duties in a sworn position. He stated he would recommend that they continue with active employment in non-sworn positions at this time.

Christy Sawyers, Police Department, was present and agreed with the recommendation.

Shannon Hall moved for approval of the recommendation to deny the request to return to work in a sworn position on item 11.

There was some discussion regarding the timeline with this individual requesting to return to work in a sworn position and the disability standard.

It was also noted that the individual is working outside of Metro.

Christine Bradley seconded the motion on item 11 to deny the request to return to work in a sworn position and the Board approved without objection.

Dr. Kenton Dodd reported to the Board that on item 12 he recommends this item be deferred. B.R. Hall moved for approval of the recommendation to defer. Harold Finch seconded, and the Board approved without objection.

Dr. Kenton Dodd reported to the Board that on item 13 the individual has previously been reluctant to comply with English as a Second Language, (ESL), classes. He stated he has received information that they are willing to pursue the classes and look at vocational opportunities with their physical limitations and recommends continuing the disability pension with a goal of return to work.

There was some discussion regarding suspension of pension payments due to non-compliance, the Board receiving updates on the compliance with the ESL classes and the individual having appropriate interpreter services.

Nicki Eke, Legal Department, recommended that before any suspension of pension occurs that the matter be brought back to the Board so the Board can review all the facts and make a determination as to whether that's warranted.

There was some discussion of other positions, the individual's current limitations and how ESL would enhance their ability to perform in a variety of positions and the length the individual has been non-compliant.

Shannon Hall moved to continue the disability pension, item 13 for three months as to allow for compliance with ESL classes with a monthly update to the Board. Harold Finch seconded, and the Board approved without objection.

NEW REQUESTS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
1.	Ronnie A. Davis, Jr.	Sheriff's Office	Medical	As moved, seconded, and approved, this disability pension request was approved for six months, (May 2024), with re-exam at that time.
2.	William Bryan	Fire	In Line of Duty	As moved, seconded, and approved, this disability pension request was deferred.
3.	Joseph E. Francescon	Fire	In Line of Duty	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:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
4.	Eva R. Franklin	Metropolitan Nashville Public Schools	In Line of Duty	As moved, seconded, and approved, this disability pension was continued for one month, (December 2023), with re-exam at that time.
5.	Jeffrey M. Walker	Water	In Line of Duty	As moved, seconded, and approved, this disability pension was continued for one year, (November 2024), with re-exam at that time.

REEXAMINATIONS - DEFER:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
6.	Elizabeth M. Berry-Loucks	Police	In Line of Duty	As moved, seconded, and approved, this disability pension re-examination was deferred for two months, (January 2024), with re-exam at that time.
7.	Robert A. Group	Metropolitan Nashville Public Schools	Medical	As moved, seconded, and approved, this disability pension re-examination was deferred for two months, (January 2024), with re-exam at that time.

RETURN TO WORK - WITH RESTRICTIONS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
8.	Wanda I. Feliciano	Metropolitan Nashville Public Schools	Medical	As moved, seconded, and approved, this individual was returned to work.

RETURN TO WORK – NO RESTRICTIONS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
9.	Erica L. Bruce	Fire	Medical	As moved, seconded, and approved, this individual was returned to work.

REQUEST - RETURN TO WORK - WITH RESTRICTIONS – NON SWORN:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
10.	Michael J. Toews	Sheriff's Office	In Line of Duty	As moved, seconded, and approved, this request to return to work was deferred.

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

REQUEST - RETURN TO WORK – NO RESTRICTIONS:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
11.	Richard T. Foley, III	Police	Medical	As moved, seconded, and approved, this return to work request was denied.

OTHER – TO BE DETERMINED:

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
12.	Brandon L. O’Kelley	Sheriff’s Office	In Line of Duty	As moved, seconded, and approved, this disability pension re-exam was deferred.
13.	Mervat M. Sayeh	Metropolitan Nashville Public Schools	In Line of Duty	As moved, seconded, and approved, this disability pension was continued for three months, (February 2024), with re-exam at that time.

SOCIAL SECURITY REFERRALS:

Dr. Kenton Dodd reported to the Board that CSME’s office concurs with the case management recommendations on the Social Security referrals. Shannon Hall moved for approval of the referrals. Jonathan Puckett seconded, and the Board approved without objection.

Item	Name	Department	Origin of Review	CM Referral	CSME Recommendation	Comments
1	Evans, Ovata V.	MNPS	Pension Approval	Yes	Yes	Likely to Meet SSA Medical-Vocational Guidelines

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

Jonathan Puckett moved for approval of the pensions. Harold Finch seconded, and the Board approved without objection.

Service

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Martha Emerson *	Parks	Attorney 3	B	10/03/2023	09/01/2020
Edward Thurman Sr	Water Services	Engineer Technician Senior	B	07/26/2023	10/16/2023
Glenn Mohon	General Services	Technical Specialist 2	B	10/11/2023	11/18/2023
Mark Mittermeier	Police	Police Officer 2	B	10/19/2023	11/01/2023
John Ford Iii	Sheriff	Chief Deputy	B	09/20/2023	10/31/2023
David Sisk	Police	Police Officer 2	B	09/22/2023	10/16/2023
Mitchell Fuhrer	Police	Police Lieutenant	B	10/17/2023	10/31/2023
Jonathan Stanley	Police	Police Sergeant	B	10/19/2023	10/26/2023
David Hodges	Sheriff	Correctional Officer Lieut	B	09/21/2023	09/15/2023
Patricia Upchurch	MNPS	CASHIER - CLUSTER LD	B	08/02/2023	09/08/2023
Freda Cannon	MNPS	DRIVER - BUS	B	10/10/2023	11/28/2023
Brenda Hartman	MNPS	PARA-PRO - EX ED	B	10/19/2023	11/09/2023
Felicia Clay	MNPS	PARA PRO - EX ED PREK BLENDED	B	10/10/2023	09/29/2023
Antoinette Dejoie	Parks	Maintenance & Repair Worker	B	10/20/2023	12/28/2023
Gary Parrish	Water Services	Indust Tech Master	B	09/14/2023	10/14/2023
Katrina Echols	Health	Public Health Nurse 1	B	09/19/2023	10/26/2023

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
Mark Jurkovich III	Mayor's Office	Sr Advisor-Public Affairs-MO	B	09/29/2023	10/21/2023
Mary Davis	Trustee	Office Support Spec 2	B	10/10/2023	09/30/2023
Jed Hanserd	Parks	Custodian	B	10/17/2023	12/30/2023
Robert Benson	Parks	Information Sys Oper Analyst 3	B	05/10/2023	08/24/2023
Nanette Young	Criminal Court Clerk	Deputy Criminal Ct Clerk 5	B	10/04/2023	10/31/2023
Melissa Gann	Information Technology Service	Info Systems App Analyst 3	B	10/20/2023	01/05/2024
Ali Mahdi	Sheriff	Correctional Officer 2	B	09/29/2023	11/28/2023
Paul Lively	Fire	Fire Commander	B	09/21/2023	10/01/2023
Frankie Webster	Social Services	Nutrition Site Coord	B	10/25/2023	01/05/2024
Christie Proctor *	MNPS	MONITOR - SCHOOL BUS	B	10/02/2023	12/01/2023
Karen Lee *	MNPS	DRIVER - BUS	B	09/25/2023	11/01/2023
Stella Booker *	MNPS	DRIVER - BUS	B	09/11/2023	10/01/2023
Ismail Kucher *	MNPS	WORKER - CUSTODIAL	B	09/07/2023	07/01/2023
Perian Gooch *	Bordeaux Long Term Care	Dietary Tech	B	09/14/2023	09/01/2023
Leon Mcarthur *	Sheriff	Admin Svcs Officer 2	B	10/06/2023	05/01/2023
Janice Jordon *	MNPS	DRIVER - BUS	B	08/16/2023	09/01/2023
Patricia Harris *	General Hospital	Care Partner II	B	09/22/2023	10/01/2023
Ronda Sims *	General Hospital	Pharmacy Tech I	B	10/02/2023	11/01/2023
Timothy Glennon *	Parks	Account Clerk 1	A	08/14/2023	09/01/2023
Penny Weems *	Sheriff	Inmate Prop Clerk-DCSO	B	10/16/2023	07/01/2022
J Willard *	Mayor's Office	Counselor to the Mayor	B	08/30/2023	10/01/2021

* Deferred Benefit

Disability to service – None to report

Options Elected

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	Drop Election
Yolanda Martin	Fire	P&F Service Pen With Option	B	10/01/2023	Option D	
Darryl Collins	Public Library	Service Without Option	B	07/15/2023	Normal	
Todd Watson	Police	P&F Service Pen Without Option	B	09/01/2023	Normal	
Marti Roberts	Police	P&F Service Pen With Option	B	09/01/2023	Option A	2
Charles Robinson	Police	P&F Service Pen With Option	B	09/01/2023	Option B	1
Jeffrey Sanders Jr	Police	P&F Service Pen With Option	B	08/02/2023	Option E	3
Sandra Barnes	MNPS	Service Without Option	B	08/09/2023	Normal	
David Hodges	Sheriff	P&F Service Pen With Option	B	09/16/2023	Option E	
Carla Stone	MNPS	Early Service With Option	B	05/27/2023	Option D	
Kevin Hathaway	General Services	Service With Option	B	09/02/2023	Option A	3
Melva Cox	General Hospital	Service With Option	B	09/30/2023	Normal	
Kerry Miller	Public Library	Early Service With Option	B	09/17/2023	Normal	
Elizabeth Swinson	General Services	Early Service With Option	B	09/02/2023	Option E	
Lisa Nistler	Health	Service With Option	B	09/12/2023	Option F	
Debbie Franklin	State Trial Courts	Service Without Option	B	09/16/2023	Normal	
William Long Jr	Water Services	Service Without Option	B	08/23/2023	Normal	
Bridget Radford	Public Library	Service Without Option	B	09/06/2023	Normal	
Steven Mcneece	Public Works	Early Service With Option	A	09/01/2023	Option D	
Mary White	Bordeaux Long Term Care	Service With Option	B	08/01/2023	Option E	
Deborah Taylor	General Hospital	Service Without Option	B	08/26/2023	Normal	3
Robert Benson	Parks	Service With Option	B	08/25/2023	Option A	
Wendy Buchanan	Juvenile Court	Early Service With Option	B	08/19/2023	Option E	
Sharon Hernandez	Police	Service Without Option	B	09/08/2023	Normal	3
Emrick Clark Jr	Police	Service With Option	B	07/18/2023	Option A	2
Demetria Kimbro	Health	Service With Option	B	10/01/2023	Option A	
Antrion Washington	Health	Service With Option	B	09/28/2023	Option F	3
Daryl Davis	Fire	P&F Service Pen With Option	B	09/01/2023	Option B	3
Paul Lively	Fire	P&F Service Pen With Option	B	09/30/2023	Option A	3
Thomas Childers III	General Services	Service Without Option	B	08/01/2023	Normal	
Annette Mcgee	Bordeaux Long Term Care	Service With Option	B	01/01/2023	Option D	
Stella Booker	MNPS	Service Without Option	B	10/01/2023	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
Stella Booker	MNPS	Service Without Option	B	10/01/2023	Normal	
Gelal Sadik	MNPS	Service With Option	B	08/01/2023	Option A	
Perian Gooch	Bordeaux Long Term Care	Service With Option	B	09/01/2023	Option D	
Janice Jordon	MNPS	Service With Option	B	10/16/2023	Option E	
Patricia Harris	General Hospital	Service Without Option	B	10/01/2023	Normal	
Cindy Booker	MNPS	Service With Option	B	04/01/2023	Option F	
Ruth Lyman	NCAC	Service Without Option	B	07/01/2023	Normal	
Timothy Glennon	Parks	Service With Option	A	09/01/2023	Option B	
J Willard	Mayor's Office	Service With Option	B	01/01/2023	Option A	

Key Codes	
Options	Drop Elections
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

Employee	Department	Plan A/B	Case Type
John Schutt	Water Services	B	QDRO Pensioner

Survivor

Employee	Department	Survivor Name	Plan A/B	Effective Date
Stanley Shelton	Fire	Stan'aya Shelton	A	10/04/2023
Kimberly Flowers	Health	Larry Flowers	B	10/14/2023
Donald Summers	Police	Virgie Summers	B	10/19/2023
Geary Jackson	Fire	Roberta Jackson	B	09/25/2023
Walter Foster	Library	Peggy Foster	B	09/30/2023
Buford Willis	Water	Kay Willis	C	09/21/2023
James Hillis	Police	Dorothy Hillis	B	09/19/2023
Donald Goldsberry	Police	Mary Goldsberry	A	10/07/2023
John Jones	MNPS	Carolyn Jones	B	10/08/2023

BENEFIT BOARD ITEMS

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

1. Public Comment Period.

A maximum of 10 persons who write their names on the sign-up sheet provided at the meeting will be allowed to comment on matters that are germane to items on the Agenda. Comments are limited to a maximum of two (2) minutes per person. To provide comment, you must sign up prior to the end of Item D on the Agenda.

There was one public comment from Chelsea Galspie regarding item 6. – Request to study weight loss medications.

1. Public Comment Period. (continued)

Edna Jones suggested to take item 6. – Request to study weight loss medications out of order.

Christina Hickey reported to the Board that a Benefit Board member requested that the Board study the addition of weight loss medications to the self-insured medical plans at an upcoming Study Session to study the fiscal impact of weight loss drugs. Ms. Hickey stated the Board will need to decide if they would like to place this item on an upcoming Study Session agenda.

Christine Bradley informed the Board that she was approached by an employee who asked if I would bring up this issue specifically asking about individuals who have had a history of difficulty losing weight or a history of medical conditions that result in a pre-diabetes diagnosis or insulin resistance. She stated that in some cases after being prescribed the weight loss drug by pre-authorization they respond well, lost weight and blood levels return to normal resulting in the fact that they are doing great and then they don't have the money for the drug. She stated that she was wondering if the expense of prescribing the drug outweighs the expense of the ramifications of not prescribing the drug.

There was some discussion of looking at current studies.

Kevin Crumbo moved to have this item discussed at a Study Session. Shannon Hal seconded.

Nicki Eke, Legal Department, stated that for clarification does the motion include a fiscal aspect to authorize the necessary actuarial study and information on costing for this to then be able to studied at a Study Session.

Kevin Crumbo stated that what he calls a desk-top study should be done to gather some data about this and whether organizations have experiences with it and if warranted after the first study session, the Board can look to spend more resources looking into it further.

A vote was taken on the motion to have this item discussed at a Study Session and the Board approved without objection.

2. Pension Committee report: (Chair: Christine Bradley; Vice-Chair: Edna J. Jones; Members: B.R. Hall, Sr., and Shannon B. Hall. Alternates: Jeremy Moseley and Jonathan Puckett)

Christina Hickey reported to the Board that the Pension Committee met on June 20, 2023 and October 17, 2023 to deliberate on one appeal for a determination of pension plan status. She stated the Committee's recommendation is being presented for the Board's action along with the Committee meeting minutes for approval by the Committee members. Ms. Hickey stated that on the appeal request for the employee from Metro Action Commission (MAC), the Committee recommended to deny the appeal request to transfer into the Division B pension plan.

Committee Chair Christine Bradley asked if there were any amendments, corrections or questions of the minutes from the October 17, 2023 Pension Committee meeting. With no corrections, Shannon Hall moved for approval of the Pension Committee minutes. Edna Jones seconded, and the Committee minutes were approved without objection.

The employee and Brad Rayson, Service Employees International Union, (SEIU), were present.

Dylan Lynch, Human Resources, was present.

Brad Rayson gave a recap of their position on this request. He stated this all started when she received an estimate showing she was in Division B, subsequently, she was informed that was an error and she was in Division A. He stated that was appealed as she has been improperly assigned to Division A. He also reviewed the outline provided at the Pension Committee meeting with the Board and stated this should be corrected as allowed by Code section 3.08.230 that allows the Board to correct errors when they are discovered.

Dylan Lynch stated that in terms of a pension division the determination of whether someone is eligible or not is Code based and does not mention anything about the status of the employment, whether it be part time or full time its based on the hours that are worked by that employee. He stated that in August of 1995 it was

2. Pension Committee report: (continued)

determined that she had been working full time hours since she was hired in October of 1994 and therefore she was eligible to start receiving pension credit back to October of 1994. He stated that although she did not sign off on becoming a member of benefit until after the July 1st date she was considered an employee and was required to fill out the election form to switch to Division B. He also noted that all of the statements sent out indicated she was in Division A. He further stated that when Metro switched to R-12 in 2019 there were a handful that systematically showed Division B as opposed to Division A and have been retroactively corrected to properly indicate whether or not someone is in Division A or Division B. He also noted that even though this may be a unique situation she has correctly been assigned Division A.

There was some discussion regarding when someone becomes a member of the system, the department not correctly putting her in benefits, the employee not filling out an election form, what the Code states and the Board not having the legal authority to transfer somebody outside of the transfer window.

Nicki Eke, Legal Department, stated the Board has to review all the factual information, including the ones that are conflicting and make a factual determination. She stated the Board needs to weigh the credibility of the information and make a determination with regards to whether or not she is properly in Division A and was given the opportunity to transfer to Division B. She stated one of the key issues is that the Code states that written application to transfer to B must be received by January 1, 1996 and one of the facts to consider is whether prior to January 1, 1996 based on the unique circumstances of this employee and the duties of the Board to communicate the benefit system to an employee whether this employee was informed that there was this option to actually fill out this form to allow them to transfer due to the unique situations in this case in that they were informed that they were in the benefit system after July 1. She stated the Board has to make factual determinations based on the record to determine; 1) when this individual became an employee that is a benefit eligible employee and 2) whether they were informed like any other employee that they have this option to elect to move from A to B.

There was some discussion regarding evidence that she was informed of changing from A to B, an error made by the system change in 2019 and following the law.

Dylan Lynch stated that benefit statements were sent out beginning in 2005 that continued through 2014. He stated that each one of those statements had an estimated benefit of what would be due, the date and which division you were under. He stated in this case each statement included Division A and it included an unreduced retirement date in accordance with Division A. He also stated the benefit election forms also correctly identify her as Division A. He stated that when the mistake was found that happened in 2019 that showed a different division it was corrected and for years prior to 2019 all of the correspondence that had been sent out correctly showed her in Division A even in the audit by the actuary.

Christi Mayo, Human Resources, discussed informing employees of the option to remain in Division A or move to Division B. She stated that as an employee in the office at that time the office did extensive outreach and meetings throughout Metro departments and agencies educating employees on what Division B benefits would be as compared to Division A. She stated that employees did need to fill out a form if they wanted to positively enroll in Division B. She stated that approximately 5% of employees elected to stay in Division A and 95% moved over to Division B.

There was some discussion regarding what would have happened if this was discovered years prior, the department not reporting benefits eligibility and the employee possibly not being aware to make the change.

There was some discussion of any other possible unique cases like this one. It was confirmed that there was not.

It was noted that there have been cases where the department didn't properly report and staff had to retroactively put the employee in benefits and probably 6-8 employees in the past 20 years asking to be switched that didn't make the written election before December 31, 1995 and they have all been denied.

Edna Jones moved to deny the appeal request to transfer into the Division B pension plan. Shannon Hall seconded, and the motion failed with Shannon Hall, Edna Jones and Christine Bradley in favor and Harold Finch, Gilbert Gonzales, Kevin Crumbo, B.R. Hall, and Jonathan Puckett opposed.

2. Pension Committee report: (continued)

B.R. Hall moved to allow the individual transfer into the Division B pension plan based on the unique circumstances of this case. Harold Finch seconded, and the Board approved with Shannon Hall and Edna Jones opposed.

3. In line of duty death benefit for Michael L. Alexander.

Christina Hickey reported to the Board that Michael L. Alexander was an active employee classified as a Police Deputy Chief with the Police Department and died on August 19, 2022 of hypertensive cardiovascular disease according to the death certificate. She stated that under the benefit system, Mr. Alexander's beneficiaries are entitled to the basic term life insurance benefit which has been processed and Metro Code Section 3.20.040 (A) gives the Board the authority to provide an additional \$100,000 in-line-of-duty death benefit to Mr. Alexander's estate. She stated this request is now being made on behalf of his wife and the Board will need to determine whether this case qualifies for the benefit afforded under Metro Code Section 3.20.040.

Jonathan Puckett moved for approval of the in line of duty death benefit for Michael L. Alexander. B.R. Hall seconded, and the Board approved without objection.

4. Hearing aid benefit in medical plans.

***Denotes the arrival of Jeremy Moseley.

Christina Hickey reported to the Board that at the September and October Study Sessions, USI and Deloitte presented information on adding a hearing aid benefit to the self-insured medical plans. She stated if the Benefit Board decides to cover hearing aids for members over age 18 through Cigna's exclusive partnership with Amplifon Hearing Health Care, then the Board would need to decide an effective date and the limits.

Laura Chrisman, USI, was present.

There was some discussion of the retirees in the Humana plan being covered.

Kelley Lewis, Deloitte, stated that Humana can cover hearing aids but there is an additional cost to the monthly premium that could be added beginning in 2025.

There was some discussion of whether or not medical plans typically cover hearing aids and if so up to what threshold or amount.

Kelley Lewis stated that they don't and neither does traditional Medicare as they are not viewed as a medical necessity. She stated there are a few states that have mandated hearing aid coverage for adults over age 18, however all 50 states do require hearing aid coverage for children under 18.

There was some discussion of the wide range of costs, not being able to offer this on the Medicare plan until 2025 due to the procurement process and keeping it consistent across all the plans.

Shannon Hall moved to defer this item to the April Board meeting for consideration as far as timing and implementation to be consistent with offerings that may be offered as part of the Medicare Advantage plans for 2025. Kevin Crumbo seconded, and the Board approved without objection.

5. Cost of living adjustments for Division A and B pension plans.

Christina Hickey reported to the Board that cost of living adjustments for Division A and B pension plans are offered in accordance with Metro Code Sections 3.08.170 and 3.08.171 and this adjustment is built into the Metro Code and cannot be adjusted without a change to the Code. She stated as a result of the 3.700% increase in the Consumer Price Index, an increase of 3.50% under Division A (the percentage rounded to the nearest one-half percent and capped at 5.00% pursuant to Metro Code Section 3.08.171) should be granted to all retirees eligible to receive a cost of living increase beginning January 1, 2024. She also stated that eighty percent of the excess of 3.700% over 1.00% is 2.16%, so eligible retirees under Division B should receive a cost

5. Cost of living adjustments for Division A and B pension plans. (continued)

of living increase in January 2024 of 2.00% when rounded to the nearest one-half percent and capped at 4.00% pursuant to Code Section 3.08.171.

Joseph Meyers, Findley, was present for any questions.

Jeremy Moseley moved for approval of the cost of living adjustments for eligible retirees under Division A of 3.50% and 2.00% for eligible retirees under Division B beginning in January 1, 2024. B.R. Hall seconded, and the Board approved without objection.

6. Request to study weight loss medications.

This item was taken out of order and acted upon accordingly.

7. Correspondence:

- a. Utilization report from Blue Cross Blue Shield.
- b. Utilization report from CIGNA.

Items 7.-a. and 7.-b. were for information only.

8. Reports for your information:

- a. Return to work.
- b. Social Security approvals.
- c. Non-compliant disability pensioners.
- d. Denial log from Davies.
- e. Benefit Board expense reports.

Items 8.-a. through 8.-e. were for information only.

Christina Hickey made note of item 8.-d. and stated that as of September 22, 2023 there are zero disability pensioners in a non-compliant status due to not returning their annual pension questionnaires.

9. Late item - Pensioners pay as you go.

Christina Hickey reported to the Board that this late item request was made by Finance.

Jenneen Reed, Deputy Finance Director, reported to the Board that she is requesting to move pensioners to pay as you go for their insurance deductions versus pre-paid. She stated this will align them with active employees. She stated that in November they will deduct the insurance premium and it will cover the month of December and when they are paid in December they will not have a deduction. She stated that in January 2024 the deduction will come out of their check and it will actually pay for January insurance. She noted it also helps with delays in refunds in case of a life event.

Jeremy Moseley moved for approval of pay as you go for pensioners. Jonathan Puckett seconded, and the Board approved without objection.

With nothing further presented, the meeting adjourned at 11:51 a.m.

ATTEST:

APPROVED:

Shannon B. Hall, Director
Human Resources

Edna J. Jones, Chair
Employee Benefit Board