

## **MINUTES**

### **METROPOLITAN EMPLOYEE BENEFIT BOARD**

**August 6, 2024**

The Metropolitan Employee Benefit Board met for their regularly scheduled meeting on Tuesday, August 6, 2024 in the Sonny West Conference Room, Howard Office Building, 700 President Ronald Reagan Way, Nashville, Tennessee, at approximately 9:30 a.m.

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

Others present: Christina Hickey, Metro Human Resources, Nicki Eke and Courtney Mohan, 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 July 11, 2024, and the July 16, 2024, Special Called meeting. With no corrections, nothing further was noted and Christine Bradley moved for approval. Jonathan Puckett seconded, and the Board approved with Gilbert Gonzales not voting.

\*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 approvals/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 noted that additional information has been received on item 1.

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. He stated that restrictions are necessary, and the department can not accommodate them at this time.

After some discussion of the functional capacity evaluation that was done and if it correlates to the activities of the job description and the reexam date, B.R. Hall moved for approval of the recommendation to approve the disability pension new request, item 1 for the length of time as recommended. Tom Curtis seconded, and the Board approved with Edna Jones and Jonathan Puckett opposed.

Dr. Kenton Dodd reported to the Board that he recommends approval of the disability pension new requests, items 2 and 3, for the length of time as recommended. Christine Bradley moved for approval of the recommendation to approve the disability pension new requests, items 2 and 3 for the length of time as recommended. Robert Weaver seconded.

After some discussion of shortening the reexam date on item 3, a vote was taken on the motion to approve the disability pension new requests, items 2 and 3 for the length of time as recommended and the Board approved without objection.

\*\*Denotes the arrival of Kevin Crumbo.

The employee was present for item 4.

Seth Waltenbaugh, Police Department, was also present.

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

Dr. Kenton Dodd reported to the Board that he recommends approval of the disability pension new request, item 4 with a return to work.

The employee addressed the Board regarding returning to work.

Seth Waltenbaugh stated that they have been working with him to see if there is an equipment change that may work for him along with different assignments. He stated they can not guarantee that he would not need to wear body armor in some situations and can't accommodate that.

After some discussion regarding other positions where he wouldn't have to wear body armor, a salary supplement if needed, clarification on the disability standard for a police officer, and a reexam date, Shannon Hall moved for approval of the recommendation to approve the disability pension new request, item 4 for six months. B.R. Hall seconded and the Board approved without objection.

It was also noted that he needs to keep his certifications valid.

Dr. Kenton Dodd reported to the Board that on the disability pension new request, item 5 he is requesting a deferral as there is still an injury on duty claim pending. B.R. Hall moved for approval of the recommendation to defer the disability pension new request, item 5. Jonathan Puckett seconded, and the Board approved without objection.

It was noted that items 6 and 10 will be discussed after the In Line of Duty Committee report.

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. Christine Bradley moved for approval of the recommendation to continue the disability pension reexaminations, items 7 and 8 for the length of time as recommended. Tom Curtis seconded, and the Board approved without objection.

\*\*\*Denotes the arrival of Harold Finch.

The disability pensioner and her attorney, Michael Williamson, were present.

Seth Waltenbaugh, Police Department, was also present.

Dr. Kenton Dodd reported to the Board that on item 9 he recommends approval of return to work. He stated the medical record did indicate the individual does have chronic medical conditions that require treatment, yet there was no basis to opine that the impairment prevented them from returning to work.

Michael Williamson, attorney, addressed the Board regarding this item. He indicated that he was not notified of this meeting.

Christina Hickey informed him that the notice is sent to the employee/disability pensioner unless it is requested by the employee/disability pensioner to send it to someone else.

Michael Williamson also discussed her upcoming procedures, conditions and returning her to work.

Seth Waltenbaugh, Police Department, stated that they have tried to return her to work, and she has not been successful.

After some discussion of the medical record not showing any treatment related to major depressive disorder and her other documented conditions, Shannon Hall moved to continue the disability pension, item 9 for five months. B.R. Hall seconded and the Board approved without objection.

Claire Wells reported to the Board that item 11 has been approved for Social Security prior to their upcoming reexam and needs to be removed from the reexam list. Christine Bradley moved for approval of the Social

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

Security approval, item 11 to be removed from the reexam list with no further review. Shannon 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.	LaTroy D. Boseman	Fire	In Line of Duty	As moved, seconded, and approved, this disability pension request was approved for six months, (February 2025), with re-exam at that time.
2.	Benyahmen D. Shelton	Fire	In Line of Duty	As moved, seconded, and approved, this disability pension request was approved for six months, (February 2025), with re-exam at that time.
3.	Brooke D. Tyce	Metropolitan Nashville Public Schools	In Line of Duty	As moved, seconded, and approved, this disability pension request was approved for one year, (August 2025), with re-exam at that time.
4.	Donovan J. Coble	Police	In Line of Duty	As moved, seconded, and approved, this disability pension request was approved for six months, (February 2025), with re-exam at that time.
5.	Joseph A. Clinard	Fire	In Line of Duty	As moved, seconded, and approved, this disability pension request was deferred.

**NEW REQUESTS: (Associated with In Line of Duty Committee item 3)**

	<b>Name</b>	<b>Department</b>	<b>In Line of Duty (IOD) or Medical Disability</b>	<b>Board Action Taken</b>
6.	Daniel L. Baker	Fire	In Line of Duty	As moved, seconded, and approved, this disability pension request was approved without stipulation of scheduled re-exam.

**REEXAMINATIONS:**

	<b>Name</b>	<b>Department</b>	<b>In Line of Duty (IOD) or Medical Disability</b>	<b>Board Action Taken</b>
7.	Allataye A. Russ	Juvenile Court	In Line of Duty	As moved, seconded, and approved, this disability pension was continued for one year, (August 2025), with re-exam at that time.
8.	Joey B. Workman	County Clerk's Office	Medical	As moved, seconded, and approved, this disability pension was continued for six months, (February 2025), with re-exam at that time.

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

**RETURN TO WORK:**

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
9.	Paula C. Barnes	Police	Medical	As moved, seconded, and approved, this disability pension was continued for five months (January 2025), with re-exam at that time.

**OTHER: (Change from medical to in line of duty – associated with In Line of Duty Committee item 6)**

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
10.	Daniel D. Newbern	Police	In Line of Duty	As moved, seconded, and approved, this disability pension was changed to in line of duty and continued for one year, (August 2025), with re-exam at that time.

**SOCIAL SECURITY APPROVALS - REMOVE FROM REEXAMINATION LIST:**

	Name	Department	In Line of Duty (IOD) or Medical Disability	Board Action Taken
11.	LaShanda M. Morgan	Metropolitan Nashville Public Schools	In Line of Duty	As moved, seconded, and approved, this disability pension was continued without stipulation of scheduled re-exam.

**SOCIAL SECURITY REFERRALS:**

None to report

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

The pensions were approved without objection.

**Service**

Employee	Department	Classification	Plan A/B	Application Date	Estimated Effective Date
Gwendolyn Mckee *	Bordeaux Long Term Care	Medical Technologist	B	06/11/2024	07/01/2023
Eric McBerry	Sheriff	Sheriff Behavioral Care Tech	B	06/10/2024	06/12/2024
Margaret Dicks	MNPS	MGR- COMMUNITY ACHIEVES SITE	B	05/13/2024	05/28/2024
Paula Abbott	General Hospital	Metro Hospital Auth Employee	B	07/02/2024	09/01/2024
Diana Peterson	MNPS	ADMIN - RECORDS SCH FIN PAY I	B	06/27/2024	07/05/2024
Burnetta Fleming	MNPS	MGR - FOOD SERVICE III	B	07/17/2024	08/25/2024
Pamela Wilson	MNPS	DRIVER - BUS	B	04/15/2024	05/28/2024
Wanda Foxx	Parks	Custodian	B	07/01/2024	07/28/2024
Herman Scales III	Parks	Custodial Svcs Supv	B	06/25/2024	08/16/2024
Donna Spain	MNPS	SECRETARY/CLERK	B	06/26/2024	05/03/2024
Lois Gibbs	MNPS	SECRETARY/CLERK	B	06/27/2024	05/25/2024
Debra Cowan	MNPS	SPEC - SUPPORT TECH DP	B	07/05/2024	06/30/2024
Josie Edwards	MNPS	MGR - FOOD SERVICE IV	B	06/05/2024	06/28/2024
Gary Pope	MNPS	ACCOUNTANT - LEAD	B	07/18/2024	07/26/2024

**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
James Salmon	Water Services	Utility Compliance Inp 2	B	06/27/2024	12/06/2024
Mark Hutchison-Roberts	Emergency Communication Center	Emer Telecommunications Superv	B	07/10/2024	07/26/2024
Billy Reagon	Health	Health Manager 3	B	07/01/2024	10/01/2024
Jan Perkins	MNPS	OFFICER - TRUANCY COMPLIANCE	B	06/26/2024	08/27/2024
Charles Holman	Juvenile Court	Service and Security Officer 2	B	06/25/2024	07/17/2024
Christopher Daley	Sheriff	Sheriff Pretrial Screener	B	07/18/2024	09/09/2024
Vanessa Robertson-Sanders	General Hospital	Metro Hospital Auth Employee	B	07/16/2024	07/06/2024
Bernadette Whatley	MNPS	Para-Pro Ex Ed One to One	B	07/17/2024	05/24/2024
Wanda Hadley	Human Resources	Human Resources Mgr	B	01/09/2024	06/28/2023
Gill Wright III	Health	Chief Medical Dir	B	07/19/2024	11/02/2024
Rosalyn Lee	MNPS	MONITOR - SCHOOL BUS	B	06/26/2024	05/03/2024
Cristofer Mccutcheon	Sheriff	Correctional Officer 2	B	07/10/2024	08/26/2024
Gina Wattenbarger	Criminal Court Clerk	Deputy Criminal Ct Clerk 3	B	06/28/2024	07/12/2024
Phara Fondren	Metro Action Commission	Learning Strat Mgr MAC	B	07/03/2024	06/29/2024
Andrew Kooshian	Police	Police Sergeant	B	06/26/2024	07/05/2024
Suwanna Riley	MNPS	MGR - FOOD SERVICE III	B	07/03/2024	08/31/2024
Anthony Jackson *	Police	Police Officer 2	B	06/26/2024	09/01/2024
Kathy Deshotels *	Election Commission	Information Sys Oper Analyst 3	B	06/12/2024	06/01/2022
Pamela Mcinish *	Human Resources	Human Resources Analyst 2	B	05/22/2024	07/01/2024
Gregory Peacock *	Sheriff	Sheriff Warrant Officer 2	B	06/24/2024	04/01/2016
Cynthia Williams *	Police	Police Operations Asst 3	B	06/11/2024	08/01/2024
Sylvia Laird *	Sheriff	Admin Svcs Officer 1	B	06/08/2024	08/01/2024
Stephen Sanders *	Parks	Cvn Ctr Lead Maint Mechanic Sr	B	07/10/2024	07/10/2024
Thomas Lawrence *	MNPS	WORKER - CUSTODIAL	B	07/23/2024	11/01/2020
Patience Adegoke *	General Hospital	RN-CC-Pool	B	06/13/2024	05/01/2024
Trent Cooks *	MNPS	MGR - FOOD SERVICE III	B	06/17/2024	05/01/2024
Miriam Parsley *	MNPS	CASHIER - FOOD SVC	B	05/13/2024	07/01/2024
Herman Bradford *	MNPS	CUSTODIAN - SR	B	05/20/2024	03/01/2022

\* Deferred Benefit

**Disability to service**

Employee	Department	Plan A/B	Effective Date of Conversion
Gregory Crockett	General Hospital	B	07/01/2024
Rochelle Tydus	MNPS	B	07/01/2024
John Harrell	Police	B	07/01/2024
Ronald Taylor	Unknown	A	06/26/2024

**Options Elected**

Employee	Department	Pension Type	Plan A/B	Effective Date	Option	Drop Election
Mark Arend	Finance	Service With Option	B	07/01/2024	Option A	
Penny Johnston	MNPS	Service Without Option	B	05/25/2024	Normal	
James Cox	MNPS	Service With Option	B	05/29/2024	Option A	
Fred Kennedy	MNPS	Service With Option	B	05/28/2024	Option A	
Eric McBerry	Sheriff	P&F Service Pen With Option	B	06/06/2024	Option D	
Margaret Dicks	MNPS	Service With Option	B	05/28/2024	Option B	
Ricky Lawrence	Water Services	Early Service With Option	B	06/07/2024	Option E	
William Pugh Jr	MNPS	Service With Option	B	05/24/2024	Option F	
Victor Pickle Iii	Parks	Service Without Option	B	05/04/2024	Normal	
Jonathan Furniss	MNPS	Service Without Option	B	05/22/2024	Normal	
Vickie Sims	MNPS	Early Service Without Option	B	05/25/2024	Normal	
Melony Reed	MNPS	Service Without Option	B	05/25/2024	Normal	
Debra Deroche	MNPS	Early Service Without Option	B	05/25/2024	Normal	
Kimberly Albright	MNPS	Service With Option	B	05/23/2024	Option F	2
Pamela Wilson	MNPS	Service Without Option	B	05/28/2024	Normal	
Sheila Davis	MNPS	Service With Option	B	05/24/2024	Option D	
Michelle Powers	MNPS	Service Without Option	B	05/24/2024	Normal	

**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
Donna Spain	MNPS	Early Service Without Option	B	05/04/2024	Normal	
Charlotte Russell	MNPS	Service Without Option	B	05/24/2024	Normal	
Betty Mitchell	MNPS	Service Without Option	A	05/24/2024	Normal	
Barbara Moses	MNPS	Service Without Option	B	05/24/2024	Normal	
Catherine Brogdon	MNPS	Service Without Option	B	05/24/2024	Normal	
Kristy Mallory	MNPS	Early Service With Option	B	05/24/2024	Option B	
James Mitchell	MNPS	Service Without Option	B	06/03/2024	Normal	3
Vanessa Massie	MNPS	Service With Option	B	06/01/2024	Option F	
Deborah Martin	MNPS	Service Without Option	B	05/29/2024	Normal	
Laurie Dill	Circuit Court Satellite	Service With Option	B	05/02/2024	Option E	2
Jethro Ellerbe	Metro Action Commission	Service Without Option	B	06/01/2024	Normal	
Ernest Harlin	Fire	Service Without Option	B	05/30/2024	Normal	
Darlene Ferguson	MNPS	Early Service Without Option	B	05/24/2024	Normal	
David Butler	Parks	Service Without Option	B	06/08/2024	Normal	3
Cynthia Miller	Water Services	Service Without Option	B	06/15/2024	Normal	
Darryll Decker Jr	Water Services	Service With Option	B	05/25/2024	Option A	3
Larry Pratt	General Services	Service With Option	B	06/15/2024	Option A	
Horace Denton Jr	Codes Administration	Service With Option	B	06/18/2024	Option B	
Cathy Lewis	MNPS	Service Without Option	B	05/24/2024	Normal	
Cobey Delk	MNPS	Service Without Option	B	05/25/2024	Normal	
Tammy Cannon	MNPS	Service Without Option	B	04/01/2024	Normal	
Juan Borges	Police	Service With Option	B	07/01/2024	Option A	
Gwendolyn Mckee	Bordeaux Long Term Care	Service Without Option	B	01/01/2024	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**

Employee	Department	Plan A/B	Case Type
Thomas Rollins	Police	B	QDRO Pensioner
Bryan Mayhew	Fire	B	QDRO Pensioner

**Survivor**

Employee	Department	Survivor Name	Plan A/B	Effective Date
Lori Lazo	General Services	Eric Gibbs	B	07/02/2024
Richard Smith	Public Library	Barbara Smith	B	07/06/2024
Stephanie Roth	General Hospital	Richard Roth	B	07/12/2024
James Bryant	MNPS	Debra Bryant	B	06/26/2024
Marcus Young	Public Works	Evelyn Diane Young	B	07/03/2024
Cecelia Cannon	MNPS	Roland Cannon	B	06/15/2024
Benjamin Denton	Juvenile Court	Rachel Harwood	B	07/01/2024

## **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 were no public comments.

2. In Line of Duty Committee report: (Chair: Jonathan Puckett; Vice-Chair: Christine Bradley; Members: Shannon B. Hall and Robert Weaver. Alternates: G. Thomas Curtis and Edna Jones.

Christina Hickey reported to the Board that the In Line of Duty, (IOD), Committee met on July 23, 2024, to deliberate on 6 IOD medical care requests. She stated the Committee's actions are being presented for the Board's action along with the Committee minutes for approval by the Committee members.

Committee Chair Jonathan Puckett asked if there were any amendments, corrections, or questions of the minutes from the July 23, 2024, IOD Committee meeting. With no corrections, Robert Weaver moved for approval of the IOD Committee minutes. Shannon Hall seconded, and the Committee minutes were approved without objection.

Kim Binkley and Vickie Hampton, Davies, were present.

The employee was not present.

Committee Chair Jonathan Puckett reported to the Board that on Committee item 2, the IOD medical care request for the employee from the Fire Department, the Committee had a tie vote and therefore no recommendation to the Board.

Kimberly Binkley, Davies, reviewed the claim with the Committee. She stated this claim was initially heard at the February 2024 IOD Committee meeting and went to the March Board meeting where it was deferred pending clarification as to whether or not he had the coronary artery disease or heart disease prior to being hired by Metro. She stated that RRS indicated that the medical evidence supports that he had the coronary artery disease or heart disease before he was hired by Metro as well as hypertension that was pre-existing prior to his employment. She stated that it would count as a heart condition under the presumption. She also stated that Davies maintains its denial based on the RRS review.

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

After some discussion of a pre-employment physical, the condition predating employment with Metro, other contributing factors, and exacerbation of the pre-existing condition, a vote was taken on the motion to uphold the denial and the Board approved with Shannon Hall, Christine Bradley, Tom Curtis, Kevin Crumbo, Edna Jones, and Harold Finch in favor and Gilbert Gonzales, B.R. Hall, Jonathan Puckett, and Robert Weaver opposed.

Committee Chair Jonathan Puckett reported to the Board that on Committee item 3, the IOD medical care request for the employee from the Fire Department, the Committee recommended to overturn the denial and approve this claim.

The employee's spouse was present for Committee item 3.

Kimberly Binkley, Davies, reviewed the claim with the Committee. She reviewed his employment history with the Fire Department, the known risk factors for amyotrophic lateral sclerosis, (ALS), and there being no extensive firefighting exposure. She stated that based on the review of the records presented the preponderance of medical evidence does not show that the illness arose primarily out of his employment by greater than fifty percent and Davies maintains the denial.

2. In Line of Duty Committee report (continued)

Christine Bradley moved for approval of the Committee's recommendation to overturn the denial and approve the claim based on the unique circumstances of this particular case. Robert Weaver seconded.

It was noted that this item also corresponds with item 6 on the disability pension recommendations spreadsheet.

After some discussion of the military standard for ALS, exposures, other studies and the circumstances of this case, a vote was taken on the motion to approve the claim based on the unique circumstances of this particular case and the Board approved without objection.

Committee Chair Jonathan Puckett reported to the Board that on Committee item 4, the IOD medical care request for the pensioner from the Fire Department, the Committee had a tie vote and therefore no recommendation to the Board.

The pensioner was present.

Kimberly Binkley, Davies, reviewed the claim with the Committee. She stated that while being treated for hypertension, he complained of left shoulder and cervical pain and had a MRI done which showed moderate multilevel degenerative cervical spondylosis with moderate spinal canal stenosis and moderate to severe neuroforaminal stenosis, which is a degenerative disease. She stated that per the 101 Form he had been treating for neck pain since March of 2022 and attributes the pain to the rough ride on the truck he was assigned to. She stated that there is no evidence that his current condition is related to his employment as the physician could not give an opinion regarding causation. She stated there is nothing documenting a work-related injury and no mention of any trauma in the medical records and to date Davies maintains its denial. She also noted that he is an avid motorcycle rider.

\*\*\*\*Denotes Christine Bradley leaving the meeting.

The pensioner addressed the Board regarding his condition, the firetruck, other employee's complaints, and the truck not being safe after each repair.

There was some discussion regarding the firetruck exacerbating the disease process.

There was also some discussion of the firetruck being fixed, any other complaints from employees related to this truck, no documented injury, and the medical record indicating it could be related to an autoimmune disorder.

Nicki Eke, Legal Department, informed the Board that regarding IOD claims, the employee has the burden of proof to show that it is a work-related injury.

Jerry Moreland, Fire Department, addressed the Board regarding the truck and any other complaints or 101 Forms that could be associated with this apparatus.

There was some discussion of the lack of medical to support the claim, no supporting statements from anyone to support his claim regarding this apparatus, there being no documented date of injury, deferring this item to obtain additional information regarding the claim, and exacerbation versus the disease process of the condition.

Shannon Hall moved to uphold the denial.

The motion died due to lack of a second.

Gilbert Gonzales moved to overturn the denial. Harold Finch seconded, and the Board approved with Harold Finch, Gilbert Gonzales, Robert Weaver, Jonathan Puckett and B.R. Hall in favor and Shannon Hall, Tom Curtis and Kevin Crumbo opposed and Edna Jones abstaining.

Committee Chair Jonathan Puckett reported to the Board that on Committee item 5, the IOD medical care request for the pensioner from the Fire Department, the Committee recommended to uphold the denial.

The pensioner was not present.



2. In Line of Duty Committee report (continued)

\*\*\*\*\*Denotes Tom Curtis leaving the meeting.

Kimberly Binkley, Davies, reviewed the claim with the Committee. She stated the pensioner retired in October of 2017 and filed a claim for hearing loss in August of 2023. She stated the medical records, hearing loss questionnaire and 101 Form were sent to the Civil Service Medical Examiner, (CSME) for review and he advised that the shape of the hearing loss curve is mostly associated with age related hearing loss and the claim was denied. She stated that Davies did receive a request for reconsideration from the employee with no new medical information and to date Davies maintains its denial based on the CSME's opinion.

The Board discussed how often hearing tests are given.

Jamie Summers, Fire Department, addressed the Board regarding hearing tests.

Danny Yates, union representative, was present and addressed the Board regarding noise exposures.

There was some discussion regarding any hearing tests on file, no 101 Form, no medical records that demonstrate hearing loss before he retired, and that the hearing loss is age related versus job related.

Shannon Hall moved to uphold the denial. Kevin Crumbo seconded, and the motion failed with Shannon Hall and Kevin Crumbo in favor and B.R. Hall, Harold Finch, Gilbert Gonzales, Edna Jones, Jonathan Puckett, and Robert Weaver opposed.

B.R. Hall moved to overturn the denial. Gilbert Gonzales seconded, and the Board approved with B.R. Hall, Harold Finch, Gilbert Gonzales, Jonathan Puckett, and Robert Weaver in favor and Shannon Hall and Kevin Crumbo opposed.

Item 7 was taken out of order.

Committee Chair Jonathan Puckett reported to the Board that on Committee item 7, the IOD medical care request for the pensioner from the Fire Department, the Committee recommended to uphold the denial.

The pensioner was not present.

Kimberly Binkley, Davies, reviewed the claim with the Committee. She stated that after review the CSME opined that absent the medical records prior to the evaluation presented it is impossible to make the determination of when hearing loss occurred, however, it does look to be more noise induced. She stated that Davies maintains its denial based on the burden of proof is on the claimant to prove that his hearing loss is work related and he failed to comply with the recommendation of the audiologist.

There was some discussion regarding the medical records from the Health Department.

Dr. Gill Wright, Director of Health, informed the Board that some of those records were lost during the flood.

After some discussion regarding the missing medical records from the Health Department, Shannon Hall moved to overturn the denial. Robert Weaver seconded, and the Board approved without objection.

Committee Chair Jonathan Puckett reported to the Board that on Committee item 6, the IOD medical care request for the employee from the Police Department, the Committee recommended to overturn the denial and approve this claim.

The employee was present for item 6.

## 2. In Line of Duty Committee report (continued)

Kimberly Binkley, Davies, reviewed the claim with the Committee. She stated that the claimant does not qualify for review under the PTSD presumption that went into effect on January 1, 2024. She stated that he has reported direct and indirect exposure to numerous incidents and filed a 101 Form on July 27, 2023 with four injury dates listed. She stated he was approved for a medical disability pension in May of 2024. She also stated that he asked that workplace trauma be added to the existing 101 and the claim was denied as the reported condition of psychological stress does not meet Metro's criteria as an accepted psychological stress claim.

The pensioner addressed the Board regarding the claim. He described different traumatic incidents he has been exposed to, his PTSD diagnosis, current medical conditions, counseling, and treatment plans.

There was some discussion of the medical record containing a lot of information regarding PTSD, there being more than one disabling condition and the compounding factors of the PTSD medical care claim.

There was also some discussion that the medical records for the PTSD treatment and the injury on duty claim speak to traumatic events from childhood, in the workplace and personal life that are not related to traditional police job functions.

After some discussion regarding compounding issues, B.R. Hall moved to overturn the denial. Robert Weaver seconded, and the Board approved without objection.

At this time disability pension items 6 and 10 were discussed.

Dr. Kenton Dodd reported to the Board that he recommends approval of the disability pension new request, item 6, without stipulation of scheduled reexam. Jonathan Puckett moved for approval of the recommendation to approve the disability pension new request, item 6 without stipulation of scheduled reexam. Robert Weaver seconded, and the Board approved without objection.

Dr. Kenton Dodd reported to the Board that he recommends approval of changing the disability pension, item 10, to injury on duty for the length of time as recommended. Robert Weaver moved for approval of the recommendation to approve the disability pension new requests, item 10 for the length of time as recommended. B.R. Hall seconded and the Board approved without objection.

## 3. Pensioner opportunities to add dependents outside of an eligible change in status.

Christina Hickey reported to the Board at the July Study Session, Deloitte presented information on allowing pensioners to add dependents outside of an eligible change in status, i.e. Annual Enrollment. She stated this would also eliminate the ability to drop coverage for themselves or dependents for no reason ("just because") and this would align with the way active employees are administered. She stated the Board will need to decide if they want to allow this change for pensioners effective January 1, 2026 and if the Board does decide to change this policy effective January 1, 2026, this will allow pensioners to add dependents during annual enrollment or an eligible change in status even if the dependent was dropped "just because" prior to January 1, 2026.

After some discussion of the pros and cons of this change and that this would align with the way active employees are administered, B.R. Hall moved for approval that effective January 1, 2026 pensioners would be allowed to add dependents during annual enrollment or an eligible change in status even if the dependent was dropped "just because" prior to January 1, 2026.

## 4. Correspondence:

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

Items 4.-a. and 4.-b. were for information only.

5. Reports for your information:

- a. Repayment of pension contributions.
- b. Denial log from Davies.
- c. Benefit Board expense reports.
- d. Privacy notice.
- e. TN Open Meetings Act.

Items 5.-a. through 5.-e. were for information only.

6. Late item(s):

There were no late items reported at the meeting.

With nothing further presented, the meeting adjourned at 11:59 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**