

**MINUTES  
METROPOLITAN CIVIL SERVICE COMMISSION**

**DECEMBER 14, 2004**

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on December 14, 2004 in the Civil Service Conference Room, Suite163, 222 Building, Third Avenue North, Nashville, Tennessee, at approximately 8:30.m.

**Commission Members present:** Chairman William H. Farmer, Vice-Chairman R. Steve Corbitt, Mr. C. Michael Allen, Greg Rodriguez and Ms. Ervina S. Jarrett.

**Other Members present:** Ms. Dorothy S. Berry Interim Director of Human Resources, and Mr. Michael Safley, Metro Legal Department - Attorney.

**NOVEMBER 9, 2004 MINUTES:** Chairman Farmer 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. ***With nothing further, Commissioner Allen moved for approval. Vice-Chairman Corbitt seconded the motion and the Commission approved without objection.*** Chairman Farmer asked if there were any amendments, corrections or questions of the Public Hearing meeting held after the regular meeting. ***With nothing further, Commissioner Allen moved for approval and Commissioner Jarrett seconded the motion and the Commission approved with objection.***

**APPOINTMENTS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>BEER BOARD</u></b>			
Purser, Cortney S.	Office Support Rep 3	New Hire	11/16/04
<b><u>CARING FOR CHILDREN</u></b>			
Wilson, Vaughn A.	Program Spec 3	Promotion	11/16/04
<b><u>CODES ADMINISTRATION</u></b>			
Fortner, Charles A.	Building Inspector 1	New Hire	11/01/04
Hargis, Johnny W.	Building Inspector 1	New Hire	11/01/04
<b><u>FINANCE</u></b>			
Adewuyi, Ayodele Ben	Finance Officer 2	Promotion	11/01/04
Harris, Richard W.	Administrative Services Manager	Promotion	11/16/04
Hartlage, Kenneth J.	Finance Officer 1	New Hire	11/29/04
*Robinson, Arlene M.	Office Support Spec 2	Dept Transfer/Promotion	11/08/04

\*Department Transfer from Human Resources (HR Assistant 1, SR6) To Finance

**APPOINTMENTS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>FIRE</u></b>			
Adair, Rubert D.	Fire Engineer	Promotion	10/16/04
Armstrong, James R	Fire Captain	Promotion	10/16/04
*Ashburn, Jerry F.	Paramedic 1	Class Change/Lateral	11/01/04
Bogle, Robert W.	Fire Engineer	Promotion	10/16/04
*Booker, Carl D	Paramedic 1	Class Change/Lateral	11/01/04
^Lee, Johanna C.	Emergency Medical Tech 1	Department Transfer /Transition To Civil Service	11/01/04

\*Class change from EMT 2 (PS4) to Paramedic 1 (PS4)

^Department Transfer from General Hospital (Pharmaceutical Control Asst) to Fire

**GENERAL SERVICES**

*Beulke, Ronald K	Equipment & Supply Clerk 1	Department Transfer /Voluntary Reduction In Grade	11/16/04
^Daugherty, Robert Wayne	Automotive Service Writer	Voluntary Reduction In Grade	11/16/04
Lyons, Kevin D.	Professional Spec	Promotion	11/16/04
Malcolm Sr., Charles W.	Manager of Fleet Operations	New Hire	11/01/04
Mcardle, Dorian P.	Radio Tech 1	Promotion	11/16/04
Palk, Andrea H	Program Manager 2	Promotion	11/01/04

\*Department Transfer from Library (Equipment Operator 1, TG5) to General Services (Equipment & Supply Clerk 1, SR4)

^Voluntary Reduction in salary grade from Equipment Mechanic-Certified (TG12) to Automotive Service Writer (SR7)

**HUMAN RESOURCES**

Pierce, Roxanna S.	Human Resources Analyst 1	Department Transfer/ Class Change	11/01/04
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\*Department Transfer from Public Works (Office Support Specialist 2, SR8) to HR (HR Analyst 1, SR8)

**INFORMATION TECHNOLOGY**

Cowles, Aaron D	Program Spec 3	Promotion	11/01/04
Haney, David C.	Program Spec 2	Promotion	11/01/04
Mccoy, Andrew K.	Info Systems Analyst 2	New Hire	10/27/04
*Samour, Patricia S.	Info Systems Tech 1	Class Change/Lateral	11/01/04
^Vogt, Carol M.	Info Systems Tech 1	Class Change/Lateral	11/01/04

\*Class change from IS Customer Support Rep 2 (SR8) to IS Tech 1 (SR8)

^Class change from Office Support Specialist 2 (SR8) to IS Tech 1 (SR8)

**METROPOLITAN CLERK**

Long, Vicki L	Administrative Assistant	Promotion	11/16/04
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**APPOINTMENTS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>PARKS</u></b>			
*Bryant, Branden S.	Maintenance & Repair Worker 1	Transition to Civil Service	11/01/04
*Catalan, Irineo	Maintenance & Repair Worker 1	Transition to Civil Service	11/01/04
*Harris, Jason D.	Maintenance & Repair Worker 1	Transition to Civil Service	11/01/04
*Love, Timothy D.	Maintenance & Repair Worker 1	Transition to Civil Service	11/01/04
*Richardson, Brandon S.	Maintenance & Repair Worker 1	Transition to Civil Service	11/01/04
*Van Tassel, Danny R	Maintenance & Repair Worker 1	Transition to Civil Service	11/01/04

\*Transition to Civil Service from Seasonal Status

**POLICE**

Cockrill, Jacqueline E	Police Identification Spe	Promotion	11/01/04
*McClain, Missouri A	Police Operations Coordinator 2	Demotion	10/28/04
Nielsen, Robert C.	Police Officer 2	Re-Hire	11/01/04

Demotion from Police Operations Supervisor (SR9) to Police Operations Coordinator 2 (SR8)

**PUBLIC WORKS**

*Allen, Reba J.	Human Resources Assistant 2	Department Transfer	11/01/04
Blanton Jr., Kevin W	Maintenance & Repair Worker 1	Re-Hire	11/16/04
Daniels, Harvey L.	Equipment Operator 3	Promotion	11/01/04
Dickens, Ryan N.	Maintenance & Repair Worker 1	New Hire	11/01/04
Fleckenstein III, David F.	Maintenance & Repair Worker 1	New Hire	11/16/04
Fletcher, Daniel L.	Maintenance & Repair Worker 1	New Hire	11/01/04
Gammon, Christopher A.	Maintenance & Repair Leader 1	Promotion	11/01/04
Greene, James E.	Equipment Operator 1	Re-Employment	11/01/04
Hodge, Daryl W.	Equipment Operator 3	Promotion	11/01/04
Horton, Jimmy W.	Equipment Operator 3	Promotion	11/16/04
Kizer, James M.	Maintenance & Repair Worker 1	New Hire	11/01/04
Lamborn Jr., Dickie R.	Maintenance & Repair Worker 1	New Hire	11/01/04
Lamborn, James L.	Maintenance & Repair Worker 1	New Hire	11/01/04
Mangrum, Rachael M.	Maintenance & Repair Worker 1	New Hire	11/16/04
Obrien Jr., Eddie G.	Maintenance & Repair Worker 1	New Hire	11/16/04
Prisco, Daniel E.	Maintenance & Repair Worker 1	New Hire	11/16/04
Ryman, Michael K.	Technical Specialist 2	Promotion	11/01/04
Shaw Jr., James M.	Equipment Operator 3	Promotion	11/16/04
Spitzenberg, William E.	Engineer In Training	New Hire	11/16/04
Spurlock, William K.	Maintenance & Repair Worker 1	New Hire	11/16/04
Street, John P.	Maintenance & Repair Worker 1	New Hire	11/16/04
Thomas, Bryan S.	Equipment Operator 1	Promotion	11/01/04
Williams, Eric D.	Maintenance & Repair Worker 1	New Hire	11/16/04
Winfrey, Stanley Z.	Maintenance & Repair Worker 1	Re-Hire	11/16/04
Woodall, Timothy N.	Maintenance & Repair Worker 1	New Hire	11/16/04
Young, Timothy J	Technical Specialist 1	Promotion	11/16/04

\*Department transfer from Human Resources to Public Works, same classification

**APPOINTMENTS**

<b><u>NAME</u></b>	<b><u>CLASSIFICATION</u></b>	<b><u>TYPE</u></b>	<b><u>DATE</u></b>
<b><u>SHERIFF</u></b>			
Adams, Crystal D.	Correctional Officer 1	New Hire	11/01/04
Barker, David W.	Correctional Officer 1	New Hire	11/01/04
Carland, James M.	Correctional Officer 1	New Hire	11/01/04
Carlington, Derrick L.	Correctional Officer 1	New Hire	11/01/04
Castillo, Eligio R.	Correctional Officer 1	New Hire	11/01/04
Cobb, Sterling R.	Correctional Officer 1	New Hire	11/01/04
Craven, Morris W.	Correctional Officer 1	New Hire	11/01/04
Davis Jr., William M.	Correctional Officer 1	Re-Hire	11/01/04
Davis, Marcus G.	Correctional Officer 1	New Hire	11/01/04
Deharde, Gailrena C	Correctional Officer Sergeant	Promotion	11/01/04
Griffin, Malcolm A.	Correctional Officer 1	New Hire	11/01/04
Hackett, Lance A.	Correctional Officer 1	New Hire	11/01/04
Jackson, Michael D.	Correctional Officer 1	New Hire	11/01/04
Johnson, Laura E.	Correctional Officer 1	New Hire	11/01/04
Johnson, William C.	Correctional Officer 1	New Hire	11/01/04
Jordan, Kristy E.	Correctional Officer 1	New Hire	11/01/04
Lubak Jr., William E.	Correctional Officer 1	New Hire	11/01/04
McNeil, Regena K.	Correctional Officer 1	New Hire	11/01/04
Patton III, James M.	Correctional Officer 1	New Hire	11/01/04
Pugh, Myleena M.	Correctional Officer 1	New Hire	11/01/04
Rainey, Jeffrey L.	Correctional Officer 1	New Hire	11/01/04
Rivera, Reymundo S.	Correctional Officer 1	New Hire	11/01/04
Senart Jr., David A.	Correctional Officer 1	New Hire	11/01/04
Sepulveda, Joseph P.	Correctional Officer 1	New Hire	11/01/04
Smith, James R.	Correctional Officer 1	New Hire	11/01/04
Steinsultz, Brad A.	Correctional Officer 1	New Hire	11/01/04
Stoxstill-Diggs, Lajuan A.	Correctional Officer 1	New Hire	11/01/04
Taylor, Deirdre L.	Correctional Officer 1	New Hire	11/01/04
Tetterton, Christina M.	Correctional Officer 1	New Hire	11/01/04
Turley, Scott C.	Correctional Officer 1	New Hire	11/01/04
Wilson, James D.	Correctional Officer 1	New Hire	11/01/04
Wolfe, Edward J.	Correctional Officer 1	New Hire	11/01/04

**SOCIAL SERVICES**

Belleza-Binns, Luz R.	Social Worker 2	Promotion	11/16/04
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**WATER SERVICES**

Bennett, Marvin C.	Water Maintenance Tech 1	New Hire	11/16/04
Boachie, Kwaku S.	Water Maintenance Tech 1	New Hire	11/16/04
Brooks, Mickey S	Compliance Inspector 2	Promotion	11/01/04
Brown, Carl T.	Water Maintenance Tech 1	New Hire	11/16/04
Brown, Deric L.	Equip Operator 2	Promotion	11/01/04
Buckner, Leslie P.	Water Maintenance Tech 1	New Hire	11/16/04
Capps, Timothy N.	Equip Operator 2	Promotion	11/01/04
Caruthers, Michael T	Treatment Plant Shift Operator	Promotion	11/01/04
Chapman, Clifton W	Water Maintenance Leader 2	Promotion	11/16/04
Cobb, William K	Water Maintenance Leader 2	Promotion	11/16/04
Crow, David F	Plumber	Promotion	11/01/04
Debraganza, Maria L.	Office Support Rep 2	New Hire	11/01/04

**APPOINTMENTS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>WATER SERVICES</u></b>			
Dillard III, Joseph	Water Maintenance Leader 2	Promotion	11/16/04
Fulson Sharon R	Office Support Rep 2	Re-Hire	11/01/04
Gregory, Charles R	Customer Service Assistant Mgr	Promotion	11/01/04
Huffines, Neil B.	Water Maintenance Tech 1	New Hire	11/16/04
Jackson, Mickey	Maintenance & Repair Leader 1	Promotion	11/01/04
Jones, Danny H.	Engineering Tech 2	Promotion	11/01/04
Jordan Jr., James F	Compliance Inspector 2	Promotion	11/01/04
Mckinnon, Ashley P.	Water Maintenance Tech 1	New Hire	11/16/04
Nolan, Patrick A.	Water Maintenance Tech 1	New Hire	11/16/04
Ragland, Gary R.	Customer Service Assistant Mgr	Promotion	11/01/04
Short, Michael A.	Water Maintenance Tech 1	New Hire	11/16/04
Street, Robin E.	Technical Services Coordinator	Promotion	11/01/04
Valentine, Robert C	Treatment Plant Shift Operator	Promotion	11/01/04
Ward, Judy E	Customer Service Assistant Mgr	Promotion	11/01/04
Word, James G.	Equipment Operator 2	Promotion	11/01/04
Wray, Paul A.	Technical Services Coordinator	Promotion	11/01/04
Wray, Shannon R.	Customer Service Assistant Mgr	Promotion	11/01/04

**MOTION:** *After some discussion, Commissioner Rodriguez moved for approval of the appointments as listed above. Seconded by Vice-Chairman Corbitt and the Commission approved without objection.*

**TERMINATIONS/ PENSIONS**

<u>Name</u>	<u>Classification</u>	<u>Type</u>	<u>Department</u>	<u>Date</u>
Winningham, Olen D	Program Spec 3	Resignation	Caring For Children	10/29/04
Howell, Carmina N.	Office Support Rep 3	Resignation	Codes Administration	11/30/04
Barbour, Jennifer L.	Emerg Telecommunicator 1	Resignation	Emergency Comm Ctr	11/18/04
Cannady, Anne	Emerg Telecommunicator 3	Pensioned	Emergency Comm Ctr	10/31/04
Thomas, Marcelle	Emerg Telecommunicator 1	Resignation	Emergency Comm Ctr	10/31/04
Booker, Mae A.	Finance Officer 2	Dismissal	Finance	11/29/04
Boydston, Robert B.	Finance Admin	Resignation	Finance	11/24/04
Duncan, Carl E	Fire Engineer	Pensioned	Fire	11/18/04
Duncan, Jerry A	Fire Captain	Pensioned	Fire	11/23/04
Tinnin, Geri S	Fire Fighter 2	Dismissal	Fire	11/17/04
Wilson, John H	Firefighter 3	Pensioned	Fire	10/21/04
Sherron, Damita A.	Application Tech 1	Resignation	General Services	11/18/04
Baughman, David J.	Info Systems Tech 1	Resignation	Information Technology	11/30/04
Brawner, Gyle W	Maint & Repair Leader 1	Pensioned	Parks	10/21/04
Clemons, Riley M.	Maint & Repair Supervisor	Pensioned	Parks	11/08/04
Hisle, Sally M.	Recreation Leader	Resignation	Parks	11/13/04
Watson, Dolores W	Office Support Spec 2	Pensioned	Planning Commission	11/18/04
Sanders, Adam T.	Planning Tech 1	Resignation	Planning Commission	11/30/04
Perkins, Frank E.	Police Officer 3	Pensioned	Police	10/25/04
Garcia, Norberto	Police Security Guard 1	Resignation	Police	11/30/04
Gipson, Brett M.	Police Officer 2	Resignation	Police	11/11/04
Perkins, Frank E.	Police Officer 3	Pensioned	Police	10/25/04
Walker, Georgia M	Office Support Rep 2	Resignation	Public Library	11/16/04

**TERMINATIONS/ PENSIONS**

<u>Name</u>	<u>Classification</u>	<u>Type</u>	<u>Department</u>	<u>Date</u>
Patterson, Jerry M.	Signal Tech Supervisor	Pensioned	Public Works	11/08/04
Conner II, Thomas J.	Equip Operator 3	Resignation	Public Works	11/19/04
Trotter, Jennifer B.	Office Support Rep 2	Resignation	Public Works	11/30/04
Wetnight, James G.	Maint & Repair Worker 1	Resignation	Public Works	11/22/04
Hall, Jason K.	Correctional Officer 1	Resignation	Sheriff	11/22/04
Tharpe, Timmy L.	Correctional Officer 1	Dismissal	Sheriff	11/18/04
Matthews Jr., Robert E.	Van Driver	Resignation	Social Services	10/31/04
Webb, Margaret G.	Program Manager 1	Resignation	Social Services	11/16/04

**MOTION:** *After some discussion, Commissioner Rodriguez moved to accept the Termination/ Pension report for the dates and reasons stated. Seconded by Vice-Chairman Corbitt and the Commission approved without objection.*

**ELIGIBILITY REGISTERS ESTABLISHED**

<u>Classification</u>	<u>Type</u>	<u>Requesting Department</u>
Office Support Rep 3	Open	Beer Board
Administrative Services Manager - Project Mgt	Dept	Finance
Tech Spec 1- Project Officer 1	Open	Finance
Tech Spec 2-Construction	Dept	Finance
Tech Spec 2-Interior Designer	Dept	Finance
Auto Service Writer	Open	General Services
Prof Spec - Call Center	Dept	General Services
Program Spec 2-Video	Open	ITS/Channel 3
Program Spec 3-Video	Dept	ITS/Channel 3
Administrative Assistant	Dept	Metro Clerk
Engineer 1 - Project Mgt	Open	Public Works
Signal Tech 1	Open	Public Works
Skilled Craft Worker 1-Guard	Dept	Public Works
Technical Spec 1-Paving	Dept	Public Works
Social Worker 2 - Bilingual	Dept	Social Services
Office Sup Spec 2 - R Maintenance	Dept	Water Services
Treatment Plant Shift Operator	Dept	Water Services
Water Maintenance Leader - Sewer Maintenance	Dept	Water Services
Water Maintenance Leader 2 - Water	Dept	Water Services

**REGISTERS ABOLISHED**

<u>Date Established</u>	<u>Classification</u>	<u>Number On Register</u>	<u>Register</u>
11/21/01	Police Operations Coordinator	01	Dept
03/28/03	Correctional Officer Sergeant	39	Dept
02/04/04	Industrial Electrician 1	04	Open

**MOTION:** *After some discussion, Commissioner Rodriguez moved to accept the Register Report as submitted. Seconded by Vice-Chairman Corbitt and the Commission approved without objection.*

**DEPARTMENTAL ITEMS**

**EMERGENCY COMMUNICATIONS**

REQUEST: Roxann Brown, Director, represented by Jeannie Mallory, requested Increment Advances for the following:

- a. Richard Burt                      Emergency Telecommunicator 1                      From Step 1 to Step 3
- Tracy Evans                      Emergency Telecommunicator 1                      From Step 1 to Step 3
- Amanda Ford                      Emergency Telecommunicator 1                      From Step 1 to Step 3
- Amanda Rigby                      Emergency Telecommunicator 1                      From Step 1 to Step 3
- Richard Tabor                      Emergency Telecommunicator 1                      From Step 1 to Step 3

Ms. Mallory said these are individuals who successfully completed the training and testing requirements for Emergency Medical Dispatcher certification.

**MOTION:** *After some discussion, Commissioner Allen moved for approval of the request as listed. Seconded by Commission Rodriguez and the Commission approved without objection.*

- b. Approval of Departmental Rules

The proposed Departmental Rule revisions deal with Performance Management, Continuing Dispatch Education and EMD Certification. ECC employees are expected to meet compliance level through training, testing, self study and reviewing videos.

**MOTION:** *After some discussion, Commissioner Rodriguez moved for approval of the request as listed. Seconded by Vice-Chairman Corbitt and the Commission approved without objection.*

**METRO ACTION COMMISSION**

REQUEST: Cynthia Croom, Director, requested approval of the Revised Memorandum of Understanding

- Ms. Croom said that the MAC Board of Commissioners and the MAC Policy Council have submitted final ratification of the Memorandum of Understanding for Civil Service Commission approval. This matter was previously approved by the commission during the August '04 meeting. The final amended version reinforces the fact that MAC wants its rules to apply in Administrative Hearings and not the civil service rules.

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved for approval to accept the MOU as amended. Seconded by Commissioner Rodriguez and the Commission approved without objection.*

**HUMAN RESOURCES**

Dorothy S. Berry, Interim Director, submits the following for the Commission’s consideration and appropriate action:

- ( 1: Request approval of revisions to Civil Service Commission Bylaws  
(From meeting of November 9, 2004)

Jim Lynch said there were some minor proposed changes to the Civil Service Commission Bylaws in order to come into compliance with a new Council Ordinance for Public Notice. The new Ordinance amends the Metro Code of Law to provide public notification requirements for meetings of boards and commissions of the Metro Government. The Commission made reference to Section 13 – Late Item

Requests under (a) ...*"this agenda will be considered by the Commission after they have concluded their actions on the regular agenda"*. The Commission proposed that it should be deleted.

**MOTION:** *After some discussion, Commissioner Allen moved for approval of the revisions to the Civil Service Commission Bylaws and to strike the last sentence under Section 13, letter a. Seconded by Commissioner Jarrett and the Commission approved without objection.*

( 2: Request approval of proposed revisions to Civil Service Rule 4.8  
(From meeting of November 9, 2004)

Jim Lynch said that on November 9, 2004, the Civil Service Commission conducted a Public Hearing to review proposed rule changes submitted October 18, 2004. The Benefit Board has decided to defer this matter until February 2005. It was suggested by the Civil Service Commission to also defer until the Benefit Board has reviewed the matter.

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved to defer this matter until March 2005. Seconded by Commissioner Rodriguez and the Commission approved without objection.*

( 3: JOB DESCRIPTION REVISIONS

Changes are being proposed for the following descriptions:

*Finance Assistant Director – Add: .."may serve as the Purchasing Agent for the Metropolitan Government. Plans, organizes and administers the centralized purchasing program for the Metropolitan Government. Develops rules and regulations for the administration of the Purchasing Division. Ensures prudent expenditure of funds with equitable treatment of all potential supplies. Promotes the openness and fairness of the purchasing process."*

*Finance Deputy Director – Add - .."may serve as Budget Officer for the Metropolitan Government. Directs and oversees the activities of the budget Division. Reviews and modifies existing budgeting and management techniques as needed. Prepares estimates of income for the ensuing fiscal year. Reports the fiscal condition of various funds and the budgets of specific operating departments to the Director of Finance and/or the Mayor."*

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved for approval of the request as listed. Seconded by Commissioner Rodriguez and the Commission approved without objection.*

( 4: Approval of Policy – Employee Recognition Activities

Veronica Frazier said this policy will provide departments with guidelines and assistance in planning and conducting employee recognition events. It specifically addresses non-monetary activities that a department might choose to conduct in order to acknowledge special employee work efforts and services.

**MOTION:** *After some discussion, Commissioner Rodriguez moved for approval of the request as listed. Seconded by Commissioner Jarrett and the Commission approved without objection.*

( 5: Appeal from Mr. Terry Pate, Disability Pensioner, of a Medical Disqualification for re-employment with the Metro Nashville Police Department

Case History:

Mr. Pate, Disability Pensioner, was cleared by the Employee benefit Board on September 7, 2004 to return to work as a Police Officer with the Metropolitan Nashville Police Department. This matter was deferred from both the October 12<sup>th</sup> and November 9<sup>th</sup> meetings. On September 14<sup>th</sup>, the Commission

directed Mr. Pate to contact Dr. Fletcher, Metro Medical Examiner, for another medical examination. Mr. Pate was seen on September 27, 2004 by Dr. Fletcher. Mr. Pate had submitted letters from his doctors for the Commission's review.

Dr. Chris Fletcher, Civil Service Medical Examiner, maintains a medical opinion that Mr. Pate can not perform full and unrestricted Metro Police Officer job duties. This medical opinion is in accordance with *US Army Regulation 40-501, 4/12/2004 version, Chapter 2 wherein medical requirements are stipulated. Specifically, Pate does not meet the standards which require the absence of certain findings as listed in Sections 2-9a (1), 2-9(8), 2-11a (2), and 2-11c.*

Worrick Robinson, Attorney for Mr. Pate, and Dr. Chris Fletcher were both present before the Commission to discuss the matter. Two preliminary motions were submitted for Commission approval as follows:

- \* Motion #1 by Commissioner Allen to accept Dr. Elrod and Dr. Moore's opinion that he's physically fit to go back to work and allow him to enter the academy in the next class...whenever that is. ***(Motion failed for lack of a second)***
- \* Motion #2 by Commissioner Rodriguez to reject post certifications by Dr. Elrod and Dr. Moore. ***(Motion failed for lack of a second)***

***MOTION: After much discussion, Commissioner Allen submitted a third motion for approval to accept Dr. Elrod and Dr. Moore's post certification of Terry Pate. Seconded by Commissioner Jarrett and the Commission approved with one objection. Vote: 3 to 1***

( 6: Review of Initial Order - Nick Falcone, Police/Grievance (IOD)

Police Officer Nick Falcone was denied a claim for Injured on Duty and appealed this grievance to the Civil Service Commission. Ms. Shelli Neil, Metro Legal Department, was assigned to represent the Police Department and Nick Falcone was represented by Attorney Worrick Robinson. The hearing was conducted on September 23, 2004 by the Civil Service Commissioner Michael Allen. The grievance involved a decision by the Department to deny the petitioner's claim that he injured himself in line of duty while involved in exercise activities at the Metro Police Training Academy.

Based on evidence as presented, testimony and the record, Commissioner Allen entered an Initial Order on November 5, 2004 to reverse the decision of the appointing authority, who denied the petitioner's claim for IOD. He further ordered that petitioner Nick Falcone be granted IOD Leave status for the period in question, and that all pertinent records, medical bills and pay shall be adjusted in accordance with this order.

***MOTION: After some discussion, Commissioner Jarrett moved for approval to uphold the Initial Order as submitted by Hearing Officer Michael Allen. Seconded by Commissioner Rodriguez and the Commission approved without objection.***

( 7: Review of Order and Memorandum – Hymer, Birdwell, Upchurch, Sullivan, Vance  
(Deferred from November 9, 2004)

Chairman Farmer said he had been contacted by Mr. Dewey Branstetter, who advised that he and Mr. Jay Long, Attorney for Metro, are close to an agreed settlement that may not require the Commission action.

***MOTION: After some discussion, Vice-Chairman Corbitt moved that this matter be deferred until January 11, 2005. Seconded by Commissioner Allen and the Commission approved without objection.***

( 8: Service Award Recipients – May through October 2004

Chairman Farmer congratulated and recognized employees who have dedicated their working careers to Metropolitan Government.

**ACTION:** *None required. For information only.*

( 9: Election of Chairman and Vice-Chairman of the Civil Service Commission

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved for approval to re-elect William H. Farmer as Chairman and Greg Rodriguez as Vice-Chairman. Seconded by Commissioner Allen and the Commission approved without objection.*

( 10: Communiqués about Hearings

Chairman Farmer asked the Commission members if there were any communiqués. No report was made.

With nothing further, the regular meeting adjourned at 9:55 a.m.

**ATTEST:**

**APPROVED:**

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Ms. Dorothy S. Berry, Interim Director  
Civil Service Commission

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William H. Farmer, Chairman  
Civil Service Commission