

MINUTES
METROPOLITAN CIVIL SERVICE COMMISSION

March 9, 2004

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on March 9, 2004 in the Civil Service Conference Room, Suite 163, 222 Building, Third Avenue North, Nashville, Tennessee, at approximately 8:35a.m.

Commission Members present: Chairman William H. Farmer, Vice-Chairman R. Steve Corbitt, Mr. Janet Rachel and Greg Rodriguez.

Other Members present: Mr. Randy Lovett, Assistant Director of Human Resources, and Mr. Michael Safley, Metro Legal Department - Attorney.

Members Not Present: Michael C. Allen could not attend.

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 held on February 10, 2004. *With nothing further, Commissioner Rachel moved for approval. Commissioner Rodriguez seconded the motion and the Commission approved without objection.*

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>CODES ADMINISTRATION</u>			
*Ogren, Yvonne L.	Office Support Rep 2	Re-Employment from Medical Pension	02/01/04

*Return from Medical Pension, previously Customer Service Rep 3 (GS 5) to Office Support Rep 2 (SR 5)

FINANCE

*Stephens, Rebekah L	Finance Officer 2	Department Transfer/ Transition to Civil Service	02/09/04
Lomax-O'dneal, Talia R.	Finance Deputy Director	Promotion	02/01/04
Ziobro, Martha J.	Technical Specialist 1	New Hire	01/16/04

*Transition to CS, from the Legal Department (Claims Rep 1, SR8) to Finance (Finance Officer 2, SR10)

FIRE

*Tinnin, Samuel T	Fire Fighter 2	Re-Employment	02/01/04
-------------------	----------------	---------------	----------

*Re-Employment to same classification.

INFORMATION TECHNOLOGY

*Linn, Bonnie D.	Computer Operator 2	Department Transfer/ Class Change	02/01/04
^Cole, Beverly A.	Systems Advisor 2	Transition To Civil Service	02/16/04
Rohrbach, Wade	Info Systems Analyst 1	Promotion	02/01/04
^Baughman, David J.	Info Systems Tech 1	Transition To Civil Service	02/16/04

*Department Transfer from Public Library (IS Associate, SR 6) to ITS (Computer Operator 2, SR 6)

^Transition to Civil Service from Emergency Status

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>JUVENILE COURT</u>			
Rolle, Amanda T.	Program Manager 1	New Hire	02/01/04
*Cothorn, Vicki L	Office Support Rep 1	Demotion	02/16/04

*Demoted from Office Support Rep 2 (SR5) to Office Support Rep 1 (SR4).

PARKS

Crowe, Joshua G	Park Ranger 1	Re-Hire	02/01/04
Wright, Jr., Howard W.	Park Ranger 1	New Hire	02/16/04
Morris, Christopher R.	Maintenance & Repair Worker 2	Promotion	02/16/04
Oneal, Danny L.	Maintenance & Repair Worker 2	Promotion	02/16/04
Flowers II, Larry W.	Maintenance & Repair Worker 3	Promotion	02/16/04
Taylor II Calvin M.	Office Support Rep 2	Promotion	02/01/04

PLANNING COMMISSION

*Woodruff, Rosie E	Office Support Spec 1	Re-Employment from Medical Pension	02/16/04
--------------------	-----------------------	---------------------------------------	----------

*Re-Employment from Medical Pension to same classification.

POLICE

*Browning, Elaine F	Police Operations Coordinator 2	Re-Employment from Medical Pension	02/05/04
Taylor, James F.	Police Security Guard 1	New Hire	02/01/04
Williams, Joe L.	Police Security Guard 1	New Hire	02/01/04

*Re-Employment from Medical Pension to same classification.

PUBLIC WORKS

*Fry, Perry W.	Maintenance & Repair Worker 1	Transition to Civil Service	02/01/04
----------------	-------------------------------	-----------------------------	----------

*Transition to Civil Service from Emergency Status

SHERIFF

Sessions, Syretha D.	Correctional Officer 2	Promotion	02/01/04
*Dixon Jr., Donald R	Correctional Officer 1	Re-Employment	02/01/04

*Re-Employment to same classification.

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>WATER AND SEWER</u>			
Jordan, Michael A.	Equipment Operator 2	Promotion	02/01/04
Tant, John A.	Engineer 2	New Hire	02/16/04
*Turner, Richard F.	Engineering Tech 2	Demotion	02/16/04
Johnson, Gary A.	Equipment Operator 3	Promotion	02/01/04
Waynick Jr., Eddie L	Industrial Maintenance Supv 1	Promotion	01/16/04
Jolley, Tyrone	Maintenance & Repair Leader 2	Promotion	02/01/04
Marlow, James S.	Maintenance & Repair Leader 2	Promotion	02/01/04
Barkley, Russell S.	Customer Service Field Rep 1	New Hire	02/01/04
Edwards, Stephen L	Customer Service Field Rep 3	Promotion	02/01/04
Matlock, Michael E	Customer Service Field Rep 3	Promotion	02/01/04
Bradley, James U	Indust Maintenance Supv 2	Promotion	02/01/04
^Brown, Deric L.	Water Maintenance Tech 1	Demotion	02/05/04

*Demotion from Engineering Tech 3 (SR10) to Engineering Tech 2 (SR8).

^Demotion from Customer Service Field Rep 1 (SR5) to Water Maintenance Tech 1 (TG3).

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

TERMINATIONS/ PENSIONS

<u>Name</u>	<u>Classification</u>	<u>Type</u>	<u>Department</u>	<u>Date</u>
Bone, Joe	Building Inspector 2	Pensioned	Codes Administration	02/17/2004
Ramsey, Robert L.	Building Inspection Chief	Pensioned	Codes Administration	02/17/2004
Tweedy, Gail F	Fire/EMT Dispatcher	Pensioned	Emergency Comm	02/06/2004
Storey, Tina A	Emergency Telecommunicator 2	Resignation	Emergency Comm	02/06/2004
Sloan, Jason K.	Finance Officer 2	Resignation	Finance	02/13/2004
Hurst, Brian E	Paramedic 2	Dismissal	Fire	02/17/2004
Rowland, Charles J	Fire Captain	Pensioned	Fire	02/17/2004
Berry, Christy L.	Firefighter 3	Pensioned	Fire	02/18/2004
Lawrence, James D.	Fire Lieutenant	Pensioned	Fire	02/17/2004
Snow, Steven R.	Paramedic 2	Deceased	Fire	02/17/2004
Beasley, John C	Fire Fighter 2	Pensioned	Fire	02/05/2004
Adams, Clarence E	Building Maint Lead Mechanic	Pensioned	General Services	02/17/2004
Darnall Jr., Teddy W.	Parts Supervisor	Dismissal	General Services	02/03/2004
Day, Samuel W	Warrant Officer	Resignation	Juvenile Court	02/17/2004
Bond, Michael W	Maintenance & Repair Leader 2	Dismissal	Parks	02/02/2004
Antle, Steven P.	Police Officer 2	Resignation	Police	02/17/2004
Scruggs, Suzanne N	Police Operations Assistant 3	Resignation	Police	01/30/2004
Dobbins, Jerry L.	Police Officer 2-Fld Trng Ofcr	Pensioned	Police	01/31/2004
Keeter, Jeralyn L.	Police Sergeant	Resignation	Police	02/09/2004
Harris, Thomas V.	Police Officer 3	Resignation	Police	02/03/2004
Cobb, Sharon G.	Police Officer 2	Resignation	Police	02/17/2004
Stokes, Sarah J.	Police Officer 1	Dismissal	Police	02/17/2004
Bowen, Billy C.	Librarian 1	Pensioned	Public Library	02/15/2004
Hollis Jr., Robert M	Maintenance & Repair Worker 1	Dismissal	Public Works	02/17/2004

TERMINATIONS/ PENSIONS

<u>Name</u>	<u>Classification</u>	<u>Type</u>	<u>Department</u>	<u>Date</u>
Burton Jr., James A.	Maintenance & Repair Worker 2	Pensioned	Public Works	01/20/2004
Taylor, Kerry G.	Maintenance & Repair Worker 1	Resignation	Public Works	02/17/2004
Rhodes Sr., Clevelt	Correctional Officer 1	Resignation	Sheriff	02/17/2004
Smith Jr., James P	Utility System Helper	Pensioned	Water Services	02/05/2004

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

ELIGIBILITY REGISTERS ESTABLISHED

<u>Classification</u>	<u>Type</u>	<u>Requesting Department</u>
Program Manager I	Open	Juvenile Court
Office Sup Spec 2 - Records	Dept	Metro Clerk
Maintenance & Repair Worker 2 - Trees	Dept	Parks
Maintenance & Repair Worker 3 - Trees	Dept	Parks
Equipment & Supply Clerk 1	Dept	Public Works
Equipment Operator 3	Dept	Public Works
Industrial Electrician 1	Open	Water Services
Industrial Mechanic 1	Open	Water Services
Maintenance & Repair Leader 1 - Storm	Dept	Water Services

REGISTERS ABOLISHED

<u>Date Established</u>	<u>Classification</u>	<u>Number On Register</u>	<u>Register</u>
04/07/2003	I S Manager	04	Open
04/16/2002	I S Division Manager - Web Design	34	Open
08/15/2002	I S Manager -Cust Apps Manager	04	Open
04/03/2002	I S Manager -Data Control	06	Open
01/29/2002	I S Manager -Network Mail	08	Open

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

DEPARTMENTAL ITEMS**EMERGENCY COMMUNICATIONS**

REQUEST: Roxann Brown, Director - ECC, represented by Ms. Jeannie Mallory, requested approval of the following:

- a. Two Step Increment Advancement for the following employees: (completed their EMD certifications)

Mary Asher	Emergency Telecommunicator 1	Step 1 to Step 3
Melissa Feinstein	Emergency Telecommunicator 1	Step 1 to Step 3
Michael Lindsey	Emergency Telecommunicator 1	Step 1 to Step 3

Ms. Mallory said the request is to award the equivalent of a two-step increment advance to the Emergency Telecommunicators who successfully completed training and testing for an EMD certification.

b. Approval of Departmental Rules for Emergency Communications Center

Ms. Mallory said the rules have been reviewed and approved by the Legal Department and Human Resources. Copies of the proposed rules have been posted and made available to employees in accordance with provisions in the Civil Service Rules.

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

FIRE

REQUEST: Stephen Halford, Director – Fire Chief, requests approval for additional Administrative Leave with Pay for the following: (In excess of the 10 days allowed by Civil Service Rule 4.10)

Charles Bean, Paramedic (six additional days)
Gary Moore, Sr., Captain (one additional day)

Mr. Lovett said the Fire Department has requested approval of additional Administrative Leave with pay due to the nature of the charges involved in this investigation/scheduling. The scheduled hearing date will have exceeded the number of days (10 working days) that is allowed by the Civil Service rules. Should additional time be needed, the Fire Department will request it in accordance with rules.

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

HUMAN RESOURCES

Mr. Randy Lovett, Acting Director, submits the following for the Commission's consideration and appropriate action:

(1: Review of Initial Order of Ronald Cannon - Water Services, Three Days Suspension Without Pay

Mr. Ronald Cannon, Treatment Plant Shift Operator, was ordered to attend anger management counseling and suspended three (3) days without pay from the Department of Water Services. He was charged with violation of Civil Service rule 6.7, provisions #11, 12, 28, 31 and 33 which deals with conduct unbecoming, the use of harassment and threats of violence and intimidation toward another person. Mr. Cannon appealed his suspension to the Commission and the case was assigned to Hearing Officer Michael Allen. Ms. Shelli Neil, Metro Legal Department, was assigned to represent the Water Service Department. Mr. Cannon was represented by Attorney David Hornick in the hearing, which was conducted on December 19, 2003.

On January 29, 2004, Mr. Allen **entered an Initial Order to uphold the decision of the appointing authority to suspend** Mr. Cannon for three (3) days without pay and to attend anger management counseling.

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

(2: [Review of Initial Order of Amy Roberson- Emergency Communications Center, Ten Days Suspension](#)

Ms. Amy Roberson, Emergency Telecommunicator III, was suspended ten days without pay from the Emergency Communications Center for alleged violation of Civil Service rule 6.7, provision #2 and General Order 95-19, dealing with Personal Behavior. Ms. Roberson appealed her suspension to the Commission and the case was assigned to Hearing Officer Steve Corbitt. William Herbert, Metro Legal Department, was assigned to represent the Emergency Communications Center, however, Ms. Roberson did not retain legal counsel. Both parties having been duly notified, the hearing was conducted on January 23, 2004. Ms. Roberson did not appear for either the pre-hearing conference or hearing, nor did she notify or show just cause why she failed to prosecute her appeal.

Based on evidence as presented, testimony and the record, on January 23, 2004, Mr. Corbitt **entered an Initial Order to uphold the decision of the appointing authority to suspend** Ms. Roberson for ten (10) days without pay.

Mr. Bill Herbert, Metro Attorney, was present. Ms. Roberson failed to appear.

MOTION: ***After some discussion, Commissioner Rachel moved for approval to uphold the Initial Order entered by Hearing Officer Steve Corbitt. Secoded by Commissioner Rodriguez and the Commission approved without objection.***

(3: [Review – Order of Compromise and Settlement regarding Stephen Hicks, Sheriff 's Office, Dismissal](#)

Stephen Hicks, Corrections Officer, was dismissed from the Davidson county Sheriff's Office for alleged violation of Civil Service rule 6.7, provision #11 and Sheriff's Office Policy #35 and #36, which deals with the use of unauthorized force and excessive use of force against an inmate. Mr. Hicks appealed his dismissal to the Commission and the case was assigned to Administrative Law Judge Ann Johnson. Douglas Sloan, Metro Legal Department, was assigned to represent the Sheriff's Office. Mr. Hicks did not retain legal counsel. The hearing had been set for January 26, 2004.

On February 13, 2004, Judge Johnson entered an Order of Compromise and Settlement as evidenced by signatures that all involved parties had fully compromised and settled all matters at issue. The appeal was dismissed by Judge Johnson.

Mr. Doug Sloan, Metro Attorney, was present. Mr. Hicks did not appear at the meeting.

MOTION: ***After some discussion, Vice-Chairman Corbitt moved for approval of the Order of Compromise and Settlement. Secoded by Commissioner Rachel and the Commission approved without objection.***

(4: [Request approval of Motion to Suspend the Time Requirement to File a Motion for Reconsideration regarding Clifford Mann, Police/Twelve Days Suspension.](#)

On January 13, 2004, the Commission reviewed the Initial Order. Attorney Worrick Robinson represented Petitioner Clifford Mann and made oral argument before the Commission. Metro Attorney Dawn Deaner who represented the Police Department, had since left employment with Metro Government. The order was modified by the Commission to sustain only a one (1) day suspension without pay, in reference to case incident #5. The order was then Adopted by the Commission and considered FINAL. On January 21,2004, a Final Order was entered by the Commission. On February13, 2004 a motion to suspend the time requirement to file a motion for reconsideration was filed by Metro Attorney Douglas Sloan. On March 4, 2004, a response was submitted by Attorney Worrick Robinson, on behalf of petitioner Clifford Mann.

Metro Attorney Sloan and Attorney Worrick Robinson both addressed the Commission. The commission directed Attorney Doug Sloan to write an order and that it be served to Attorney Robinson by April 8, 2004. Attorney Robinson was ordered to respond within 20 days. The commission will then hear the Motion to Reconsider.

MOTION: *After much discussion, Vice-Chairman Corbitt moved for approval to give appropriate time to the Police Department to speak before the Commission. Seconded by Commissioner Rodriguez and the Commission approved without objection.*

- (5: a. Request to rescind action by the Commission on February 10, 2004, which returned John W. Lynch to Director of Human Resources from Medical Leave sometime in March '04.
- b. Assignment of John W. Lynch, to work as Acting Director of Public Works, effective February 23, 2004 (information only)
- c. Request approval for assignment of Randy Lovett, Assistant Director of Human Resources, will continue to work as Acting Director of Human Resources.

Chairman Farmer said Billy Lynch, Director of Human Resources, has accepted the assignment as Acting Director of the Public Works Department. Randy Lovett, Assistant Director of Human Resources, will continue to serve as Acting Director of Human Resources.

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

(6: Retirement Incentive Plan

Mr. Lovett said the plan is subject to approval by Metro Council, with the first reading on March 16th. He said that provisions of the plan are as follows:

- Provides an incentive payment of \$500 for each year a worker is employed by Metro. Under the plan a worker with 30 years in Metro employment could receive a \$15,000 payment.
- The payment will be made in July to retirees.
- Incentive payment would be available to those workers who agree to retire between April 5 and May 15.
- The plan will be funded by savings from retirees' departments, which will be required to hold positions vacated, until such time the savings needed to fund the incentive are generated.

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

(7: Communiqués about Hearings

There was none.

With nothing further presented, the regular meeting adjourned at 9:15 a.m.

ATTEST:

APPROVED:

*Mr. Randy Lovett, Acting Director
Civil Service Commission*

*William H. Farmer, Chairman
Metropolitan Civil Service Commission*