

MINUTES
METROPOLITAN CIVIL SERVICE COMMISSION

MAY 11, 2004

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on May 11, 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. C. Michael Allen and Greg Rodriguez.

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

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 April 13, 2004. *With nothing further, Commissioner Rodriguez moved for approval. Vice-Chairman Corbitt seconded the motion and the Commission approved without objection.*

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>GENERAL SERVICES</u>			
Gilbert, Scott C.	Systems Advisor 1	New Hire	04/01/04

HUMAN RESOURCES

*Knupp, Robert T.	Human Resources Analyst 3	Department Transfer/Lateral	04/01/04
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*Department Transfer from Public Works to Human Resources, Same Classification.

INFORMATION TECHNOLOGY SYSTEMS

Carver, Derek C.	Info Systems Div Manager	Promotion	04/01/04
Collingwood II, Bradley Y	Info Systems Spec	Promotion	04/01/04
*Graves, Gene H.	Systems Advisor 1	Transition To Civil Service	04/01/04
Hibbett, III, James R.	Computer Operator 3	Promotion	04/01/04
Moore, Alan D.	Systems Advisor 1	Promotion	04/01/04
^Rungsakul, Chaichana	Information Systems Tech 1	Department Transfer/Lateral	04/01/04
Thorson, Christopher M.	Information Systems Spec	Promotion	04/01/04
Williams, Deborah S.	Systems Advisor 2	New Hire	04/05/04

*Transition to Civil Service from Emergency Status.

^Department Transfer from Library to Its, Same Classification.

PARKS

Garrigan, Curt A.	Parks & Recreation Asst Director	Promotion	04/16/04
**Wilson, Roy	Parks & Recreation Director	New Hire	04/01/04

**see attachment – Departmental Items

PUBLIC LIBRARY

*Smith, Lawanda P.	Library Page	Demotion	04/01/04
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*Demotion from Circulation Assistant 1(SR 4) to Library Page (SR 2).

PUBLIC WORKS

*Anderson, James W.	Equipment Operator 3	Class Change/Lateral	04/01/04
Grady, Robert L.	Equipment Operator 3	Promotion	04/01/04
**Horton, Samuel D.	Equipment Operator 2	Voluntary Reduction	
		/Salary Grade	04/01/04
^Jones, Edna J.	Administrative Services Officer 4	Department Transfer/Lateral	04/01/04
*Kennedy, Craig E.	Equipment Operator 3	Class Change/Lateral	04/01/04
*Mangrum, Joshua W.	Equipment Operator 3	Class Change/Lateral	04/01/04
*Thomas, Vernon D.	Equipment Operator 3	Class Change/Lateral	04/01/04

*Class Change from Sanitation Leader (TI 6) to Equipment Operator 3 (TG 8), Lateral.

**Reduction from Sanitation Leader (TI 6) to Equipment Operator 2 (TG 7).

^Department Transfer from Human Resources to Public Works, Same Classification.

SHERIFF

Deharde, Gailrena C	Correctional Officer 2	Promotion	04/01/04
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TRANSPORTATION LICENSING COMMISSION

*McQuiston, Brian E	Trans Licensing Comm Director	New Hire	04/01/04
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*See attachment

WATER SERVICES

*Ballentine, James E	Water Maintenance Tech 1	Demotion	04/20/04
^Brumit, Sandra G	Office Support Rep 3	Demotion	04/16/04
House, Howard E.	Equipment Operator 2	Promotion	04/16/04

*Demoted from Treatment Plant Tech 2 (TG 11) to Water Maintenance Tech 1 (TG 3).

^Demoted from Application Tech 3 (SR 9) to Office Support Rep 3 (SR 6).

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

TERMINATIONS/ PENSIONS

<u>Name</u>	<u>Classification</u>	<u>Type</u>	<u>Department</u>	<u>Date</u>
Corder, Audrey R	Customer Service Manager	Resignation	Caring For Children	04/09/04
Dowdy Jr., Robert A.	Electrical Inspection Chief	Pensioned	Codes Administration	04/08/04
Pianalto, Nicole G	Special Projects Manager	Resignation	Emerg Communications	04/02/04
Eldridge, Jessica L	Emerg Telecommunicator 1	Resignation	Emerg Communications	03/26/04
Whitehead, Alicia M	Emerg Telecommunicator 1	Resignation	Emerg Communications	04/05/04
Horsley, Britt S	Emerg Telecommunicator 1	Resignation	Emerg Communications	04/01/04

TERMINATIONS/ PENSIONS

<u>Name</u>	<u>Classification</u>	<u>Type</u>	<u>Department</u>	<u>Date</u>
Orear, Jonathan B.	Emerg Telecommunicator 1	Resignation	Emerg Communications	03/17/04
Riley, Tamara L.	Emerg Telecommunicator 1	Dismissal	Emerg Communications	03/19/04
Canterbury, Sherwin V.	Application Tech 1	Pensioned	Finance	04/07/04
Joyce, Harold R.	Finance Officer 2	Resignation	Finance	04/07/04
Stewart, Larry D.	Technical Specialist 1	Resignation	Finance	03/31/04
Smith, Edward W.	Fire Captain	Pensioned	Fire	04/15/04
Lightford, Robert W	Fire Fighter 2	Pensioned	Fire	04/01/04
Ferguson, George R	Fire District Chief	Pensioned	Fire	04/06/04
Presley, Paul G.	Fire Captain	Pensioned	Fire	04/05/04
Calvin, Christopher F.	Firefighter 3	Pensioned	Fire	04/05/04
Veazey, Melissa A.	Fire Fighter/Paramedic	Pensioned	Fire	04/23/04
Beasley III, Jordan V	Fire District Chief	Pensioned	Fire	04/07/04
France, Donald E	Fire Captain	Pensioned	Fire	04/07/04
Hyner, Charles J.	Information Systems Spec	Resignation	Information Technology	04/14/04
McAlister, Robert M.	Systems Advisor 1	Resignation	Information Technology	04/23/04
Mullins Jr., Edward M.	Recreation Center Manager	Deceased	Parks	03/29/04
Norton, Elvin G.	Recreation Leader	Pensioned	Parks	03/30/04
Hall, Lila B	Museum Spec 2	Resignation	Parks	04/15/04
Cole, Joyce F	Recreation Leader	Pensioned	Parks	04/06/04
Carter, Edward W.	Custodian 1	Dismissal	Parks	03/17/04
Sanders, Kenneth W.	Police Exec Admin	Pensioned	Police	04/05/04
Dodson Jr., Robert H.	Police Captain	Pensioned	Police	04/06/04
Horton, Amanda P	Police Operations Assistant 3	Resignation	Police	03/31/04
Larkin, Pierre O.	Police Officer 2	Dismissal	Police	04/05/04
Jones, James D.	Police Lieutenant	Pensioned	Police	04/12/04
West, Jeffrey Lee	Police Officer 2	Pensioned	Police	04/05/04
Harbaugh, Brian P.	Police Officer 2	Resignation	Police	03/24/04
Ferguson, Mitchell J.	Police Officer 2	Dismissal	Police	04/01/04
Schweitzer, Brian	Police Officer 2	Resignation	Police	03/23/04
Chagunda, Mike A.	Librarian 1	Resignation	Public Library	04/09/04
Johnson, Robert T.	Maint & Repair Worker 2	Pensioned	Public Works	04/15/04
Sullivan, William D.	Maint & Repair District Supv	Pensioned	Public Works	04/15/04
Jarmon, Randall L.	Maint & Repair Worker 1	Dismissal	Public Works	03/19/04
Hunt, Adam R.	Correctional Officer 1	Resignation	Sheriff	04/12/04
Nash, Michael C	Engineering Tech 3	Pensioned	Water Services	04/01/04
Armstrong, James V.	Engineer 2	Resignation	Water Services	03/31/04

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

ELIGIBILITY REGISTERS ESTABLISHED

<u>Classification</u>	<u>Type</u>	<u>Requesting Department</u>
Parks & Rec Assistant Director - Facilities	Dept	Parks
Engineer 2	Dept	Public Works
Administrative Service Manager	Dept	Social Services
Social Worker 2	Dept	Social Services
Engineering Tech 2 - Inflow	Dept	Water Services
Engineering Tech 2 - Sewer	Dept	Water Services

ELIGIBILITY REGISTERS ESTABLISHED

<u>Classification</u>	<u>Type</u>	<u>Requesting Department</u>
Engineering Tech 3	Open	Water Services
Industrial Electrician 2	Open	Water Services
Technical Services Coordinator	Dept	Water Services
Program Manager 2	Dept	Social Services

REGISTERS ABOLISHED

<u>Date Established</u>	<u>Classification</u>	<u>Number On Register</u>	<u>Register</u>
12/11/02	Custodian 1 - Parks & Recreation	53	Open
12/17/02	Maintenance & Repair Worker 2 - Grounds	05	Dept
06/13/02	Maintenance & Repair Worker 2	18	Dept

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

****REQUEST:** Appointment Report Supplement: Approval of negotiated Recruitment package for Directors, In accordance with Civil Service Policy 5.6A I:
 Police Chief Ronal Serpas, Salary \$135K, + benefits; begin with 20 vacation / 10 sick
 + Moving expense reimbursement
 Roy Wilson, Director of Parks, Salary 108K +benefits; begin with 15 vacation / 10 sick
 +Moving expense reimbursement
 Brian McQuiston, Director of Transportation Licensing Commission, Salary \$50K,
 + benefits; begin with 15 vacation / 10 sick.
 Note: Policy 5.6 A-I: As part of the recruitment package for new Directors, Civil Service Benefits such as sick and vacation days may be negotiated during the hiring process subject to the approval of the Human Resources Director, Finance Director and Civil Service Commission.

MOTION: *After some discussion, Vice-Chairman Corbitt moved for approval of the appointments as listed and supplemental negotiated recruitment package for directors. Seconded by Commissioner Allen and the Commission approved without objection.*

DEPARTMENTAL ITEMS**PARKS**

REQUEST: Mr. Roy Wilson, Director, represented by Ray Helton, requested approval to extend Out of Class pay beyond 100 days for Ms. Lisa King, Recreation Leader, who is being paid out of class as a Recreation Center Manager.

Ray Helton said Ms. King, Recreation Leader, is being paid out of class as a Recreation Center Manager. The department is making a concerted effort to properly staff positions within the Parks Master Plan and the current classification study, which will address the Recreation classification series and education/experience requirements. Ms. King will reach the 100 day limit on September 1, 2004.

MOTION: *After some discussion, Vice-Chairman Corbitt moved to approve the Extension for Out-of-Class pay beyond 100 days through September 1st. Seconded by Commissioner Allen and the Commission approved without objection.*

LATE ITEM
POLICE

REQUEST: Chief Ronal Serpas requests approval for Out of Class pay beyond 100 days for:

- a. Lieutenant Marlene Pardue as Acting Captain – Identification Division
- b. Officer Paul Hyde as Acting Sergeant. – Youth Services Division

Jackie Hoffman said Lt. Marlene Pardue has been working in the position as Acting Captain of the Identification Division and Officer Paul Hyde as Acting Sergeant in the Youth Services Division. The positions will be permanently filled as part of the Departmental reorganization process by July 1, 2004.

MOTION: *After some discussion, Commissioner Rodriguez moved to approve the Extension for Out-of-Class pay beyond 100 days through July 1st. Seconded by Commissioner Allen 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 – Detective Jack White, Police/Grievance – IOD

Mr. Jack White, Police Detective, was denied a claim for Injured on Duty and appealed this grievance to the Civil Service Commission. Ms. Shelli Neal, Metro Legal Department, was assigned to represent the Police Department, whereas Jack White represented himself. Both parties having been duly notified, the hearing was conducted on January 27, 2004 by Civil Service Commissioner Janet Rachel. The grievance involved a decision by the Department to deny the petitioner's claim that he injured himself in the line of duty while responding to a call for Police Service.

- Based on evidence as represented, testimony and the record, Commissioner Rachel entered an Initial Order on March 11, 2004 to reverse the decision of the appointing authority, who denied the petitioner's claim for IOD. She further ordered that petitioner Jack White, be granted IOD Leave status for the period in question.

ACTION: **Worrick Robinson, Attorney for Detective White, requested this matter be deferred until the regular meeting in July. Shelli Neal, Metro Attorney agreed, and the Commission approved the request.**

- (2: Review of initial Order - Kim Gianatsis, Parks/Thirty Days Suspension and Demotion

Kim Gianatsis, Golf Course Manager/Two Rivers Golf Course, was suspended thirty (30) days without pay and demoted for alleged violation of Civil Service rule 6.7, provision #1, 2, 12, 32 and 33 dealing with conduct and behavior unbecoming of a Metro Government employee. Mr. Gianatsis also was charged with violation of rule 3.8, Outside Employment, the Conflict of Interest Policy and unlawful use of Government property for private gain. He appealed his suspension to the Commission and the case was assigned to Administrative Law Judge Margaret Robertson. Mr. Tom Cross, Metro Legal Department, represented the Parks Department and Mr. Ralph Gordon of the Nashville Bar, represented Mr. Gianatsis.

The case was heard on October 27, 2003 by Judge Robertson. On March 24, 2004, Judge Robertson entered an **Order to Uphold the 30 days suspension without pay and Demotion.**

Mr. Gordon, Attorney for Mr. Gianatsis and Mr. Tom Cross, Metro Legal Counsel were both present and submitted oral arguments before the Commission.

MOTION: *After much discussion, Vice-Chairman Corbitt moved to deny the Motion to Continue or Remand due to the ALJ's ruling and move forward to review the case. Seconded by Commissioner Allen and the Commission approved without objection.*

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

(3: Review of Initial Order – George Conway, Police/Dismissal

Police Officer George Conway was dismissed from the Metropolitan Police department for alleged violation of provisions in Departmental General Order 95-19, Article IV-sections B, E, I and K as well as Civil Service rule 6.7 dealing with Behavior/Conduct, threats, lack of self control, Assault and Domestic Assault. Mr. Conway appealed his dismissal to the Commission and the case was assigned to Administrative Law Judge Phillip Barber. Jennifer Surber, Metro Attorney, initially represented the Police Department. However Shelli Neal was reassigned to finish the case. Petitioner George Conway was represented by Attorney Ana Escobar of the Nashville bar.

- The case was heard on July 22, 2003
- On February 18, 2004, Judge Barber entered an Order to Uphold the Dismissal

MOTION: *After some discussion, Commissioner Allen moved for approval to uphold the Initial Order as entered by Judge Philip Barber. Seconded by Commissioner Rodriguez and the Commission approved without objection.*

(4: Service Awards – January, February, March, April 2004

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

ACTION: *None required.*

(5: Performance Management Evaluation System (Information report Only) – Deferred from April

Human Resource staff members Veronica Frazier, Sharon Felton and Mike Taylor, discussed elements of the new employee performance management system and noted departments that have implemented pilot programs in support of the Results Matter Initiative.

ACTION: *None required, For information only.*

(6: Report of Rollback Action Plan for Police Department

Mr. Randy Lovett, Acting Director of Human Resources, said the rollback plan provides for a structural reorganization of the Police Department from a five bureau organization to three (Field Operations, Criminal Investigations, and Administrative Services). The reorganization plan the Chief intends to implement, includes the use of three Deputy Chiefs, who will have direct reporting responsibility to the Chief of Police. This direct reporting will ensure and continue the timely, accurate, and seamless accountability of direction and leadership of the MNPD between the Chief of Police and the first immediate level of subordinates. The Deputy Chiefs of Police will provide direct leadership, supervision and accountability of the Police Captains and Civilian equivalents throughout the MNPD. Unity of command, clarity of communication, strict accountability of mission and goal achievement, and streamlining the reporting relationship of Captains and their Civilian equivalents to Deputy Chiefs of Police and ultimately the Chief of Police will serve this department and community well.

The plan specifically involves the following:

- The abolishment of the position of Assistant Chief of Police.
- The authorization to rollback all existing personnel holding the rank of Assistant Chief of Police.
- The removal of the Assistant Chief of Police position from the Pay Plan.
- The removal of the Police Major position from the Pay Plan.

All permanent staff with the rank of Assistant Chief of Police would be rolled back to their prior permanent positions of Police Captain, then reassigned accordingly.
He said the plan would be effective May 16, 2004.

ACTION: *None required, information only.*

(7: Communiqués about Hearings

There being none, and with nothing further presented, the regular meeting adjourned at 10:30 a.m.

ATTEST:

APPROVED:

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

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