

**MINUTES**  
**METROPOLITAN CIVIL SERVICE COMMISSION**

JUNE 8, 2004

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on June 8, 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, Greg Rodriguez and Ms. Ervina S. Jarrett.

**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 May 11, 2004. *With nothing further, Vice-Chairman Corbitt moved for approval. Commissioner Allen seconded the motion and the Commission approved without objection.*

**APPOINTMENTS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>EMERGENCY COMMUNICATION CENTER</u></b>			
Lamm, Erica J.	Emergency Telecommunicator 1	New Hire	5/17/2004
Miller, Lanie M.	Emergency Telecommunicator 1	New Hire	5/17/2004
Mullen, Kristin A.	Emergency Telecommunicator 1	New Hire	5/17/2004
Shelton, Jennifer	Emergency Telecommunicator 1	New Hire	5/17/2004
Summers, Alisha N.	Emergency Telecommunicator 1	New Hire	5/17/2004
Titus, Kathryn M.	Emergency Telecommunicator 1	New Hire	5/17/2004

**GENERAL SERVICES**

*Hampton, Erin L	Human Resources Analyst 3	Department Transfer/ Class Change	05/16/04
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\*Department Transfer From Bordeaux Hospital (HR Generalist, HS 17) To General Services (HR Analyst 3, SR 12)/Class Change

**INFORMATION TECHNOLOGY**

Brazelton, Samaki N.	Info Systems Tech 1	Promotion	05/01/04
Griffey Jr., John C.	Info Systems Manager	Promotion	05/01/04
Davis, Casandra A.	Info Systems Manager	Promotion	05/16/04

**POLICE**

Kelton, Louise	Police Captain	Promotion	05/16/04
Richter, Michelle L.	Police Captain	Promotion	05/16/04
Searcy II, James T.	Police Security Guard 1	Promotion	05/01/04
Taylor, Chris M.	Police Captain	Promotion	05/16/04
Craig, Jonathan S.	Police Security Guard 1	New Hire	05/01/04
Croney, Daniel G.	Police Security Guard 1	New Hire	05/01/04
Foster, Cornelius K.	Police Security Guard 1	New Hire	05/01/04
Garcia, Norberto	Police Security Guard 1	New Hire	05/01/04
Hines, Lavonne D.	Police Security Guard 1	New Hire	05/01/04

**APPOINTMENTS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>POLICE</u></b>			
Johnson, Kevin C.	Police Security Guard 1	New Hire	05/01/04
Jones, Nathan A.	Police Security Guard 1	New Hire	05/01/04
Massie, Jonathan D.	Police Security Guard 1	New Hire	05/01/04
McDaniels, Kennetha D.	Police Security Guard 1	New Hire	05/01/04
Schneider, Byron D.	Police Security Guard 1	New Hire	05/01/04
Williams, Damonius	Police Security Guard 1	New Hire	05/01/04
*Miller, Leonard M.	Police Captain	Rollback-Classification	05/16/04
*Bishop, Joseph D.	Police Captain	Rollback-Classification	05/16/04
*Anderson, Michael S.	Police Captain	Rollback-Classification	05/16/04

\*Rollback in classification from Assistant Police Chief to Police Captain.

**PUBLIC WORKS**

Doyle, Devin P.	Engineer 2	Promotion	05/01/04
Knauf, Walter C.	Engineer 2	Promotion	05/01/04

**SHERIFF**

King, Phillip A	Correctional Officer 2	Promotion	05/01/04
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**SOCIAL SERVICES**

Wingfield, Patricia R	Program Manager 2	Promotion	05/01/04
Gregory, Dinah L.	Administrative Services Manager	Promotion	05/01/04
Pope Bivens, Sandra	Social Worker 2	Promotion	05/01/04

**WATER SERVICES**

*Bass, Ray E.	Maintenance & Repair Worker 1	Demotion	05/19/04
^Byrd, Julia E	Office Support Rep 3	Vol Reduction/Salary Grade	04/16/04
**Gilbert, Peninsula	Office Support Rep 3	Department Transfer/ Vol Reduction/Salary Grade	05/01/04
^^Johnson, Deborah L.	Service Rep 1	Demotion	05/10/04
***Young, Mildred L.	Office Support Rep 3	Demotion	05/01/04
Breedlove, Randy E	Equipment Operator 3	Promotion	05/01/04
Lamborn, Gary J.	Masonry Worker	Promotion	05/16/04
Marlow, James S.	Engineering Tech 2	Promotion	05/16/04
Shelton, Steve D.	Equipment Operator 2	Promotion	05/16/04
Tamulis, James J	Technical Services Coordinator	Promotion	05/16/04

\* Demotion from Maintenance and Repair Worker 2 (TG4) to Maintenance and Repair Worker 1 (TG3).

^ Voluntary Reduction in Salary Grade from Application Tech 3 (SR 9) To Office Support Rep 3 (SR 6).

\*\*Department Transfer from General Services (Printing Equipment Op 2, TL 7) to Water (Office Support Rep 3, SR6)/Voluntary Reduction in Salary Grade.

^^Demotion from Office Support Spec 1 (SR7) to Service Rep 1 (SR6).

\*\*\*Demotion from Application Tech 3 (SR 9) to Office Support Rep 3 (SR6).

***MOTION: After some discussion, Vice-Chairman Corbitt 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>
Crawford, Malcolm R.	Building Inspector 1	Pensioned	Codes Administration	04/27/04
Capps, Gerald W	Electrical Inspector 2	Pensioned	Codes Administration	04/28/04
Wilson, Tijuana L	Emerg Telecommunicator 1	Resignation	Emergency Communications	04/30/04
Cole, Sharhona	Finance Officer 1	Resignation	Finance	04/22/04
Orman, J K	Emergency Medical Tech 2	Resignation	Fire	04/20/04
Hicks, Marc Angelo	Fire Fighter 2	Dismissal	Fire	04/23/04
Jackson, Geary W.	Fire District Chief	Pensioned	Fire	04/30/04
Blair Jr., Robert C.	Fire Marshal-Deputy	Pensioned	Fire	04/30/04
San Miguel, Armando	Fire District Chief	Pensioned	Fire	04/30/04
Russell, Terry C	Fire Captain	Pensioned	Fire	04/30/04
Crowe, Steven R	Fire Engineer	Pensioned	Fire	04/30/04
Bean, Charles M.	Paramedic 1	Dismissal	Fire	05/05/04
Waddell, Rodney K	Fire Inspector 2	Pensioned	Fire	05/07/04
Armes, Scott M.	Emergency Medical Tech 2	Pensioned	Fire	05/11/04
Bernard Jr., Nestler W	Fire Engineer	Pensioned	Fire	05/15/04
Lamb, Jerry R.	Fire Maintenance Worker 1	Pensioned	Fire	05/19/04
Nix, Jerry L	Fire Fighter 2	Pensioned	Fire	05/19/04
Hunley, Daniel G	Fire Engineer	Pensioned	Fire	05/19/04
Marshall, Mark K.	Program Manager 1	Resignation	Human Resources	05/07/04
Mendleson, Margaret A.	Paralegal	Resignation	Legal	04/30/04
Stevens, William J	Recreation Center Manager	Pensioned	Parks	04/23/04
Kinslow Jr., Bobby D	Maint & Repair Worker 1	Dismissal	Parks	04/29/04
Barfield, Amber E.	Museum Spec 2	Resignation	Parks	05/07/04
Bible, Shawn A.	Special Programs Coordinator	Resignation	Parks	05/11/04
Nelson II, Walter H.	Police Sergeant	Resignation	Police	04/16/04
Shepherd, Dennis R.	Police Officer 2	Pensioned	Police	04/19/04
Holmes, Reba M	Police Identification Spec 1	Pensioned	Police	04/30/04
Allen, James W.	Police Sergeant	Pensioned	Police	04/30/04
Moran, Eddie R.	Police Officer 3	Pensioned	Police	04/30/04
Stilz, William A.	Police Officer 2	Pensioned	Police	04/30/04
Cimino, Joseph R.	Finance Manager	Pensioned	Police	04/30/04
Johnson, John R.	Police Sergeant	Pensioned	Police	05/03/04
Faulkner, Deborah Y	Police Deputy Chief	Pensioned	Police	05/04/04
Frye, Gregory P	Police Officer 3	Pensioned	Police	05/05/04
Ferguson, Mitchell J.	Police Officer 2	Dismissal	Police	05/05/04
Massengale, Linda K.	Police Officer 2	Pensioned	Police	05/11/04
Lynch, Linda G	Police Exec Assistant	Pensioned	Police	05/12/04
Adams, Nell L	Police Exec Assistant	Pensioned	Police	05/15/04
Moss, Michael L.	Police Officer 3	Pensioned	Police	05/15/04
Edwards, Carolyn B	Exec Asst To Chief-Police/Fire	Pensioned	Police	05/15/04
Johnson, Nancy A.	Librarian 1	Resignation	Public Library	04/28/04
Alexander, Thomas R.	Maint & Repair Worker 3	Pensioned	Public Works	05/19/04
Perez, Angel	Correctional Officer Sergeant	Resignation	Sheriff	05/03/04
McGowan, Henry T.	Correctional Officer 2	Resignation	Sheriff	05/06/04
McKinley James, Janet	Group Care Worker	Resignation	Social Services	04/30/04
Bennett, Carol L	Office Support Rep 3	Pensioned	Social Services	04/30/04
Baldwin, Evelene S	Office Support Rep 3	Pensioned	Social Services	05/15/04
Lewis, Virginia D	Office Support Rep 3	Pensioned	Water And Sewer	04/16/04
Hall, Thomas L	Maint & Repair Leader 1	Pensioned	Water And Sewer	04/19/04
Bedard, Joseph C.	Water Maint Tech 1	Resignation	Water And Sewer	04/24/04
Denton, Teresa G.	Office Support Rep 2	Resignation	Water And Sewer	04/29/04
Mathes, Silas E.	Envir Compliance Officer 2	Resignation	Water And Sewer	04/30/04
Hughes, Deborah D.	Office Support Rep 2	Dismissal	Water And Sewer	05/07/04

**MOTION:** *After some discussion, Vice-Chairman Corbitt 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>
Maintenance & Repair Worker 2 - Grounds	Dept	Parks
Public Information Coordinator	Dept	Parks
Correctional Officer Lieutenant	Dept	Sheriff's
Engineer 1	Open	Water Services
Engineer 2 - Contracts	Open	Water Services
Equipment Operator 2	Dept	Water Services

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

**DEPARTMENTAL ITEMS**

**REQUEST:** Introduction of New Civil Service Commission Member – Ms. Ervina S. Jarrett (information only )

Chairman Farmer welcomed Ms. Jarrett who was appointed as the newest member of the Civil Service Commission.

**ACTION:** *None*

**CODES ADMINISTRATION**

**REQUEST:** Terry Cobb, Director, represented by Mr. Roy Jones, requested approval to Extend Out of Class pay beyond 100 days for:

- A. Byron Hall, Acting Building Inspection Chief
- B. James Murray, Acting Electrical Inspection Chief

Both Mr. Hall and Mr. Murray have been assigned out of class since January 2004. These positions will be staffed permanently when the current hiring freeze has been lifted.

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

**EMERGENCY COMMUNICATION CENTER**

**REQUEST:** RoxAnn Brown, Director, represented by Jeannie Mallory, requested approval for the following:

- A. Increment Advance for employees that have received EMD certification:

Teri Fardello	Emergency Telecommunicator 1	SR06/step 01	\$25,407 to step 03	\$27,101
Shelia Lee	Emergency Telecommunicator 1	SR06/step 01	\$25,407 to step 03	\$27,101

**EMERGENCY COMMUNICATION CENTER**

Michael Montmarquet	Emergency Telecommunicator 1	SR06/step 01	\$25,407 to step 03	\$27,101
Jacqueline Mooney	Emergency Telecommunicator 1	SR06/step 01	\$25,407 to step 03	\$27,101
Rachael Quirouette	Emergency Telecommunicator 1	SR06/step 01	\$25,407 to step 03	\$27,101
Crystal Severance	Emergency Telecommunicator 1	SR06/step 01	\$25,407 to step 03	\$27,101

The request is in accordance with the incentive plan that was brought before the Commission in January 2003. The request is to award the equivalent two step increment advance to those who successfully completed the training/testing requirements for EMD certification.

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

B. Request to revisit and approve Bonus Plan for ECC Staff Trainers – from April 13, 2004 CS meeting

Mr. Lovett said ECC currently pays their staff trainers a bonus of \$1.50 per hour for the actual hours in a training capacity. The proposed new plan will pay trainers a flat \$12 per day as long as they are classified and assigned as trainers. They spend considerable time preparing, writing and conducting extensive review of the trainee’s work and progress.

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

**FIRE**

REQUEST: Fire Chief Stephen Halford, represented by Larry Poole, requested approval for additional Administrative Leave with Pay beyond 10 days for Gary Hargis, Fire Captain.

Larry Poole said Mr. Hargis was placed on Administrative Leave with pay effective April 9 and returned to work on May 17<sup>th</sup>. He had been temporarily assigned to the Safety Division. Due to the charges involved in this investigation, the leave exceeded the total number of days (10 working days) allowed by the Civil Service rules.

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

**WATER SERVICES**

REQUEST: Scott Potter, Director, requests approval for the following:

A. Water Services Department Awards & Recognition Program

**ACTION:** *This matter was deferred until the July meeting.*

B. Request for Employee Bonus Awards – Water Services

Deric L Brown	Water Maintenance Tech 1	\$ 75.00
Larry F. Cline	Customer Service Field Rep 3	375.00
Michael W. Fontaine	Customer Service Field Rep 2	475.00
Harley Garton	Customer Service Field Rep 1	100.00
Felix Hills, II	Customer Service Field Rep 2	125.00
Robert L. Humphrey	Customer Service Field Rep 2	400.00
Gary N. Nicholson	Customer Service Field Rep 3	325.00

Robin Brown, Water Services, requested approval to award bonuses to employees of the Customer Service Center/Meter Reading Division effective June 16, 2004.

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

C. Approval of employee transitions from the Thermal Plant to Metro Water Services

- Bob Denham, Industrial Mechanic 1
- John Liverance, Engineering Tech 3
- Ronnie Cook, Industrial Electrician 2
- Ernest Smithson, Engineering Tech 2

Robin Brown, Water Services, requested approval to transition the former Thermal Plant employees from an emergency status into probationary civil service status effective June 1, 2004. The employees would work in the Operations and System Services Divisions of the department. The action is in accordance with an agreement to transition Thermal Plant employees into Metro Government.

**MOTION:** *After some discussion, Commissioner Rodriguez moved for approval of the request as listed above. 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: Certification of Employee Benefit Board Election Results –  
General Government Representative to the Employee Benefit Board

**Election Results:**

Bob Barrett	96	
Charles Boddie	101	
Russell Britten	112	
Paul Shrem	30	
Clyde Smith	426	Elected

Jim Lynch said the election was announced for the General Government Representative, and conducted during the month of May 2004. All employees, excluding Police, Fire and Metro School Teachers, who contributed to any of the Employee Benefit Board plans were duly notified and eligible to become candidates, and then vote in the election. Mr. Clyde Smith won the election and will begin serving a new three term on July 1, 2004.

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

- (2: Approval of Departmental Rules – Water Services

Robin Brown said the proposed departmental rules have been reviewed by Legal and HR, and that copies of the proposed rules were posted, then made available to the employees within the department for at least two weeks prior to the Commission's scheduled meeting.

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

(3: Appeal of Rollback from Assistant Chief to Police Captain – Leonard M. Miller, Police Department

Mr. Leonard M. Miller submitted an appeal to the Civil Service Commission on May 12, 2004, of a Rollback Action as submitted by Chief Ronal Serpas. Pursuant to Civil Service rule 3.11 H, Mr. Miller appealed the action as unlawful, improper and contrary to the Civil Service rules. He further maintains this action is an unlawful infringement of the protected property right in his Assistant Chief's position and is in violation of the Tennessee and United States Constitution.

IN correspondence of April 28, 2004, Randy Lovett, Acting Director of Human Resources concurred with Chief Serpas rationale of this action and approved the rollback in accordance with Civil Service policy 3.11 E-I, Rollback Provisions.

Civil Service rule 3.11 H provides that an employee may file an appeal of a layoff action with the Civil Service Commission within (15) calendar days from the date of the letter from the Appointing Authority. The Department of Human Resources received such an appeal on May 12, 2004.

Mr. David Raybin, Attorney for Mr. Miller and Mr. James Charles, Metro Legal, were both present and submitted oral argument before the Commission.

**ACTION:** *After a lengthy discussion between the Commission and the attorneys, Chairman Farmer requested that proposed Findings of Fact and Conclusions of Law be submitted within twenty days from June 8<sup>th</sup> by Mr. Raybin. He was also charged to get a copy of the brief that was submitted by Mr. Charles, and that Mr. Charles would have an opportunity to reply. The Findings of Facts and Conclusions are intended to define the scope of the hearing. This matter will be brought back before the Commission at the next regular meeting on July 13<sup>th</sup>.*

(4: Petition for Reconsideration of Final Order of George Conway, Police Department/Dismissal

Due to time constraints, Ms. Ana Escobar, Attorney for Mr. Conway, requested a deferral until the next regular meeting. Ms. Sheli Neal, Legal Counsel, said she did not see a problem with this request and asked the Commission to approve the deferral.

**ACTION:** *This matter was deferred by the Commission until July.*

#### LATE ITEM

(5: Request approval of revision to Civil Service policy 4.12 – Military Leave

The Department of Human Resources is proposing a revision to Policy 4.12 – Special Military Leave which would allow employees serving in the active military to file an application late in order to compete in the open competitive or promotional process. The request must be made within thirty calendar days upon return from active duty.

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

#### LATE ITEM

(6: Request approval of revision to Civil Service policy 2.6 – II – Background Check

A proposed revision to Policy 2.6 – II, Background Checks, in this proposed revision would provide that a viable candidate could be one whom the hiring authority would consider for re-employment or rehire. Further discussion of this matter was provided to the Commission by Ms. Veronica Frazier.

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

**LATE ITEM**

(7: Request approval of revision to Job Description

Recreation Center Manager

The Parks Department is proposing a change to the education and experience for Recreation Center manager. Currently the education and experience requires a “Bachelor’s Degree preferably in Physical Education, Recreation or a related field from an accredited college or university, with two (2) years increasingly responsible experience organizing and leading recreation activities, including one (1) year of supervisory experience.”

The proposed change would be: *“Any combination of education and experience that would prepare the incumbent to perform the duties of the position at the appropriate level. Employees would typically have a combination of education and experience equivalent to two (2) years of college and three (3) years experience in organizing and leading recreation activities. Employees must register for the Metro Human Resources Supervisory Training Program prior to completion of the probationary period or work test and must complete all course work with a 12-month period.”*

**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.*

(8: Communiqués about Hearings

None

**Note:** *Due to the extended time with an appeal, Administrative Law Judge Tom Stovall, State Attorney General’s Office, rescheduled the meeting with Commission Members for the August meeting.*

There being nothing further, the regular meeting adjourned at 11:25 a.m.

**ATTEST:**

**APPROVED:**

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

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