

MINUTES
METROPOLITAN CIVIL SERVICE COMMISSION

JULY 13, 2004

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on July 13, 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 **June 8, 2004**. **With one correction, Chairman Farmer noted there was a comment excluded from the last set of minutes regarding the Mickey Miller case, where the evidentiary hearing was to be closed.** *With nothing further, Vice-Chairman Corbitt moved for approval as amended. Commissioner Allen seconded the motion and the Commission approved without objection.*

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>EMERGENCY COMMUNICATIONS CENTER</u>			
Goode, John M.	Emerg Telecommunicator 1	New Hire	05/17/04
Hodge, Lovely M.	Emerg Telecommunicator 1	New Hire	05/17/04
Stricklin, James D.	Emerg Telecommunicator 1	New Hire	05/17/04

FINANCE

* Dooley, Elizabeth B Application Tech 2 Re-Classification 06/01/04

* Reclassification from Application Tech 1 (SR 7) to Application Tech 2 (SR 8) Due to a Position Audit.

FIRE

* Joines, Randall D. Emergency Medical Tech 1 Class Change/Lateral 06/16/04
^ Schoenberger, Robert G. Paramedic 1 Class Change/Lateral 05/26/04

* Class Change from Fire Maintenance Worker 1 (TG 12) to EMT 1 (PS 3)

^ Class Change from EMT 2 (PS 4) to Paramedic 1 (PS 4)

INFORMATION TECHNOLOGY

Kabazzi, Asa M.	Communications Spec	New Hire	06/23/04
Lewis, Gregory C	Systems Advisor 1	Promotion	05/16/04
Barrett, William T.	Systems Advisor 1	Promotion	06/23/04
Sabados II, Steven C.	Systems Advisor 2	New Hire	06/07/04

JUVENILE COURT

Howard Jr., Thomas	Warrant Officer	Transition to Civil Service	05/16/04
Patterson, James W.	Warrant Officer	Transition to Civil Service	05/16/04
Smith, Dustin	Warrant Officer	Transition to Civil Service	05/16/04

*Transition to Civil Service from Non-Civil Service

PARKS

Dupree, James K	Maintenance & Repair Worker 2	Promotion	06/01/04
Hall, Jerome	Maintenance & Repair Worker 2	Promotion	06/01/04
Kelley, Larry Wayne	Maintenance & Repair Worker 2	Promotion	06/01/04
Thompson Jr., Michael W	Maintenance & Repair Worker 2	Promotion	06/01/04
Tipton, Lena M.	Maintenance & Repair Worker 2	Promotion	06/01/04
Trotter, James T.	Maintenance & Repair Worker 2	Promotion	06/01/04
Wright, Tommy S.	Maintenance & Repair Worker 2	Promotion	06/01/04
Jones, Jacqueline H.	Public Info Coordinator	Promotion	06/16/04

POLICE

Dicke, Bennett A	Police Captain	Promotion	05/23/04
Trickey, Paul S	Police Captain	Promotion	05/23/04
* Butler Jr., Robert V.	Police Officer 2	Demotion	05/21/04

*Demotion from Police Sergeant (PS 6) to Police Officer 2 (PS 4)

SHERIFF

Holliman Jr., John A	Correctional Officer Sergeant	Promotion	06/16/04
----------------------	-------------------------------	-----------	----------

WATER SERVICES

* Ashby, Matthew L.	Engineer 1	Department Transfer	06/01/04
Sullivan, Elizabeth C.	Engineer 1	New Hire	06/01/04
Swift, Ricky	Engineer 1	New Hire	06/01/04
Regen, Phillip A.	Engineer 2	New Hire	06/01/04
Mishu, Steve P.	Engineer In Training	New Hire	06/16/04
** McClain, Steven P	Engineering Tech 2	Class Change/Lateral	05/16/04
Moore, Randal W.	Equip Operator 3	Promotion	06/01/04
^ Jadoobirsingh, Wayne	Industrial Mechanic 1	Transition To Civil Service	06/01/04
^ Jenkins, Brian W.	Industrial Mechanic 1	Transition To Civil Service	06/01/04

*Department Transfer from Public Works to Water Services, Same Classification

**Class Change from Maintenance and Repair Leader (TI 9) to Engineering Tech 2 (SR 8)

^Transition from Emergency Status to Civil Service Status (Thermal Plant)

MOTION: *After some discussion, Commissioner Rodriguez 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>
Wilkison, Deborah F	Program Manager 1	Resignation	Caring For Children	06/15/04
Sullivan, Ligia I.	Program Spec 3	Resignation	Caring For Children	06/11/04
Dornan, Charles R	Plumbing Inspection Chief	Pensioned	Codes Administration	06/08/04
Steinmetz, Roberta A	Program Coordinator	Pensioned	Comm Ed Alliance	05/31/04
Dempsey, Janet C	Emerg Telecommunicator 2	Pensioned	Emerg Comm Center	05/31/04
Prokop, Deborah J	Emerg Telecommunicator 2	Resignation	Emerg Comm Center	05/17/04
Young, Eveline I.	Emerg Telecommunicator 1	Resignation	Emerg Comm Center	05/28/04
Fernandes, Holly A.	Emerg Telecommunicator 1	Dismissal	Emerg Comm Center	05/24/04
Kornmann, Christopher R.	Emerg Telecommunicator 1	Resignation	Emerg Comm Center	05/17/04
Moss, Malachi V	Fire Engineer	Pensioned	Fire	06/18/04
Liddle, Jerry B	Fire Captain	Pensioned	Fire	06/18/04
Wilson, William C	Fire Engineer	Pensioned	Fire	06/18/04
Kovac, Francis G.	Paramedic 2	Pensioned	Fire	05/31/04
Petty, Paul F	Firefighter 3	Pensioned	Fire	06/10/04
Boyd, Rosemary	Custodian 2	Resignation	General Services	06/01/04
Teague, Charlie M	Automotive Mechanic Leader	Pensioned	General Services	06/11/04
Rees, Patricia A	Custodian 2	Pensioned	General Services	05/21/04
Vaughn, Mary A	Custodian 2	Pensioned	General Services	05/31/04
Reeder, Marty J	Video Production Spec	Resignation	Info Tech Systems	06/09/04
Cathey, John H.	Info Systems Analyst 1	Dismissal	Info Tech Systems	05/31/04
Cothorn Jr., Paul E	Warrant Officer	Resignation	Juvenile Court	06/01/04
Jones, Susan Tucker	Admin Services Manager	Resignation	Human Relations	06/04/04
Martin, Terrell D.	Recreation Leader	Resignation	Parks	06/18/04
Pye, Alleane M	Office Support Rep 3	Pensioned	Planning Commission	05/31/04
Loftin, Jimmy D.	Police Operations Asst 3	Pensioned	Police	06/01/04
Kuffrey, Charles G.	Police Officer 3	Pensioned	Police	06/01/04
Williams, Peggy J.	Office Support Spec 2	Pensioned	Police	05/31/04
Ogg, Joe W.	Police Captain	Pensioned	Police	06/18/04
Howard, Juanita E	Police Identification Spec 2	Pensioned	Police	06/03/04
Carter, Desmond T.	Police Lieutenant	Pensioned	Police	05/31/04
Gilbert, Judith B.	Police Youth Counselor Supv	Pensioned	Police	05/31/04
Edwards, Carolyn B	Exec Asst To Chief-Police/Fire	Pensioned	Police	06/03/04
Sloss Jr., Samuel H.	Police Major	Pensioned	Police	05/31/04
McGee, Hattie J.	Circulation Assistant 1	Deceased	Public Library	05/31/04
Goslee, Carolann	Librarian 2	Pensioned	Public Library	05/31/04
Wallace, Kerry Lynne	Library Manager 2	Resignation	Public Library	06/06/04
Walker, Eddie J.	Maint & Repair Worker 2	Pensioned	Public Works	06/18/04
Peach, Fred W.	Equipment Operator 3	Pensioned	Public Works	05/21/04
Thompson, Billy W.	Maint & Repair Worker 1	Resignation	Public Works	05/31/04
Thomas, Kristen P.	Engineer In Training	Resignation	Public Works	05/24/04
Parker, Sidney J.	Correctional Officer 1	Pensioned	Sheriff	06/07/04
Reynolds, Jack	Correctional Officer 2	Pensioned	Sheriff	05/28/04
Riley, Joshua C	Correctional Officer 1	Resignation	Sheriff	05/27/04
Watts, Ronnie L	Correctional Officer 2	Pensioned	Sheriff	06/15/04
McGowan, Henry T.	Correctional Officer 2	Resignation	Sheriff	06/03/04
Scales, Marsha J	Group Care Worker	Pensioned	Social Services	06/09/04
Moses, Terry L.	Custodian 1	Resignation	Social Services	06/09/04
Dooley, George M	Admin Services Officer 3	Pensioned	Water Services	05/31/04

MOTION: *After some discussion, Commissioner Rodriguez 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>
Museum Spec 2 - Assistant Curator	Open	Parks
Equipment Operator 2	Dept	Public Works
Maintenance & Repair Worker 2 - P.W.	Dept	Public Works
Applications Tech 3 - Cash	Dept	Water Services
Applications Tech 3 - Phone	Dept	Water Services
Eng In Training - Storm	Open	Water Services
Industrial Mechanic 1	Dept	Water Services

REGISTERS ABOLISHED

<u>Date Established</u>	<u>Classification</u>	<u>Number On Register</u>	<u>Register</u>
08/29/2002	Program Spec 3 - Case Mon	124	Open
09/06/2002	Program Spec 3 - Court L	183	Open
07/18/2003	Program Spec 3 - Cfc	77	Open
10/29/2003	Program Spec 3 - Crisis Intervention	61	Open
06/06/2002	Office Support Rep 3	23	Open
06/13/2002	Human Relations Comp Manager	35	Open
12/09/2002	Maintenance & Repair Dist Sup	05	Dept
03/12/2002	Program Manager 1- Family Supp	07	Dept

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

DEPARTMENTAL ITEMS

WATER SERVICES

REQUEST:

- a. Mr. Scott Potter, Director, represented by Ms. Robin Brown, requested approval of Employee Bonus Awards under the Water Services Department work incentive program.

Robin Brown said the bonuses are for six employees who are classified as Customer Service Field Representatives in the Meter Reading Division. Those employees are as follows:

Michael W. Fontaine, Customer Service Field Rep 2/SR6	\$100.00
Harley Garton, Customer Service Field Rep 1/SR5	50.00
Robert L. Humphrey, Customer Service Field Rep 2/SR6	50.00
Michael Matlock, Customer Service Field Rep 3/SR7	25.00
William D. Murphy, Customer Service Field Rep 1/SR5	50.00
Gary N. Nicholson, Customer Service Field Rep 3/SR7	75.00

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

b. Mr. Scott Potter, Director, requests approval to implement an Awards and Recognition Plan.

ACTION: *This matter was withdrawn until the August meeting.*

HUMAN RESOURCES

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

(1: Report of Plans Approved under Civil Service Policy 3.11 - Layoff /Rollback, and the Human Resources Placement Program.

Finance Department
Fire Department
General Services Department
Parks Department
Planning Department

Ron Deardorff said that Human Resources worked extensively with departments who had a small number of Civil Service employees affected under the layoff/rollback considerations.

Randy Lovett said the plans submitted are for Civil Service employees only, and do not include non civil service employees, employees who have accepted jobs in other departments, or those who have accepted voluntary reductions in grade. All of those Civil Service employees who have accepted other jobs in lieu of a layoff action, will be placed on recall lists for a period of three years as per CS policy 3.11 J- I.

ACTION: *None. This report was for information only.*

(2: Request to approve Waiver of Layoff Action – Richard Duncan, Finance Officer 3/Finance Dept.

Erin Hampton, Shared Business Office, said Mr. Duncan is employed in Purchasing of the Finance Department and holds a professional Engineer License with the State of Tennessee. No other employee within this division meets the requirements for this specific job. This Finance Officer 3 position, requires a licensed engineer, in order to professionally review construction and design projects.

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

(3: Appeal of Layoff Action – Jack Tarkington, Division Manager/General Services

Jim Lynch said that Mr. Tarkington withdrew his appeal.

ACTION: *None*

(4: Request to Extend Out of Class Pay beyond 100 days – Mr. Kelly Coltrin, Fleet Manager/General Services

Erin Hampton said the nationwide recruitment process is going quite well, and should be completed by August. Mr. Coltrin is working in this important position until such time the process is completed.

MOTION: *After some discussion, Vice-Chairman Corbitt moved for approval to extend the out of class pay until September 14th. Seconded by Commissioner Rodriguez and the Commission approved without objection.*

(5: Review of Initial Order - Duan Miller, Public Works/Dismissal

This case was heard on January 28, 2004 which involved Mr. Duan Miller, an employee of the Department of Public Works. Mr. Miller filed an appeal of the Appointing Authority's decision to terminate his employment on May 1, 2003. He was charged with violation of Civil Service rule 6.7 and 6.4 provisions #4, 18, which deals with absence without notification or approval for leave and excessive absenteeism and/or tardiness and/or abuse of sick leave. His case was assigned to Administrative Law Judge Lynn M. England. Mr. Miller represented himself and Mr. Douglas Sloan, Metro Council, represented the Department of Public Works.

On May 13, 2004, Judge England entered an Order to Uphold the Appointing Authority's decision to terminate Mr. Miller's employment with the Department. No further briefs were filed.

Mr. Doug Sloan, Metro Legal Department, was present for the review, and Mr. Miller, who was duly notified, did not attend the review, nor was he represented by counsel.

MOTION: *After some discussion, Vice-Chairman Corbitt moved for approval to Uphold the Initial Order as submitted by Administrative Law Judge Lynn England. Seconded by Commissioner Rodriguez and the Commission approved without objection.*

(6: Appeal of Rollback Action– Leonard M. Miller from Assistant Police Chief to Police Captain

Mr. David Raybin, Attorney for Mr. Miller and Mr. Jim Charles, Metro Attorney, were both present before the Commission for oral arguments.

This appeal was initially heard by the Commission on June 8, 2004. Attorney David Raybin represented Mr. Miller, and Metro Attorney Jim Charles represented the Police Department. Commission Chairman, Bill Farmer, requested that Attorney David Raybin submit Findings of Fact and Conclusions of Law within twenty days from June 8, 2004, and that Mr. Charles be afforded the opportunity to respond. It was requested by the Commission that the brief define the scope of the hearing, and that this matter be brought back at the July 13th meeting. Mr. Raybin submitted the Findings as requested and further submitted a Motion to reopen proof for the introduction of public record documents. Mr. Charles responded with a brief on behalf of the Police Department.

MOTION: *After much discussion, Commissioner Rodriguez moved for approval to adopt Metro Government's position, however, not the Findings of Fact in its entirety. Seconded by Vice-Chairman Corbitt and the Commission approved with one objection. (3 to 1) The Commission reviewed, voted and modified the Findings of Fact and Conclusions of Law.*

(7: Review of Initial Order - Jack White, Police Department – Appeal of Grievance Decision/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. Mr. White represented himself. Both parties were duly notified of the hearing which 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 line of duty while responding to a call for Police Service.

- Based on evidence as presented, 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.
- On March 26, 2004, Metro Legal filed a Motion for extension of time in which to file a brief regarding review of the Initial Order. This motion was approved.
- On May 3, 2004, Metro Attorney Shelli Neal filed a brief to support review of the Initial Order.
-

MOTION: *After some discussion, Commissioner Rodriguez moved for approval to Uphold the Initial Order as submitted by Commissioner and Hearing Officer Janet Rachel. Seconded by Commissioner Jarrett and the Commission approved with one objection. Vice-Chairman Corbitt abstained. In the absence of Commissioner Allen, Chairman Farmer voted to uphold.*

(8: Motion to Reconsider - Clifford Mann, Police Department/Suspension

ACTION: *This item was deferred until the August meeting. (Due to a previously scheduled appointment, Commissioner Allen was unable to stay for review of this case).*

(9: Request Approval to conduct a Public Hearing (for consideration of changes to Civil Service rules), immediately following the August Commission meeting.

Randy Lovett said the meeting will be scheduled to consider proposed changes to the Civil Service rules. These changes are being discussed with the labor / employee groups and when finalized, will be delivered to the Commissioners prior to the Public Hearing for their review and consideration.

ACTION: *This item was for information only.*

(10: Request for approval of Memorandums of Understanding for Labor groups

The HR department is requesting approval to extend the current Memorandum of Understanding for the Firefighters Union, Police Civilians Union and the Fraternal Order of Police for one year. The new term will expire June 30, 2005. All parties involved have been consulted in good faith and are in agreement with the extension.

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

LATE ITEM

(11: JOB DESCRIPTIONS REVISIONS

Administrative Services Officer 4
Customer Services Assistant Manager
Industrial Tech Master
Industrial Electronics Tech 2
Industrial Electrician 2
Industrial Mechanic 2

The Administrative Services Officer 4 position in Metro Water Services requires the employee to carry a firearm due to the 9/11 security issues. In compliancy with policy 6.7-1. The proposed revision states...."In Water Security position only, requires Handgun Permit and compliance with the conditions of the Metropolitan Governments policy 6.7-1 covering employees who carry firearms as a requirement of the job."

The Customer Service Assistant Manager. The proposed revision states..."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 Bachelor's Degree from an accredited college or university and four (4) years experience in accounting or business management, including two (2) years of supervisory experience".

The positions of Industrial Electronics Technician 2, Industrial Electrician 2 and Industrial Mechanic 2 are currently used by Water Services in their Operations Division. The proposal updates the targeting criteria for these positions.

The Industrial Technician Master proposed revision also updates the targeting criteria and cross training efforts of the department.

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

LATE ITEM

(12: Ms. Nancy Whittemore, Director of General Services, represented by Mr. Kelly Coltrin, requested approval of Departmental Rules

Kelly Coltrin noted the General Services Department is proposing implementation of a departmental rule revision that deals with Tool Reimbursement and Tool Security. The rules were reviewed and approved by both the Legal Department and Human Resources.

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

LATE ITEM

(13: Request approval to Extend Administrative Leave with Pay (beyond 10 working days) allowed by Civil Service rules for Richard Turner, Metro Water Services.

Mr. Scott Potter, Director, requested approval to extend Administrative Leave with pay for Mr. Turner. He was placed on this leave effective June 28, 2004 through July 9, 2004 pending an investigation. Due to the nature of the charges involved, the number of days will exceed the time allowed under Civil Service rules.

MOTION: *After some discussion, Commissioner Jarrett moved for approval to extend until the August 10th meeting. Seconded by Commissioner Rodriguez and the Commission approved without objection.*

LATE ITEM

(14: Request approval of an Employee Bonus Award for

Joseph Henson, Customer Service Field Rep, Water Services, for \$150.00

Robin Brown said Mr. Henson, Customer Service Field Rep was assigned to the Customer Service Center/Meter Reading Division. Mr. Henson has helped achieve the Results Matter goal in the meter reading Section.

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

(15: Communiqués about Hearings

There were none.

There being nothing further, the regular meeting adjourned at 11:05 a.m.

ATTEST:

APPROVED:

*Mr. Randy Lovett, Acting Director
Department of Human Resources*

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