

MINUTES

METROPOLITAN CIVIL SERVICE COMMISSION

AUGUST 9, 2005

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on August 9, 2005 in the Civil Service Conference Room, Suite 163, 222 Building, Third Avenue North, Nashville, Tennessee, at approximately 8:30.m.

Commission Members present: Chairman William H. Farmer, R. Steve Corbitt, C. Michael Allen, and Ervina S. Jarrett.

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

JULY 12, 2005 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 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>
<u>CODES ADMINISTRATION</u>			
Talley, William K.	Electrical Inspector 1	New Hire	7/05/2005
Vandegejuchte, Timothy B.	Electrical Inspector 1	New Hire	7/05/2005

EMERGENCY COMMUNICATIONS CENTER

Carter, Kristina M	Emergency Telecommunications Off 3	Re-Employment	7/11/2005
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FINANCE

*Griffith, Terry A	Administrative Services Manager	Dept Transfer/Lateral	7/01/2005
Carr, Joe A.	Finance Officer 2	Promotion	7/04/2005

*Department Transfer from General Services to Finance, same classification

GENERAL SERVICES

Atwood, Dianna L	Administrative Specialist	Promotion	7/04/2005
*Morgan, Kellie L	Finance Officer 3	Dept Transfer/Lateral	7/01/2005
^Brock, Antonia Louise	Office Support Spec 1	Dept Transfer/Lateral	7/01/2005
Hinton, Shawn D.	Technical Specialist 1	Promotion	7/04/2005
Layda, Gary	Technical Specialist 1	Promotion	7/04/2005
Watson Jr., Roy A	Technical Specialist 1	Promotion	7/04/2005
Hooper, Kevin J	Technical Specialist 2	Promotion	7/04/2005
Saad III, John P.	Technical Specialist 2	Promotion	7/04/2005

*Department Transfer from Caring For Children (Program Manager 2, SR 12) to General Services (Finance Officer 3, SR12)

^Department Transfer from Caring For Children to General Service, same classification

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>HUMAN RESOURCES</u>			
*Perry, Vickie R	Application Tech 1	Dept Transfer/ Class Change	7/01/2005

*Department Transfer from Caring For Children (HR Assistant 2, SR7) to Human Resources (Application Tech 1, SR7)

INFORMATION TECHNOLOGY

Que, Allan M.	Information Systems Advis	New Hire	7/01/2005
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JUVENILE COURT

Giles, Alonzo N.	Warrant Officer 1	Promotion	7/18/2005
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PARKS

White, Victoria A.	Custodian 1	New Hire	7/26/2005
Bufferd, Lauren A.	Museum Coordinator	New Hire	7/22/2005

POLICE

Howse Jr., Robert L.	Police Operations Assistant 1	Re-Hire	7/01/2005
Lawrence, Shenika N.	Police Operations Assistant 1	New Hire	7/01/2005
Whitley, Morgan	Police Operations Assistant 1	New Hire	7/01/2005

PUBLIC LIBRARY

Arant, Cecil G.	Circulation Assistant 1	New Hire	7/18/2005
Blackburn, Kristin J.	Circulation Assistant 1	New Hire	7/18/2005
*Foliyev, Alla	Circulation Assistant 1	Transition to Civil Service	7/04/2005
James, Aimee B.	Library Manager 3	New Hire	7/18/2005

*Transition to Civil Service from Part-Time status (Library Page)

PUBLIC WORKS

Woods, Dionne L.	Customer Service Field Rep 1	New Hire	7/04/2005
*Frazier, Veronica T	Customer Service Manager	Dept Transfer/ Vol Reduction In Grade	7/11/2005
^Smith, Jenna E	Customer Service Manager	Class Change	7/01/2005
Wonderly Jr., John H.	Engineer 1	New Hire	7/18/2005
Alvis, Charles J.	Engineering Tech 3	New Hire	7/04/2005
Slayden, Larry E.	Engineering Tech 3	New Hire	7/04/2005
Rotenberry, Matthew P.	Maintenance & Repair Worker 1	New Hire	7/18/2005
Thomas, Charles D.	Maintenance & Repair Worker 1	New Hire	7/18/2005
**Darvin, Tiffany L.	Office Support Rep 1	Demotion	7/01/2005

*Department Transfer from Human Resources (HR Assistant Director, SR15) to Public Works (Customer Services Manager, SR14)

^Class Change from Contract Admin (SR 14) to Customer Services Manager (SR14)

**Demotion from Office Support Rep 2 (SR 5) to Office Support Rep 1 (SR 4)

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>SHERIFF</u>			
*Butler, David W.	Correctional Officer 1	Demotion	7/01/2005
Parrish, Angela L.	Correctional Officer 1	Re-Employment	7/10/2005

*Demotion from Correctional Officer 2 to Correctional Officer 1

SOCIAL SERVICES

*McDonald, Betty J	Administrative Services Officer 1	Class Change/Lateral	7/01/2005
**Mehic, Samir	Finance Officer 1	Class Change/Lateral	7/01/2005
^Nance, Gloria J	Office Support Spec 1	Class Change/Lateral	7/01/2005
Jordan, Theresa L	Social Worker 2	Promotion	7/01/2005
Shelton, Linda F	Social Worker 2	Promotion	7/01/2005
^^Norman, Demitria Z	Social Worker 3	Class Change/Lateral	7/01/2005

*Class Change from Office Support Rep 3 (SR 6) to Administrative Services Officer 1 (SR 6)

**Class Change from Program Spec 2 (SR 8) to Finance Officer 1 (SR 8)

^Class Change from HR Assistant 2 (SR 7) to Office Support Spec 1 (SR 7)

^^Class Change from Program Supervisor (SR 10) to Social Worker 3 (SR 10)

WATER SERVICES

Martindale, Princess A	Application Tech 1	Promotion	7/02/2005
Rollins, Karen A	Application Tech 1	Promotion	7/02/2005
Seagroves, Fred T	Application Tech 1	Promotion	7/02/2005
Swift, Ricky	Engineer 2	Promotion	7/02/2005
Jackson, Calvin J	Meter Repairer 1	Promotion	6/25/2005
^Denton, Jennifer G	Office Support Rep 2	Dept Transfer/ Transition to Civil Service	7/01/2005
**Page, Felecia A	Office Support Rep 3	Dept Transfer/ Voluntary Reduction	7/01/2005
^Akers, Terri C.	Program Manager 1	Dept Transfer/ Class Change	7/01/2005
***Turner, Ross A	Service Rep 1	Dept Transfer/ Voluntary Reduction	7/01/2005

^Department Transfer from Juvenile Court Clerk to Water Services

**Department Transfer from Social Services (Social Worker Associate, SR 7) to Water (Office Support Rep 3, SR 6)

^Department Transfer from Caring For Children to Water, same classification

***Department Transfer from Social Services (Group Care Worker Senior, SR7) to Water (Service Rep 1, SR6)

MOTION: *After some discussion, Commissioner Jarrett 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>
Tracy, John C	Program Manager 1	Pensioned	Caring For Children	07/07/05
Upchurch, Deborah Y	Program Manager 1	Resignation	Caring For Children	07/07/05
Bryant, Samuel L	Program Spec 3	Pensioned	Caring For Children	07/18/05
Ramsey, Terry P.	Program Spec 3	Resignation	Caring For Children	07/07/05
Ray Hockaday, Alexandra E	Program Spec 3	Pensioned	Caring For Children	07/07/05
Jiles, Shekia M.	Emer Telecommunications Off 1	Resignation	Emergency Comm	07/18/05
Lillard, Jamika M.	Emer Telecommunications Off 1	Resignation	Emergency Comm	07/07/05
Mathis, Marilyn I.	Emer Telecommunications Off 1	Resignation	Emergency Comm	07/18/05
Snyder, Susan K.	Emer Telecommunications Off 1	Resignation	Emergency Comm	07/07/05
Steele, Desmond L.	Emer Telecommunications Off 1	Resignation	Emergency Comm	07/07/05
Twist, Ronald L.	Emer Telecommunications Off 1	Resignation	Emergency Comm	07/07/05
Joynt, Brian P	Emer Telecommunications Off 3	Dismissal	Emergency Comm	07/07/05
Herrmann, Lester C	Bldg Maintenance Lead Mechanic	Pensioned	General Services	07/07/05
Bayer, Charles E	Concessions Clerk 1	Pensioned	Parks	07/18/05
Metcalf, Bruce F	Concessions Clerk 1	Pensioned	Parks	07/18/05
Tipton, Lena M.	Maintenance & Repair Worker 2	Resignation	Parks	07/18/05
Arnold, Kristina E.	Museum Spec 2	Resignation	Parks	07/07/05
Hoey, Geralyn K.	Naturalist 3	Resignation	Parks	07/07/05
Brannom, Ronald E.	Police Officer 2	Pensioned	Police	07/15/05
Conley III, Robert F.	Police Officer 2	Resignation	Police	07/07/05
Holland Jr., William H.	Circulation Assistant 2	Resignation	Public Library	07/15/05
Barber, Kyle E.	Library Associate 2	Resignation	Public Library	07/18/05
Smith, Lawanda P.	Library Page	Resignation	Public Library	07/07/05
Whelan Jr., Robert J	Engineer 1	Resignation	Public Works	07/07/05
Smith, Brian M.	Equipment Operator 3	Resignation	Public Works	07/07/05
Farmer, Timothy M.	Maintenance & Repair Worker 1	Pensioned	Public Works	07/18/05
Fry, Perry W.	Maintenance & Repair Worker 2	Dismissal	Public Works	07/18/05
Stauffenberg, Michael A.	Correctional Officer 1	Dismissal	Sheriff	07/07/05
Valenzuela, Sergio O.	Correctional Officer 1	Dismissal	Sheriff	07/15/05
Polk, Karlene C.	Administrative Services Manager	Resignation	Social Services	07/07/05
Sylakowski, Pamela A.	Administrative Services Officer 4	Resignation	Social Services	07/07/05
Cantrell, Michael E.	Equipment Operator 2	Pensioned	Water Services	07/07/05
McGinness, Emily A.	Office Support Rep 2	Resignation	Water Services	07/18/05
Mitchell, Curtis D	Water Maintenance Tech 3	Deceased	Water Services	07/07/05

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

ELIGIBILITY REGISTER REPORT- ESTABLISHED

<u>Classification</u>	<u>Type</u>	<u>Requesting Department</u>
IS Division Manager - Business Solutions	Dept	Finance
IS Spec - Business Solutions	Dept	Finance
Communications Spec - Radio	Dept	General Services
Museum Coordinator	Open	Parks
Office Support Spec 2 - Police	Dept	Police
Sanitation Leader - Waste	Dept	Public Works
Engineer 2 - Remedial Maintenance	Dept	Water Services

REGISTERS ABOLISHED

<u>Date Established</u>	<u>Classification</u>	<u>Number On Register</u>	<u>Register</u>
10/13/2003	Finance Officer 3 - Treasury	12	Open
02/11/2003	Garage Manager	40	Open
07/30/2004	Probation Officer 2	52	Open
12/22/2003	IS Analyst 2 - Library	30	Open
11/20/2003	Bldg Maintenance Mechanic - Municipal	11	Open

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

DEPARTMENTAL ITEMS**BEER BOARD**

REQUEST Ms. Jackie Eslick, requests approval of Leave from Civil Service effective July 1, 2005 thru June 30, 2006 to serve as Executive Director.

Ms. Eslick was appointed Executive Director upon recommendation of the Beer Board in 2004. She is requesting leave from Civil Service under rule 4.15 and will continue to serve in this position.

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

EMERGENCY COMMUNICATIONS CENTER

REQUEST: RoxAnn Brown, Director, requests approval to extend Administrative Leave with Pay for Ms. Delores Fujino.

Jeannie Mallory said a disciplinary investigation has been conducted and due to the nature of the alleged charges involved, two additional days were needed to complete the process.

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

JUVENILE COURT

REQUEST: Judge Betty Adams Green requests approval to Hire/ Transition Above Base, Mr. Issauro Benavides, Security Officer Coordinator at Step 5, SR09, effective August 15, 2005.

Phoebe Johnson said Mr. Benavides has served as a School Resource Officer and is bilingual. He has ten (10) years of experience in law enforcement, administration and investigations. He also has a background as a Police Officer. Mr. Benavides will serve as the Juvenile Court Director of Safety and Security and will supervise Juvenile Court Warrant Officers, Court Officers and Security Officers. Mr. Benavides's

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

WATER SERVICES

REQUEST: Mr. Scott Potter, Director, requests approval for Proposed Awards and Bonus Plan Program.

Robin Brown said the proposed Awards and Bonus program will involve employees of all divisions in the Water Services Department. This plan allows the department to periodically grant lump sum bonuses to employees in accordance with the Civil Service policy on employee awards and bonuses.

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

HUMAN RESOURCES

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

(1: Metro Council Substitute Resolution RS2005-866 – Employee Bonus Awards

Jim Lynch said the resolution requests the Civil Service Commission to cease approval of bonus awards for employees of Metro Departments that receive the majority of their funding from local tax dollars. The resolution was introduced by Council member Rip Ryman and was adopted by Metro Council on July 19, 2005.

ACTION: *The Commission acknowledged receipt and communication of the Council Resolution.*

(2: Review Appeal of Disqualification for Promotional Exam - Claude Grant, Water Services (Deferred from July 14, 2005)

Claude Grant, Water Services employee, was disqualified from the promotional exam for System Service Manager/ Storm water –NPDES. HR disqualified Mr. Grant for not meeting the required minimum experience.

Martin Holmes, Attorney, represented Mr. Grant. Jane Madden of Human Resources and Tom Palko, Water Services were present before the Commission to discuss the disqualification.

MOTION: *After much discussion, Commissioner Jarrett moved that Mr. Grant met the minimum qualifications for the promotional examination - System Service Manager/Storm water. Seconded by Commissioner Allen and the Commission approved with one objection from Commissioner Corbitt making the vote 2-1.*

(3: Review of Initial Order – Lester Lyle, Metro Action Commission /Dismissal

Lester Lyle, Custodian, was terminated from MAC effective September 22, 2004 for violation of provisions in MAC Personnel Policies-provisions #1, 2, and 3 which deals with absence without notification or approval of leave, and neglect or failure to perform official duties. Mr. Lyle appealed this decision to the Civil Service Commission and Administrative Law Judge James Hornsby was assigned to hear the case. Ms. Susan Jones, Metro Attorney, represented MAC, and Mr. Lyle was represented by Attorney Jerry Maynard.

On June 27, 2005, Administrative Law Judge Hornsby entered an Initial Order providing that the decision to terminate Mr. Lyle was not appropriate discipline for the violation. He ordered that Mr. Lyle should receive a sixty days suspension without pay. He further ordered that Mr. Lyle shall be made whole and restored to his employment with back pay and benefits. Back pay is to be reduced by any amounts earned by Mr. Lyle while he was away from his work with the Commission.

Margaret Darby, Metro Attorney, was present before the Commission and requested a continuation. Mr. Lyle's Attorney, Jerry Maynard was out of town and could not attend.

ACTION: *The matter was deferred until the next Civil Service meeting on September 13, 2005.*

(4: Review of Agreed Order – Scotty Blevins, Fire/Grievance

Scotty Blevins, Metro Fire Department, submitted a grievance regarding denial of an Injury on Duty claim. Denial of this grievance by the Appointing Authority resulted in an appeal to the Civil Service Commission. Attorney Mark Mayhew represented Mr. Blevins and Metro Attorney Andrew McClanahan represented the Fire Department.

On June 21, 2005, Mr. Blevins submitted correspondence that he wished to withdraw any and all claims for the IOD appeal. With all parties being in agreement, Commissioner R. Steve Corbitt entered an Agreed Order to dismiss the appeal.

Margaret Darby, Metro Attorney, represented the Fire Department. Dewey Branstetter, Attorney for Mr. Blevins, was not present for the review.

MOTION: *After some discussion, Commissioner Allen moved to Uphold the Agreed Order as submitted by Hearing Officer R. Steve Corbitt. Seconded by Commissioner Jarrett and the Commission approved without objection.*

(5: Review of Initial Order – James Ballentine, Water Services /30 Days Suspension & Full Demotion

James Ballentine was demoted from Water Maintenance Technician II to a Water Maintenance Technician I and suspended for thirty (30) days without pay from the Department of Water Services. He was charged with violation of provisions in Civil Service rule 6.7 – provision #16 which deals with inability to perform duties when reasonable accommodation has been considered and can not be made. Mr. Ballentine appealed this decision to the Civil Service Commission and Administrative Law Judge John Hicks was assigned to hear the case. Margaret Darby, Metro Attorney represented the Water Services Department and Mr. Ballentine was represented by Attorney Jeffrey Frensely.

On June 13 2005, Administrative Law Judge John Hicks entered an Initial Order providing that the decision to suspend and demote Mr. Ballentine shall be reversed and that Mr. Ballentine shall be reinstated to a Water Maintenance Technician II position, receive back pay and shall be paid for Attorney's fees.

On June 8, 2005 Metro Attorney Margaret Darby filed a Petition for Reconsideration of the Initial Order. Ms. Darby, Metro Attorney, represented Water Services and Mr. Jeff Frensley, Attorney for Mr. Ballentine, was present before the Commission.

ACTION: *This matter was deferred until October 11, 2005.*

- (6: Request Approval of Proposed Revision to Civil Service Policy 6.8 A-I B
Disciplinary / Grievance Appeal Proceedings – Selection of Admin. Judge or Hearing Officer
(This revision will allow ALJ's to hear suspensions, temporary demotions and grievances)

ACTION: *This matter was deferred indefinitely.*

**(7: Request from Emergency Communications Center employees (represented by SEIU) to determine if complaint is Grievable Civil Service Policy 5.6 B I (Upgrades for Targeted Classifications)
(Continued from June 14, 2005 meeting)**

At the May 10th Civil Service meeting, Chairman Farmer requested the Human Resources Department and SEIU/ECC staff to meet and discuss the grievance and determine if they might reach a mutual understanding of issues in question. The matter was then brought up at the June 14th meeting at the request of Don Driscoll and deferred again until August 9th. By request of SEIU and in accordance with provisions in the Metropolitan Charter, SEIU is now requesting the Commission to review the decision of the Human Resources Director and make a determination if the matter is grievable.

MOTION: *After much discussion, Commissioner Allen moved the matter grievable. Seconded by Commissioner Jarrett and the Commission approved with one objection from Commissioner Corbitt. The vote was 2-1.*

(8: JOB DESCRIPTION REVISIONS)

Virginia Sharp said the Human Resources Department is requesting changes to following job descriptions:

[Crime Scene Technician 1 and Crime Scene Technician 2](#)

The proposed revision to this classification includes changes to the working environment/physical demands section. This changed better reflect s the lifting and variable work environment the incumbents would be exposed to, as well as changes to other areas to accurately reflect the duties and responsibilities of the incumbents.

[Treatment Plant Shift Supervisor](#)

The request is to change the FLSA designation on this job description from non-exempt to exempt based on the Fair Labor Standards Act exemption criteria. The duties and responsibilities performed by this classification meet all of the criteria for the Executive Exemption.

[Planner 3](#)

The Historical Commission requested an advanced technical and supervisory classification for a high level Preservationist responsible for project management and exterior work in historical districts. Many of the responsibilities require knowledge and experience at a level similar to those of Planner 3. The revised job description incorporates Historical Commission responsibilities of staff oversight and advanced technical work with that of Planner 3.

[Park Police Lieutenant](#)

The Parks Department proposed a change in the minimum education and experience qualifications and the supervision exercised and received for this classification. It is hoped to increase the applicant pool with qualified individuals with other law enforcement experience and to provide a more competitive process.

Currently, the description states the candidate must have a High School diploma and five (5) years experience as a Park Police Officer. The proposed revision would be: High School diploma and five (5) years P.O. S. T. certified or equivalent experience. The supervision received would also change to accurately reflect the current organizational structure and require the classification to report to the Parks Director.

(9: Request Approval of Memorandums of Understanding:

- a. Between Fraternal Order of Police, Andrew Jackson Lodge #5, representing the sworn members of the Metropolitan Nashville-Davidson County Police Department and the Metropolitan Government of Nashville and Davidson County
- b. Between Fraternal Order of Police, Andrew Jackson Lodge #5, representing the sworn members of the Metropolitan Park Police, and the Metropolitan Government of Nashville and Davidson County
- c. between Tennessee Healthcare and Public Service Workers Union, SEIU Local 205 and Metropolitan Government of Nashville and Davidson County

Sharon Felton said after several months of meeting with Union Representative, the MOU's have been reviewed and signed by all parties. Union Representatives (Ed Mason - FOP, B.R. Hall – Fire and a representative from SEIU) was present.

MOTION: *After some discussion, Commissioner Corbitt moved for approval of the MOU's. Seconded by Commissioner Jarrett and the Commission approved without objection.*

(10: Election of Civil Service Commission - Vice Chairman

The election of a new Vice Chairman is generally made during the first regular meeting in December. However, due to the sudden passing of Greg Rodriguez, a new Vice-Chairman will need to be elected.

MOTION: *After some discussion, Commissioner Allen moved to nominate Steve Corbitt as Vice-Chairman. Seconded by Commissioner Jarrett and the Commission approved without objection.*

(11: Communiqués from the public on pending hearings

No report was made.

With nothing further, the regular meeting adjourned at 10:10 a.m.

ATTEST:

APPROVED:

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

William H. Farmer, Chairman
Civil Service Commission