

MINUTES

METROPOLITAN CIVIL SERVICE COMMISSION

FEBRUARY 13, 2007

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on February 13, 2007 in the Civil Service Conference Room, Suite 163, 222 Building, Third Avenue North, Nashville, Tennessee, at approximately 8:35 a.m.

Commission Members present: Chairman William H. Farmer, Vice-Chairman R. Steve Corbitt, C. Michael Allen, Ervina Jarrett and D. Billye Sanders.

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

January 9, 2007 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 no corrections to the regular minutes, Vice-Chairman Corbitt moved for approval. Commissioner Jarrett seconded the motion.

January 31, 2007 SPECIAL CALLED MINUTES:

With no corrections to the Special Called minutes, Commission Jarrett moved for approval. Vice-Chairman Corbitt seconded the motion.

February 5, 2007 SPECIAL CALLED MINUTES:

With no corrections to the Special Called minutes, Commission Allen moved for approval. Commissioner Jarrett seconded the motion.

NOTE: Chairman Farmer read a memorandum regarding an Announcement of Appeals Process pursuant to ordinance #BL2006-2050.

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
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EMERGENCY COMMUNICATION CENTER

Ford, D'ann R	Emer Telecommunications Off 1	Re-Employment	01/13/07
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FINANCE

McLaurine, George E	Administrative Services Manager	Re-Hire	01/08/07
*Holland, Lannie	Treasurer	Lateral Class Change	02/13/07
* Lateral class change from Finance Assistant Director to Metropolitan Treasurer (SR15)			

FIRE

Ingram, James R	Equipment & Supply Clerk 3	Re-Hire	01/16/07
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GENERAL SERVICES

Majors, Erick	Equipment Mechanic	Promotion	01/02/07
Allen, Satrice T	Finance Officer 2	New Hire	01/03/07
Richey, Amber V	Office Support Rep 3	New Hire	01/03/07

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>HUMAN RESOURCES</u>			
Bell, Stephen F	Application Tech 1	New Hire	1/22/07
*Bowron, Lester F	Human Resources Manager	New Hire	1/1/07

*Position approved as new hire above salary range Midpoint at the October 10, 2006 meeting

INFORMATION TECHNOLOGY SERVICES

Hardin, Darrell G	Information Systems Oper Analyst 3	New Hire	01/17/07
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PARKS

Van Tassel, Danny R	Maintenance & Repair Worker 3	Promotion	12/29/06
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POLICE

Folad, Tony T	Police Operations Assistant 1	Re-Hire	01/19/07
Manalac, Aida M	Police Operations Assistant 1	New Hire	01/01/07
Sullivan, Michael G.	Police Operations Assistant 1	New Hire	01/01/07

PUBLIC LIBRARY

English, Ben L	Library Associate 1	Promotion	01/01/07
Goetz, Judy H	Library Associate 1	New Hire	01/01/07
Hickson, Regina C	Library Associate 1	Promotion	12/18/06
Wallace, Jeremy D	Library Associate 1	Promotion	01/01/07
*Adams, Joyce M.	Office Support Rep 1	Transition - Civil Service	01/01/07

*Transition to Civil Service from Part Time status

PUBLIC WORKS

Ghee, Kimberly J	Application Tech 3	Promotion	01/15/07
*Johnson, David A	Engineering Tech 3	Dept Transfer/Lateral	01/01/07
Thompson, Michael W.	Engineering Tech 3	Promotion	01/01/07
Ellen, William C.	Equipment Operator 1	Promotion	01/15/07
Hatcher, Kortland N.	Equipment Operator 2	Promotion	01/29/07
Sawyers, John E.	Equipment Operator 3	Promotion	01/29/07
Hiltz, Paul D	Finance Manager	Promotion	01/01/07
Maclin, Byron O.	Maintenance & Repair Leader 2	Promotion	01/29/07
Hackney, Bennie R	Maintenance & Repair Worker 1	New Hire	01/02/07
Lamborn Jr., Dickie R.	Maintenance & Repair Worker 3	Promotion	01/15/07
Rabasca, George R.	Maintenance & Repair Worker 3	Promotion	01/15/07
Coleman, William J.	Sanitation Worker	Re-Hire	01/02/07
Tucker, Brandon B	Sanitation Worker	New Hire	01/02/07
Allen, Donald R.	Technical Specialist 2	Promotion	01/01/07
Jones, Jerry W.	Technical Specialist 2	Promotion	01/01/07
Jones, Phillip W.	Technical Specialist 2	Promotion	01/01/07
Beshearse, Ricky E.	Waste Management Supervisor	Promotion	01/01/07

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>PUBLIC WORKS</u>			
Brock, Roy M.	Waste Management Supervisor	Promotion	01/01/07
Jackson, Marcus D	Waste Management Supervisor	Promotion	01/01/07
Lloyd, Ricky E	Waste Management Supervisor	Promotion	01/01/07

*Department transfer from General Services (Compliance Inspector 3, SR10) to Public Works (Engineering Tech 3, SR10)

SHERIFF

Davis Jr., Ronnie A	Correctional Officer 2	Promotion	01/21/2007
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WATER SERVICES

Curley, Shanna N	Engineer 3	Promotion	01/13/07
Scott, Leanne	Engineer 3	Promotion	01/13/07
Gleaves, Joshua D	Engineer In Training	New Hire	01/27/07
Birdsong, Michael A.	Water Maintenance Leader 1	Promotion	12/30/06
Buckner, Leslie P.	Water Maintenance Leader 2	Promotion	12/30/06

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

TERMINATIONS/ PENSIONS

<u>Name</u>	<u>Classification</u>	<u>Type</u>	<u>Department</u>	<u>Date</u>
Sutton, Tommye S	Compliance Inspector 3	Resignation	Codes Administration	12/29/06
Duenez, Kimberly T	Emer Telecommunications Off 1	Resignation	ECC	12/22/06
Roberson, Amy C.	Emer Telecommunications Off 4	Dismissal	ECC	12/30/06
Casey, Lynn M.	Emer Telecommunications Supv	Deceased	ECC	01/02/07
McDougal, Dan A	Finance Officer 3	Pension	Finance	12/29/06
Yancey, Celia A.	Metropolitan Treasurer	Pension	Finance	12/29/06
Wakefield, Mike G	Emergency Medical Tech 2	Pension	Fire	12/31/06
Reed, Dennis T	Paramedic 2	Pension	Fire	12/31/06
Martin, Evans L.	Systems Advisor 1	Resignation	ITS	12/29/06
Howard Jr., Thomas	Warrant Officer	Pension	Juvenile Court	01/01/07
Ingram, Richard L	Maintenance & Repair Worker 2	Resignation	Parks	01/03/07
Waugh, Kimberlie A.	Museum Assistant Manager	Resignation	Parks	12/29/06
Shaw, Kathy W	Naturalist 2	Resignation	Parks	12/16/06
Fann, Dana J.	Office Support Rep 3	Resignation	Parks	01/17/07
Clanton, Russell G	Special Programs Coordinator	Resignation	Parks	12/28/06
Baker, Daniel P	Police Commander	Pension	Police	12/31/06
Buss, Christopher E	Police Officer 2	Resignation	Police	12/27/06
Butler Jr., Robert V.	Police Officer 2	Pension	Police	01/02/07
Covington, Jerry W.	Police Officer 2	Pension	Police	12/31/06
White, Andrew C.	Police Officer 2	Resignation	Police	12/31/06
Bruce III, David F.	Police Security Guard 1	Resignation	Police	01/05/07

TERMINATIONS/ PENSIONS

<u>Name</u>	<u>Classification</u>	<u>Type</u>	<u>Department</u>	<u>Date</u>
Hayes, Kenneth M.	Police Sergeant	Dismissal	Police	12/18/06
Kaplan, Carol F.	Library Associate 1	Pension	Public Library	12/31/06
Meadows, Wanda L.	Office Support Rep 1	Dismissal	Public Library	12/29/06
York, Charles E	Office Support Rep 1	Resignation	Public Library	01/23/07
Foote, Yvonne W.	Administrative Specialist	Pension	Public Works	12/29/06
Derrickson, Markel C	Customer Service Field Rep 1	Dismissal	Public Works	01/03/07
Prichard, Jackie E.	Customer Service Field Rep 2	Deceased	Public Works	12/25/06
Spitzenberg, William E.	Engineer In Training	Resignation E	Public Works	01/05/07
Blair, Timmy L	Equipment Operator 3	Dismissal	Public Works	12/27/06
Morris, Terry D	Equipment Operator 3	Resignation	Public Works	01/05/07
Harper, Elmer	Maintenance & Repair Leader 1	Pension	Public Works	12/29/06
Smith, Michael A.	Maintenance & Repair Leader 1	Resignation	Public Works	01/03/07
Sparkman, Paul B.	Maintenance & Repair Leader 2	Resignation	Public Works	12/18/06
Fussell, Terry D	Maintenance & Repair Worker 1	Resignation	Public Works	12/18/06
Basham, Jeremy W.	Correctional Officer 1	Dismissal	Sheriff	12/28/06
Combs, Joseph R.	Correctional Officer 1	Resignation	Sheriff	12/30/06
Hall, Daryl L.	Correctional Officer 1	Resignation	Sheriff	12/31/06
Kellogg, William K.	Correctional Officer 1	Resignation	Sheriff	12/19/06
Lindsey, Corey T.	Correctional Officer 1	Resignation	Sheriff	01/25/07
Ryle, Joshua B.	Correctional Officer 1	Resignation	Sheriff	12/20/06
Martin, William R.	Correctional Officer Lieutenant	Resignation	Sheriff	12/02/06
Jordan, Michael A.	Equipment Operator 2	Resignation	Water Services	12/16/06
Bobel, Nicholas W	Maintenance & Repair Worker 1	Resignation	Water Services	01/08/07
Golden, Charles E	System Services Assistant Mgr	Pension	Water Services	01/05/07

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

ELIGIBILITY REGISTER REPORT- ESTABLISHED

<u>Classification</u>	<u>Type</u>	<u>Requesting Department</u>
Equipment & Supply Clerk 3- Fire	Open	Fire
Radio Technician 3- Field	Open	General Services
Application Tech 2- Call Center	Dept	General Services
IS Operations Analyst 3- Server	Open	ITS
Engineer 3 - Planning	Dept	Water Services
Engineer 3 -Asset Management	Dept	Water Services
Application Tech 3	Dept	Public Works
Customer Service Field Rep 1	Open	Public Works
Correctional Officer Sgt	Dept	Sheriff
Equipment Operator 1- Roads	Dept	Public Works
Equipment Operator 3	Dept	Public Works
Maintenance & Repair Worker 3-Signs	Dept	Public Works
Waste Management Supervisor	Dept	Public Works

REGISTERS ABOLISHED

<u>Date Established</u>	<u>Classification</u>	<u>Number On Register</u>	<u>Register</u>
07/31/06	Emergency Telecom Assistant Director	05	Open
07/03/06	IS Application Technician 2- Internet	25	Open
05/03/05	Application Tech 1- Billing	03	Dept
03/10/05	Police Operations Coordinator 1-Chief's Office	03	Open

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

DEPARTMENTAL ITEMS**FINANCE**

REQUEST: Mr. David Manning, Director, represented by Erin Hampton, requested approval of an Open Range salary increase for Mr. Lannie Holland, Finance Assistant Director, in conjunction with a lateral class change to Metropolitan Treasurer. Proposed Open range salary increase from \$100,325 to \$105,383.80, effective February 13, 2007

Erin Hampton said due to Celia Yancey's retirement, Lannie Holland has been appointed as Metropolitan Treasurer. Mr. Holland previously functioned as the Deputy Treasurer and has now acquired a wide array of additional responsibilities.

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

HISTORIC COMMISSION

REQUEST: Ms. Ann Roberts, Director, requested approval to Hire Above Base, Ms. Deborah Denton, Office Support Specialist 2, at Step 3, effective February 18, 2007. SR0803

Ann Roberts said Ms. Denton has been working in another Metro Department for the last four years and has the knowledge, skills and ability to handle finances and interact with the public. She also has a wide range of experience in other administrative duties.

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

HUMAN RESOURCES

REQUEST: Ms. Dorothy S. Berry, Director, represented by Ginger Hall, requested approval for an open range salary adjustment for Ms. Sue Bowles, Human Resources Analyst I, from \$37,848.52 to \$39,675.00, effective February 19, 2007.

Ginger Hall said Ms. Bowles is responsible for calculating pensions for all retiring employees in Metropolitan Government. She has previous experience in auditing, consulting and financial management. Ms. Bowles has helped improve customer response to pensioners and is instrumental in improving documentation, and tracking, related to audit activities and pension calculation.

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

INFORMATION TECHNOLOGY SERVICES

REQUEST: Ms. Sandy Cole, Director, represented by Carlon Gray, requested approval of proposed ITS Departmental Rules – Security

Carlon Gray met with the Commission to review proposed Departmental Rules dealing with Security. He said ITS reviewed section 5.16 – Serious Misdemeanor, and has proposed modifications to the definition. The Commission reviewed the proposed changes and asked that the wording “**or more**” be deleted from the section.

MOTION: *After much discussion, Vice-Chairman Corbitt moved for approval to accept the rules as modified. Seconded by Commissioner Jarrett and the Commission approved without objection.*

PARKS

REQUEST: Mr. Roy Wilson, Director, represented by James Gray, requested a Leave from Civil Service for Mr. Curt Garrigan, Assistant Director, to serve in the Mayor’s Office as Deputy Mayor. Effective February 1, 2007 thru January 31, 2008.

James Gray said that Mr. Garrigan has been appointed to serve in the position of Deputy Mayor for the remaining term of Mayor Bill Purcell. Mr. Garrigan is requesting the leave from Civil Service from his position as Parks Department Assistant Director.

MOTION: *After some discussion, Commissioner Allen moved for approval of the request as listed. Seconded by Commissioner Sanders 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: Review of Order to Dismiss Appeal – Derrick Gleaves, Sheriff’s Office, 5 Days Suspension and Demotion

Derrick Gleaves, Sergeant – Davidson County Sheriff’s Office, was suspended for five days and demoted to Correctional Officer I, for alleged violation of provisions in Civil Service Rule 6.7, dealing with standards of conduct and unnecessary use of force. Mr. Gleaves appealed this decision to the Civil Service Commission and was initially represented by Attorney Lynn Agee, while Metro Attorney Elizabeth Sanders represented the Sheriff’s Office.

On November 1, 2006, Attorney Lynn Agee advised the Human Resources Department that Mr. Gleaves wished to drop his appeal. On January 18, 2007, Administrative Law Judge J. Randall LaFevor entered an Order of Dismissal in response to the grievants decision to abandon his appeal.

Metro Attorney Elizabeth Sanders was present, however, Mr. Gleaves having been notified, was not in attendance.

MOTION: *After some discussion, Commissioner Sanders moved for approval to Uphold the Order to Dismiss the Appeal as submitted by Judge J. Randall LaFevor Seconded by Commissioner Allen and the Commission approved without objection.*

(2: **Review of Initial Order - Gerri Tinnin, Fire/Dismissal**

Firefighter Geridine Tinnin was dismissed from the Metropolitan Fire Department for alleged violation of Civil Service Rule 6.7, provisions #1, #4 and #18 which deals with neglect/failure to perform official duties, absence without notice, excessive absenteeism, tardiness and abuse of sick leave. Ms. Tinnin appealed her Dismissal to the Commission and the case was assigned to Administrative Law Judge Bettye Springfield. Ms. Tinnin represented herself and Andrew McClanahan, Metro Attorney represented the Fire Department.

The case was heard on November 8, 2006 before Judge Springfield. On January 16, 2007, Judge Springfield entered an Initial Order to uphold the dismissal from the Metropolitan Nashville Fire Department.

Metro Attorney Andrew McClanahan was present, however, Ms. Tinnin having been notified, was not in attendance.

MOTION: **After some discussion, Commissioner Sanders moved for approval to Uphold the Order to Dismiss Appeal as submitted by Judge J. Randall LaFevor Secoded by Commissioner Allen and the Commission approved without objection.**

(3: **Request by Chancery Court for the Commission to review the Application of Civil Service Policy 3.13B – Disability Re-Employment - Calculation of Pay Rate for Return to Work. (Whitehouse et al. vs. Metro Government)**

The policy in question basically supports a practice that the Department of Human Resources has used to calculate and establish a rate of pay for those employees returning to work from a disability pension status.

This matter was initially heard on January 9, 2007. After considerable discussion, the Commission requested that both Attorney David Cooper and Metro Attorney Kevin Klein, provide further information and submit briefs for the February Commission meeting. Both parties submitted information and briefs as requested by the Commission. Attorney Cooper and Metro Attorney Klein were both present and argued their position before Commission members. After considerable discussion, the Commission chose to address each plaintiff 's issue on an individual basis as follows:

1. Gary W. Whitehouse – Left Metro on a Disability Pension on May 13, 1993 making \$36, 540 plus 6%. Mr. Whitehouse returned to work on August 3, 2004 at a salary of \$59,437.

MOTION: **After some discussion, Commissioner Jarrett moved for approval of Gary W. Whitehouse's return to work salary on August 3, 2004 of \$59,437, as appropriate and consistent with the Charter, the Policies and practices of the Civil Service Commission and the Human Resources Department. Secoded by Commissioner Sanders and the Commission approved without objection.**

2. Timothy Durham - Left Metro on a Disability Pension on September 1, 1992 making \$36, 540 plus 6%. Mr. Durham returned to work on August 3, 2004 at a salary of \$59,437.

MOTION: **After some discussion, Commissioner Jarrett moved for approval of Timothy E. Durham's return to work salary on August 3, 2004 of \$59,437, as appropriate and consistent with the Charter, the Policies and practices of the Civil Service Commission and the Human Resources Department. Secoded by Commissioner Sanders and the Commission approved without objection.**

3. John E. Pennington – Left Metro on a Disability Pension on December 14, 1988 making \$27,300 plus 6%. Mr. Pennington returned to work on February 16, 2002 at a salary of \$43,143.

MOTION: After some discussion, Commissioner Sanders moved for approval of **John E. Pennington's return to work salary on February 16, 2002 of \$43,143, as appropriate and consistent with the Charter, the Policies and practices of the Civil Service Commission and the Human Resources Department.** Seconded by Vice-Chairman Corbitt and the Commission approved without objection.

4. William T. Pate – Left Metro on a Disability Pension on October 10, 1990 making \$28,128 plus 6%. Mr. Pate returned to work on August 3, 2004 at a salary of \$45,773.

MOTION: After some discussion, Vice-Chairman Corbitt moved for approval of **William T. Pate's return to work salary on August 3, 2004 of \$45,773, as appropriate and consistent with the Charter, the Policies and practices of the Civil Service Commission and the Human Resources Department.** Seconded by Commissioner Jarrett and the Commission approved without objection.

5. Foster D. Hite – Left Metro on a Disability Pension on July 6, 1995 making \$33,855. Mr. Hite returned to work on April 1, 2003 at a salary of \$44,439.

MOTION: After some discussion, Commissioner Jarrett moved for approval of **Foster D. Hite's return to work salary on April 1, 2003 of \$44,439, as appropriate and consistent with the Charter, the Policies and practices of the Civil Service Commission and the Human Resources Department.** Seconded by Vice-Chairman Corbitt and the Commission approved without objection.

6. Frederick S. Sulfridge – Left Metro on Disability Pension on December 1, 1994 at a salary of \$32,869. Mr. Sulfridge returned to work on April 1, 2003 at a salary of \$44,439.

MOTION: After some discussion, Commissioner Jarrett moved for approval of **Frederick S. Sulfridge's return to work salary on April 1, 2003 of \$44,439, as appropriate and consistent with the Charter, the Policies and practices of the Civil Service Commission and the Human Resources Department.** Seconded by Vice-Chairman Corbitt and the Commission approved without objection.

7. G. L. Nipper – Left Metro on a Disability Pension on March 3, 2001 making \$38,908. Mr. Nipper returned to work on August 3, 2004 at a salary of \$47,070 plus 6%.

MOTION: After some discussion, Vice-Chairman Corbitt moved for approval of **G. L. Nipper's return to work salary on August 3, 2004 of \$47,070 plus 6%, as appropriate and consistent with the Charter, the Policies and practices of the Civil Service Commission and the Human Resources Department.** Seconded by Commissioner Jarrett and the Commission approved without objection.

8. Henry B. Stewart – Left Metro on a Disability pension on September 1, 1992 at a salary of \$28,128. Mr. Stewart returned to work on August 3, 2004 at a salary of \$45,773.

MOTION: After some discussion, Vice-Chairman Corbitt moved for approval of **Henry B. Stewart's return to work salary on August 3, 2004 of \$45,773, as appropriate and consistent with the Charter, the Policies and practices of the Civil Service Commission and the Human Resources Department.** Seconded by Commissioner Jarrett and the Commission approved without objection.

9. Robert J. Deberry Jr. – Left Metro on a Disability Pension on September 1, 1992 and was making \$ 28,128 plus 6%. Mr. Deberry returned to work on August 3, 2004 at a salary of \$45,773 plus 3%.

MOTION: After some discussion, Vice-Chairman Corbitt moved for approval of **Robert J. Deberry, Jr's. return to work salary on August 3, 2004 \$45,773 plus 3%, as appropriate and consistent with the Charter, the Policies and practices of the Civil Service Commission and the Human Resources Department.** Seconded by Commissioner Jarrett and the Commission approved without objection.

Chairman Farmer asked Metro Attorney Kevin Klein to provide the Findings of Fact and Conclusions of Law and submit a copy to Attorney to Mr. Cooper.

(4: Communiqués from the public on pending hearings

With nothing further, the regular meeting adjourned at 9:30 a.m.

ATTEST:

APPROVED:

Ms. Dorothy S. Berry
Director of Human Resources
Secretary to the Civil Service Commission

William H. Farmer
Chairman
Civil Service Commission