

MINUTES

METROPOLITAN CIVIL SERVICE COMMISSION

OCTOBER 9, 2007

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on October 9, 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, Ervina Jarrett and C. Michael Allen

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

Members not present: Steve Corbitt and D. Billye Sanders were unable to attend the meeting.

September 11, 2007 REGULAR 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, Commissioner 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>
<u>EMERGENCY COMMUNICATION CENTER</u>			
Parks II, John W	Emer Telecommunications Officer 4	Re-Employment	09/10/07
Carter, Kristina M	Emer Telecommunications Supervisor	Promotion	08/20/07
Whisman, Christy L	Emer Telecommunications Supervisor	Promotion	08/20/07

FINANCE

Lansky, Jay D	Finance Officer 3	New Hire	09/03/07
Marable, Kimberly Elizabeth	Finance Officer 3	Promotion	09/10/07

FIRE

*Watson Jr., Roy A	Fire Inspector 1	Dept Transfer/ Voluntary Reduction In Grade	08/16/07
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*Department Transfer from General Services (Technical Specialist 1, SR11) to Fire (Fire Inspector 1, PS4)

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>GENERAL SERVICES</u>			
Lykins, Cynthia K	Administrative Services Officer 3	Promotion	08/27/07
Dickens, John C.	Application Tech 2	Promotion	09/10/07
Pullen, Sandra K	Application Tech 2	Promotion	09/10/07
Taylor II, Calvin M.	Application Tech 2	Promotion	09/10/07
*Binkley, Charles E	Building Maintenance Mechanic	Dept Transfer/Promotion	08/27/07
^Saad III, John Phil	Safety Inspector 2	Dept Transfer/Lateral	09/10/07

*Department Transfer from Health (Warehouse Worker, SR4) to General Services (Building Maintenance Mechanic, TG8)

^Department Transfer from Water (Engineering Tech 3, SR10) to General Services (Safety Inspector 2, SR10)

HUMAN RESOURCES

*Hall, Doris A	Office Support Specialist 2	Department Transfer/Lateral	09/17/07
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* Transition to Civil Service from the Mayor's Office (Non-Civil Service)

INFORMATION TECHNOLOGY SERVICES

Quarles, Terrance J.	Information Systems Oper Analyst 2	Promotion	08/27/07
Blouin, Eric P	Information Systems Oper Analyst 3	Re-Employment	08/31/07
Samour, Patricia S.	Information Systems Oper Sys Analyst 1	Promotion	08/20/07
McEuen, Anthony Scott	Information Systems Advisor 1	Promotion	09/24/07
Runion, Houston S	Information Systems Advisor 1	Promotion	09/11/07
Carter, Melanie L.	Information Sys Application Analyst 2	Promotion	06/07/07
Gann, Melissa E.	Information Sys Application Analyst 2	Promotion	06/04/07

PARKS

Sweatt, Michael D	Custodian 1	Re-Hire	09/01/07
*Brewer, Chris	Maintenance & Repair Worker 1	Transition - Civil Service	08/17/07
*Corron, Michele E	Maintenance & Repair Worker 1	Transition - Civil Service	08/17/07
Moore, Michael S.	Maintenance & Repair Worker 1	Demotion	08/30/07
Dejoie, Antoinette M	Maintenance & Repair Worker 2	Promotion	08/24/07
^Brunton, Sarah M.	Office Support Rep 3	Transition - Civil Service	09/01/07
Franks, Valencia R.	Program Coordinator	Promotion	08/17/07
Jones, Robert C	Program Coordinator	New Hire	08/27/07
Baranowski, Emily L	Recreation Leader	New Hire	09/01/07
Carter, Timothy E	Recreation Leader	New Hire	09/01/07
Guerin, Christopher C	Recreation Leader	New Hire	09/01/07

*Transition to Civil Service from Seasonal Status

^Transition to Civil Service from Part Time Status

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>POLICE</u>			
Hale, Randy	Information Systems App Analyst 2	Promotion	09/16/07
Hambrick, Brenda W	Information Systems App Analyst 2	Promotion	09/16/07
^Singleton Jr., John A	Information Systems Advisor 1	Dept Transfer/ Vol Reduction In Grade	09/01/07
Holloman, Quianda N.	Police Crisis Counselor 2	New Hire	09/01/07
*Baker, Joshua C	Police Officer 1	Class Change	09/14/07
*Baldino III, Daniel	Police Officer 1	Class Change	09/14/07
*Bauer, Brent J	Police Officer 1	Class Change	09/14/07
*Boone, David A	Police Officer 1	Class Change	09/14/07
*Brewer, Timothy A	Police Officer 1	Class Change	09/14/07
*Chalou, Marcel A	Police Officer 1	Class Change	09/14/07
*Chandler, Anthony D.	Police Officer 1	Class Change	09/14/07
*Estes, Vincent S.	Police Officer 1	Class Change	09/14/07
*Evans, Matthew R	Police Officer 1	Class Change	09/14/07
*Gottschall Jr., Brian A	Police Officer 1	Class Change	09/14/07
*Hawthorn, Justin L	Police Officer 1	Class Change	09/14/07
*Herndon, Daniel G	Police Officer 1	Class Change	09/14/07
*Hill, Joshua L	Police Officer 1	Class Change	09/14/07
*Holman, Benjamin S	Police Officer 1	Class Change	09/14/07
*Hunnicuttt, Michael D	Police Officer 1	Class Change	09/14/07
*Ivey, Andrew T	Police Officer 1	Class Change	09/14/07
*Kautzman, William D	Police Officer 1	Class Change	09/14/07
*Knight, Stephen R	Police Officer 1	Class Change	09/14/07
*Kucenas, Adam J.	Police Officer 1	Class Change	09/14/07
*Matson, Ryan C.	Police Officer 1	Class Change	09/14/07
*Morales Jr., Edwing R	Police Officer 1	Class Change	09/14/07
*Neely Sr., John	Police Officer 1	Class Change	09/14/07
*Passaro, Michael A	Police Officer 1	Class Change	09/14/07
*Stricklin, Jeremy W	Police Officer 1	Class Change	09/14/07
*Weeks, Adam C	Police Officer 1	Class Change	09/14/07
*Whited, Blaine K	Police Officer 1	Class Change	09/14/07
*Williams, James T	Police Officer 1	Class Change	09/14/07
*Young, John David E	Police Officer 1	Class Change	09/14/07
Cater, Clarissa A.	Police Operations Analyst 1	Promotion	09/01/07
**Foster, Cornelius K.	Police Operations Assistant 2	Vol Reduction In Grade	09/01/07
Crowell, Philip E.	Police Security Guard 1	New Hire	09/16/07
Miller, Thomas W.	Police Security Guard 1	New Hire	09/16/07
Nielsen, Robert C.	Police Sergeant	Promotion	09/01/07
Schager, Daniel P.	Police Sergeant	Promotion	09/01/07

^Department Transfer from ITS (IS Division Manager, SR14) to Police (IS Advisor 1, SR13)

*Class Change from Police Officer Trainee to Police Officer 1

**Voluntary Reduction in Grade from Police Security Guard (SR6) to Police Operations Assistant 2 (SR5)

PUBLIC LIBRARY

Drye, Susan L.	Administrative Service Manager	Promotion	09/10/07
Vetetoe, Amanda J	Archives Assistant 1	Re-Hire	08/27/07
Jirik, Lawrence W.	Information Systems App Analyst 2	Promotion	09/10/07
Carpenter, Cheryl A.	Library Manager 1	Promotion	09/10/07
Ziglar, Margaret F.	Library Manager 2	Promotion	09/10/07

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>PUBLIC WORKS</u>			
Kenderdine, Lee R.	Engineer 3	Promotion	09/24/07
Healy, Edward M	Equipment Operator 1	Promotion	09/24/07
Spurlock, William K.	Equipment Operator 2	Promotion	09/10/07
Norwood, Rondal E	Signal Tech 1	New Hire	09/10/07
Frazier, Veronica T	Special Projects Manager	Promotion	08/27/07
Smith-Sexter, Jenna E	Special Projects Manager	Promotion	09/24/07
Snyder, James G.	Special Projects Manager	Promotion	08/27/07
Wood, Jack R.	Maintenance & Repair Worker 1	New Hire	09/24/07

SHERIFF

*Ganaway, Tametha R	Correctional Officer 1	Transition - Civil Service	09/04/07
Chesser, Tanya Y.	Correctional Officer 2	Promotion	08/26/07
Coleman, Tonia L.	Correctional Officer 2	Promotion	08/26/07

*Transition to Civil Service from full time Non-Civil Service

SOCIAL SERVICES

Hall, Gladys P	Homemaker	New Hire	08/27/07
Weaver, Laronda L	Homemaker	Re-Hire	08/27/07

WATER SERVICES

Jones, Gary A.	Building Maintenance Leader	Promotion	09/08/07
Thorne, Benjamin L	Building Maintenance Leader	Promotion	09/08/07
Peterson, Joseph David	Customer Service Field Rep 1	New Hire	08/25/07
Wilson, Willie James	Customer Service Field Rep 1	New Hire	08/25/07
Johns, Deirdre D.	Engineering Tech 3	Promotion	09/08/07
O'Hara, Katherine Dawn	Engineering Tech 3	New Hire	08/25/07
Erickson, Sonya R	Environmental Compliance Officer 1	New Hire	09/08/07
*Neumaier, Anthony J.	Finance Manager	Dept Transfer/Lateral	09/08/07
Patton, Jason D.	Maintenance & Repair Worker 1	New Hire	09/21/07
Pearson, Justin Clay	Maintenance & Repair Worker 1	New Hire	08/25/07
Caruthers, Michael T	Treatment Plant Shift Operator	Promotion	08/25/07

*Department Transfer from Internal Audit (Finance Manager, SR14) to Water Services (Finance Manager, SR14)

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>
Dillard, Benjamin G	Emer Telecommunications Officer 1	Resignation	ECC	08/15/07
Ford, D'ann R	Emer Telecommunications Officer 1	Resignation	ECC	08/15/07
McCurry, Candace Y	Emer Telecommunications Officer 1	Resignation	ECC	09/11/07

TERMINATIONS/ PENSIONS

<u>Name</u>	<u>Classification</u>	<u>Type</u>	<u>Department</u>	<u>Date</u>
Oerther, Amanda G	Emer Telecommunications Officer 1	Resignation	ECC	08/15/07
Culwell, Joshua W	Emer Telecommunications Trainer	Resignation	ECC	09/20/07
Brown, Roxann Lois	Emer Communications Director	Resignation	ECC	08/23/07
Russell, Eric J	Administrative Services Officer 1	Resignation	Finance	09/14/07
Davis, Jeremy Michael	Emergency Medical Tech 2	Dismissal	Fire	09/10/07
Scott, James A	Fire Captain	Pension	Fire	09/10/07
Wallace, Tim C	Firefighter 3	Resignation	Fire	08/16/07
Beaman, Steven G	Automotive Shop Supervisor	Resignation	General Services	08/23/07
Gilbert, Marsha V	Information Systems Advisor 1	Resignation	ITS	09/07/07
Gillock, Jamie L	Information Systems Advisor 1	Resignation	ITS	09/12/07
Mathe, Christopher A	Information Systems Advisor 1	Resignation	ITS	08/24/07
Baker Jr., Donald W.	Maintenance & Repair Worker 1	Resignation	Parks	08/09/07
Hynes III, Lee W	Maintenance & Repair Worker 1	Dismissal	Parks	08/15/07
Petty, Charles W	Maintenance & Repair Worker 1	Resignation	Parks	08/03/07
Lanier III George U	Maintenance & Repair Worker 2	Pension	Parks	08/23/07
Lacock, Elizabeth R.	Museum Assistant Manager	Pension	Parks	08/23/07
Baker, Candace D.	Police Officer 2	Resignation	Police	09/05/07
Baney, Joshua L	Police Officer 2	Resignation	Police	08/04/07
Espinosa, Sergio A.	Police Officer 2	Resignation	Police	08/07/07
Marsh, Danita	Police Officer 2	Pension	Police	07/01/07
Ridley Jr., James A.	Police Officer 2	Pension	Police	09/07/07
Chapman, Kevin P	Police Officer 3	Pension	Police	08/31/07
Jarrell, Thomas D.	Police Officer 3	Pension	Police	09/14/07
Rocchetti, Matthew S.	Police Operations Assistant 3	Resignation	Police	08/24/07
Willis, Charles D	Police Operations Assistant 3	Resignation	Police	08/03/07
Bolin, Barbara A	Police Operations Coordinator 1	Pension	Police	08/31/07
Pearson, Louis H.	Police Sergeant	Pension	Police	09/15/07
Toth, Lewis E.	Police Sergeant	Pension	Police	08/10/07
Kelley, James A	Circulation Assistant 1	Resignation	Public Library	08/16/07
Dill, Terry R.	Circulation Assistant 2	Resignation	Public Library	09/13/07
Hill, Lee A.	Library Associate 1	Resignation	Public Library	08/23/07
Blackburn, Kristin J.	Library Associate 2	Resignation	Public Library	09/13/07
McKay, Anthony T.	Equipment Operator 2	Resignation	Public Works	08/09/07
Polk Jr., Erskin T.	Maintenance & Repair Worker 1	Resignation	Public Works	09/13/07
Barrett, Billy J.	Correctional Officer 1	Resignation	Sheriff	08/29/07
Cantrell, Jeremy P.	Correctional Officer 1	Resignation	Sheriff	08/02/07
Carver, Stacie L.	Correctional Officer 1	Dismissal	Sheriff	08/30/07
Clark II, Phillip D.	Correctional Officer 1	Resignation	Sheriff	09/05/07
Eads, Gary P.	Correctional Officer 1	Resignation	Sheriff	08/07/07
Gleaves, Shontrae A	Correctional Officer 1	Resignation	Sheriff	09/07/07
Gordon, Anthony L.	Correctional Officer 1	Resignation	Sheriff	09/13/07
Nigh, Michael J.	Correctional Officer 1	Resignation	Sheriff	08/29/07
Silva, Claudia	Correctional Officer 1	Resignation	Sheriff	08/14/07
Stephens, Jason G.	Correctional Officer 1	Resignation	Sheriff	08/31/07
Thornton, Jonathan D.	Correctional Officer 1	Resignation	Sheriff	08/28/07
Ward II, Thomas J.	Correctional Officer 1	Resignation	Sheriff	08/20/07
Winters, John C.	Correctional Officer 1	Resignation	Sheriff	08/30/07
Roberts III, Albert B	Correctional Officer 2	Dismissal	Sheriff	08/24/07
Harris, Clifton E	Contract Administrator	Resignation	Social Services	09/07/07
Hitt, Joan A	Homemaker	Pension	Social Services	09/18/07
Burgess, Anthony T	Engineer 2	Dismissal	Water Services	09/19/07
Hair, Elizabeth S	Engineer 2	Resignation	Water Services	09/12/07
McCullough, Kevin L	Engineer In Training	Resignation	Water Services	09/06/07
Hyche, Michael J.	Industrial Electronics Tech 2	Pension	Water Services	08/13/07

TERMINATIONS/ PENSIONS

<u>Name</u>	<u>Classification</u>	<u>Type</u>	<u>Department</u>	<u>Date</u>
Wilson, Angelia G.	Office Support Specialist 1	Pension	Water Services	08/14/07
Golden, Charles E	System Services Assistant Manager	Pension	Water Services	08/30/07
Pitts, Joe M	Water Maintenance Leader 1	Pension	Water Services	08/31/07
Romines, Robert W	Water Maintenance Tech 3	Pension	Water Services	09/07/07

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>
Plans Examiner 2	Open	Codes
Application Tech 2-Metro Payment Services	Departmental	General Services
Equipment Mechanic - Grounds	Open	General Services
Equipment Mechanic Leader	Departmental	General Services
Application Technician 2	Departmental	Human Resources
Application Technician 3	Departmental	Human Resources
Human Resources Analyst 2	Departmental	Human Resources
Office Support Specialist 2	Open	Human Resources
Computer Operations Shift Supervisor	Departmental	ITS
IS Advisor 1-Security Assurance	Open	ITS
IS Division Manager-Security	Open	ITS
IS Operations Analyst 3-Strategy & Planning	Open	ITS
Admin Services Manager-Talking Library	Departmental	Library
IS Applications Analyst 2-Library	Departmental	Library
Library Manager 1	Open	Library
Library Manager 2-Talking Library	Departmental	Library
Office Support Rep 3-Library Tech Services	Open	Library
Facilities Manager - Sportsplex & Marina	Departmental	Parks and Recreation
Golf Course Manager	Departmental	Parks and Recreation
Maintenance & Repair Worker 3 - Landscaping	Departmental	Parks and Recreation
Nature Center Manager-Shelby-Bottoms	Open	Parks and Recreation
Administrative Assistant - Precinct Division	Departmental	Police
IS Applications Analyst 2-Security	Departmental	Police
IS Applications Analyst 2-Server	Departmental	Police
Police Operations Coordinator 2 - Field Ops	Departmental	Police
Professional Specialist-Police Crime Analyst	Open	Police
Engineer 3 - Sidewalk Program Manager	Departmental	Public Works
Signal Tech 1	Open	Public Works
Building Maintenance Leader - Wastewater	Departmental	Water Services
Engineer 2 - Stormwater Plans Rev	Open	Water Services

REGISTERS ABOLISHED

<u>Date Established</u>	<u>Classification</u>	<u>Number On Register</u>	<u>Register</u>
09/14/05	Finance Administrator-Budget	01	Department
01/26/06	Contract Administrator-Children/Youth Services	83	Open
05/17/06	Information Systems Advisor 2-Social Services	02	Open
06/26/06	Engineering Technician 3-Stormwater	01	Department

MOTION: *After some discussion, Commissioner Jarrett moved to approve the registers established and abolished. Seconded by Commissioner Allen and the Commission approved without objection.*

DEPARTMENTAL ITEMS

COMMUNITY EDUCATION ALLIANCE

REQUEST: Ms. Corrine Jackson, Program Manager I, requested approval for Leave from Civil Service beginning October 2, 2007 thru October 1, 2008.

Ms. Jackson was present before the Commission requesting leave from Civil Service to work in a non-Civil Service position with the Board of Education. She will be working as Coordinator for the Community Education Before/After School Program.

MOTION: *After some discussion, Commissioner Allen 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, represented by Ann Dooley, requested approval of pay equity adjustments for the following:

- a. Thomas Bush
- b. Calvin Jackson
- c. Robert Hooberry

Ms. Ann Dooley requested that these employees be granted an equity pay adjustment due to a lateral class change which moved them from one pay schedule into another, with their pay rates remaining basically the same. The Department considers this class change as a promotion with considerable additional duties and responsibilities. The proposed equity adjustment would place the employees into the grade / step as if they had they been promoted. The request does not involve any retroactive pay.

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

HUMAN RESOURCES

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

(1: Review of Agreed Order - Gloria Lindsay, ECC/ 1 Day Suspension

Ms. Gloria Lindsay was suspended one day from the Metro Emergency Communications Center for alleged violation of policy regarding the manner in which she handled an emergency call. Ms. Lindsay appealed her suspension to the Commission and the case was assigned to Administrative law Judge Meg Robertson. Ms. Lindsay was represented by Attorney Mark Brooks. Ms. Cynthia Gross, Metro Attorney, represented ECC. On September 11, 2007, Administrative Law Judge Robertson entered an Agreed Order with the following provisions:

- * Dismiss the one day suspension
- * Restore the one day of vacation lost as result of the suspension
- * ECC shall delete any reference to the one day suspension on her performance review
- * Attach the Agreed Order to all documents in her Personnel File and any other file maintained by ECC or Metro Nashville Government
- * Gloria Lindsay shall withdraw her appeal to the Commission

Ms. Cindy Gross, Metro Attorney and Mr. Mark Brooks, Attorney for Ms. Lindsay, were present before the Commission, stating that all parties are in agreement with stated provisions of the order.

MOTION: *After some discussion, Commissioner Allen moved for approval of the Agreed Order as submitted by Judge Meg Robertson. Seconded by Commissioner Jarrett and the Commission approved without objection.*

(2: Request for Reconsideration of Medical Disqualification Issues- Appeal by Ralph Harvey, applicant for Police Officer Trainee.

Mr. Ralph Harvey was granted a Medical Waiver by the Civil Service Commission at the August, 2007 meeting. Correspondence was sent to Chairman Farmer on September 10, 2007 by Mr. Harvey, who maintained that his tentative offer of employment was withdrawn by the Police Department. He alleged that the reasons appeared to be medical, regardless of the Medical Waiver that had been granted by the Commission. Mr. Harvey was represented by Attorney Mike Urquhart. Ms. Sue Bibb represented the Police Department.

Previous History:

Mr. Ralph Harvey, Police Applicant, came before the Commission requesting a medical waiver for the position of Police Officer Trainee. He was disqualified in the process by Medical Examiner Chris Fletcher. Mr. Harvey served in the Military since his medical corrective procedure and did not receive any restrictions or limitations in performance of his Military duty. A fit for duty medical evaluation was provided by Mr. Harvey's Physician for the Commission to review. It was recommended by the Metro Medical Examiner that Mr. Harvey be disqualified according Army Regulation 40-501. Correspondence was submitted stating that Dr. Fletcher would not request a wavier for Mr. Harvey.

ACTION: *After some discussion, the Commission agreed to rest on the previous action that granted the Medical Waiver to Mr. Harvey.*

(3: Review of Medical Disqualification - Appeal by Tedi Towery, Applicant for Emergency Telecommunicator.

Ms. Tedi Towery, applicant for Emergency Telecommunicator submitted a request for a review of her medical disqualification. Ms. Towery was disqualified by the Civil Service Medical Examiner on April 21, 2006. Since that date, there had been some difficulty in acquiring the requested medical records from Ms. Towery. However, on October 1, 2007, Dr. Fletcher's restated his opinion that Ms. Towery was unable to meet the physical requirements necessary to perform the job duties required and recommended disqualification.

Ms. Towery, applicant, and Dr. Chris Fletcher, Metro Examiner, were present before the Commission to discuss the case.

MOTION: *After some discussion, Commissioner Allen moved to deny the appeal submitted by Ms. Towery. Seconded by Commissioner Jarrett and the Commission approved without objection.*

(4: Review of Initial Order - Mark Hayes, Police/Dismissal

Officer Mark Hayes was suspended and dismissed from the Metropolitan Police Department for alleged violation of General Order 04-05, provisions dealing with use of departmental uniform, responsibility, intimidation, instructions from an authoritative source, use of official vehicles and honesty/truthfulness. Officer Hayes appealed his dismissal to the Commission and the case was assigned to Administrative Law Judge Joyce Carter-Ball. Officer Hayes was represented by Attorney Brock Parks. Kevin Klein/Andrew McClanahan, Metro Attorneys, represented the Police Department.

The case was heard on April 26, 2007 before Judge Carter-Ball. On August 24, 2007 Judge Carter-Ball entered an Initial Order to set aside the Dismissal. However, the Appellant's one day suspension for Violation of the Uniform Policy, two days suspension for violation of the Responsibility Policy, one day suspension for violation of the authoritative source policy and three (3) days suspension for violation of the assigned vehicle honesty/ truthfulness policy was upheld.

Ms. Ana Escobar, Attorney for Mr. Hayes and Mr. Kevin Klein were present before the Commission for discussion.

MOTION: *After some discussion, Commissioner Jarrett moved for approval of the Initial Order as submitted by Administrative Law Judge Joyce Carter-Ball. Seconded by Commissioner Allen and the Commission approved without objection.*

(5: Review of Initial Order - Milton Rucker, Parks/Dismissal

Milton Rucker, Recreation Leader, Parks Department, was dismissed from employment for alleged violation of the department's zero tolerance Substance Abuse Policy. Mr. Rucker appealed his dismissal to the Commission and the case was assigned to Administrative Law Judge Phillip Barber. Mr. Rucker was represented by Attorney Mark Brooks. Thomas Cross, Metro Attorney, represented the Parks Department.

The case was heard as a contested case before Judge Barber on April 12, 2007 and on June 25, 2007, he entered an Initial Order to reverse the termination, therefore ordering the grievant be suspended one week and then be reinstated, subject to an appropriate return to work agreement, with full restoration of all other lost wages, benefits and seniority. The Judge found that the Department had not requested approval of this policy by the Civil Service Commission and had not conferred with the relevant employee group (SEIU).

Mr. Thomas Cross, Metro Attorney and Mr. Mark Brooks, Attorney for Mr. Rucker, were present before the Commission to discuss the case.

ACTION: *The Commission deferred the case review until the November 13th meeting.*

(6: Report - Police Union Decertification Election Results

Mr. Jim Lynch said a decertification election was announced and conducted to determine if the Teamsters would continue recognition as the exclusive representative for sworn police officers below the rank of Captain, and sworn officers of the rank of Captain and above for all issues except for selection, promotion, and management issues. Mr. Lynch said the election was conducted by machine vote on September 7, 2007. Director Berry certified the election results in accordance with established guidelines and that the Teamsters had been decertified as the Exclusive Representative. There were no challenges to the election or election results.

ACTION: *Report only, no action necessary.*

(7: Certification of the Fraternal Order of Police as Exclusive Representative

Mr. Jim Lynch said the Fraternal Order of Police filed a petition on September 13, 2007 to become the Exclusive Representative for Sworn Police Officers below the rank of Captain, and sworn officers of the rank of Captain and above for all issues except for selection, promotion and management issues.

Any other organizations that wished to be placed on the ballot must have filed a petition within 15 days from the posting date of the election notice. The petition was required to contain the signatures of at least 30% of the qualified employees of the bargaining unit. In the event an organization qualified to be on the ballot and was unopposed by any other organization, the qualified organization would be declared the winner. In that event, voting would not take place.

Mr. Lynch said that the FOP was the only organization to qualify and be placed on the election ballot. On October 4, 2007, Mrs. Dorothy Shell-Berry, Director of Human Resources, certified the FOP as the winner and Exclusive Representative.

ACTION: *Report only, no action necessary.*

(8: Communiqués from the public on pending hearings

There were no communiqués from the public.

With nothing further, the regular meeting adjourned at 9:25a.m.

ATTEST:

APPROVED:

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

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