

MINUTES

METROPOLITAN CIVIL SERVICE COMMISSION

PUBLIC HEARING FOR CIVIL SERVICE RULE CHANGE

OCTOBER 9, 2007

The Metropolitan Civil Service Commission met for a Public Hearing meeting on **October 9, 2007** in the Civil Service Conference Room, Suite 163, 222 Building, Third Avenue North, Nashville, Tennessee, at approximately 9:25 a.m.

Commission Members present: Chairman William H. Farmer, Mr. Michael Allen, and Ms. Ervina Jarrett

Members Not Present: Vice-Chairman R. Steve Corbitt and D. Billy Sanders

Other Members present: Ms. Dorothy S. Berry, Director of Human Resources – Secretary to the Commission and Mr. Michael Safley, Metro Legal Department – Attorney to the Commission

Chairman Farmer opened the meeting and said the proposed Civil Service rule changes are now open for discussion in Public Hearing. Staff has proposed changes to Civil 6.5 – Types of Disciplinary Actions and 4.12 Military Leave. Staff has also provided both the current rule and proposed rule changes for review.

RULE CHANGE

SECTION 6.5 - TYPES OF DISCIPLINARY ACTIONS

Current

In the interest of good discipline, an Appointing Authority or his designee may for just cause and after proper notice and hearing take the following types of disciplinary action:

- A. Suspension - An Appointing Authority may suspend an employee without pay for cause, provided that the suspension does not exceed an accumulation of 30 working days during a twelve (12) month period. Upon mutual agreement by the Appointing Authority and the employee, suspensions may be deducted from accrued vacation. The Appointing Authority or his designee shall have the discretion to determine whether or not an employee in a leave without pay status loses their vacation and sick accrual, and must notify the employee in the determination letter. **Employees in exempt positions shall not be suspended for any period less than the employee's full workweek.**

Proposed

In the interest of good discipline, an Appointing Authority or his designee may for just cause and after proper notice and hearing take the following types of disciplinary action:

- A. Suspension - An Appointing Authority may suspend an employee without pay for cause, provided that the suspension does not exceed an accumulation of 30 working days during a twelve (12) month period. Upon mutual agreement by the Appointing Authority and the employee, suspensions may be deducted from accrued vacation. The Appointing Authority or his designee shall have the discretion to determine whether or not an employee in a leave without pay status loses their vacation and sick accrual, and must notify the employee in the determination letter. **To protect their exempt status, exempt employees should only be disciplined in full work week increments with the following exceptions:**
1. An exempt employee may be suspended one or more full days imposed in good faith for infractions of safety rules of major significance and disciplinary reasons for infractions of workplace conduct rules. This provision refers to serious misconduct, not performance or attendance issues.
 2. Such disciplinary deductions may only be made in full day increments.

Mr. Steve Cain presented an overview of the proposed language changes that are needed to remain in compliance with the Fair Labor Standards Act (FLSA).

RULE CHANGE

SECTION 4.12 - MILITARY LEAVE

Current

A. Annual Training

Civil Service employees who are members of any military reserve component will be granted military training leave, with pay, for such time as they are in the military service on field training or active duty for a period not to exceed **fifteen (15)** working days each calendar year. Such requested leave shall be supported with copies of the armed forces orders and follow-up documentation and shall be granted by the Appointing Authority.

B. Additional Training

Civil Service employees who are members of a military reserve unit who have completed their military training duty for the calendar year and are reactivated for additional training will be allowed an additional fifteen (15) working days military leave, with pay, if the additional military training:

1. Occurs during the same calendar year, and
2. Fulfills the employee's military training obligation for the subsequent calendar year.

Proposed

SECTION 4.12 - MILITARY LEAVE

A. Annual Training

Civil Service employees who are members of any military reserve component will be granted military training leave, with pay, for such time as they are in the military service on field training or active duty for a period not to exceed **twenty (20)** working days each calendar year. Such requested leave shall be supported with copies of the armed forces orders and follow-up documentation and shall be granted by the Appointing Authority.

B. Additional Training (Delete this section)

Mr. Steve Cain said an employee may presently use up to 15 days for military training, but with approval of the proposed changes, an employee would be able to use up to 20 days with pay for military training. Chairman Farmer asked if there was anyone from the public that wanted make comments. Mr. Doug Conquest, (Firefighters Rep.) addressed his concerns about the amount of days that an employee may be able to use.

With no additional questions raised by the Commission or comments from the public, the meeting adjourned at 9:40 a.m.

ATTEST:

APPROVED:

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

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