

# **MINUTES**

## **METROPOLITAN CIVIL SERVICE COMMISSION**

**DECEMBER 11, 2007**

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on December 11, 2007 in the Civil Service Conference Room, Suite 163, 222 Building, Third Avenue North, Nashville, Tennessee, at approximately 8:30 a.m.

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

**Other Members present:** Dorothy S. Berry, Director of Human Resources and Nicki Eke, Metro Legal Department - Attorney.

### **November 12, 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, Vice-Chairman Corbitt moved for approval. Commissioner Allen seconded the motion.*

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

### **APPOINTMENTS**

<b><u>NAME</u></b>	<b><u>CLASSIFICATION</u></b>	<b><u>TYPE</u></b>	<b><u>DATE</u></b>
<b><u>CODES ADMINISTRATION</u></b>			
Langley, Carla J.	Customer Service Supervisor	Promotion	11/19/07
Hicks, Joseph M.	Mechanical Gas Inspector 1	New Hire	11/12/07
Roberts, Shannon A.	Mechanical Gas Inspector 1	New Hire	11/12/07

### **EMERGENCY COMMUNICATION CENTER**

Stone, Tanya A.	Emer Telecommunications Supervisor	Promotion	10/30/07
Williams, Natalie E.	Emer Telecommunications Supervisor	Promotion	10/30/07

### **FINANCE**

Hartlage, Kenneth J.	Finance Admin	Promotion	11/19/07
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### **GENERAL SERVICES**

Johnson, Sandra D.	Application Tech 2	Promotion	10/29/07
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**APPOINTMENTS**

<b><u>NAME</u></b>	<b><u>CLASSIFICATION</u></b>	<b><u>TYPE</u></b>	<b><u>DATE</u></b>
<b><u>INFORMATION TECHNOLOGY SERVICES</u></b>			
Riche, Terrence L.	Info Systems App Analyst 2	Promotion	11/12/07
*Collingwood II, Bradley Y.	Info Systems Division Manager	Re-Classification	11/12/07
Brazelton, Samaki N.	Information System Operator Tech 2	Promotion	10/26/07

\*Reclassification due to a Job Audit, from IS Manager (SR13) to IS Division Manager (SR14)

**INTERNAL AUDIT**

McGinley, Joseph	Finance Admin	New Hire	11/5/07
Terry, Jane K.	Finance Officer 3	Promotion	11/5/07

**JUVENILE COURT**

Kemper, Teresa R.	Office Support Specialist 2	Promotion	11/5/07
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**METROPOLITAN CLERK**

Kidwell, Rose J.	Office Support Rep 3	Promotion	11/4/07
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**PARKS**

Denton, Brandon J.	Maintenance & Repair Leader 1	Re-Hire	11/9/07
Abbott, Martin W.	Maintenance & Repair Worker 2	Promotion	10/26/07
Garvin, Jeffery A.	Maintenance & Repair Worker 2	Promotion	11/16/007
Lanius, Tyler A.	Maintenance & Repair Worker 2	Promotion	11/16/07
Merritt, Brennan J.	Maintenance & Repair Worker 2	New Hire	11/1/07
Velez, Julio	Maintenance & Repair Worker 2	Promotion	11/16/07
Butler, David J.	Maintenance & Repair Worker 3	Promotion	11/2/07
Smith, Jamie S.	Office Support Rep 3	Promotion	11/16/07

**POLICE**

Mayes, Pamela P.	Information Systems Operations Anal 2	Promotion	11/1/07
*Snyder, Eric B.	Police Lieutenant	Vol Reduction In Grade	11/16/07
Fite, Jarrika D.	Police Operations Assistant 1	New Hire	11/1/07
Mays, Lisa D.	Police Operations Coordinator 1	Promotion	11/1/07
Meeks, Shawn D.	Technical Specialist 1	New Hire	11/1/07

\* Voluntary reduction in grade from Police Captain (PS8) to Police Lieutenant (PS7)

**APPOINTMENTS**

<b><u>NAME</u></b>	<b><u>CLASSIFICATION</u></b>	<b><u>TYPE</u></b>	<b><u>DATE</u></b>
<b><u>PUBLIC LIBRARY</u></b>			
Walden, Esther M.	Circulation Asst 1	New Hire	11/19/07
Frederick, Angela S.	Librarian 1	New Hire	10/22/07
Jones, Bryan N.	Librarian 1	New Hire	11/19/07
Piper, Mary J.	Librarian 1	New Hire	11/5/07
Bryant, Marva J.	Librarian 2	Promotion	2/12/07
Collins, Andrea E	Library Associate 1	New Hire	11/19/07
Hemphill, Lea D.	Library Associate 1	Re-Hire	11/5/07
*Riley, Christan L.	Library Associate 1	Transition - Civil Service	11/19/07
Tekulve, Nicole R.	Library Associate 1	Promotion	11/5/07

\*Transition to Civil Service from Part Time status

**PUBLIC WORKS**

Flemming, Michael A.	Maintenance & Repair Worker 1	New Hire	11/5/07
Sparkman, Paul B.	Maintenance & Repair Worker 2	Re-Employment	11/5/07

**SHERIFF**

Denton, Parrish C.	Correctional Officer Sergeant	Promotion	11/11/07
Dotson, Trina A.	Correctional Officer Sergeant	Promotion	11/11/07

**SOCIAL SERVICES**

Williams, Wendy K.	Homemaker	New Hire	11/19/07
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**WATER SERVICES**

*Lavender, Eric D.	Customer Service Field Rep 3	Return from Medical Pension	11/3/07
^Johnson Jr., Roger A.	Engineering Tech 2	Class Change/Lateral	11/17/07
Reece Jr., Milton M.	Treatment Plant Shift Operator	Promotion	11/3/07
Lovell, Shaun E.	Treatment Plant Tech 1	New Hire	11/3/07
**Alexander, Brian K.	Water Maintenance Leader 1	Class Change/Lateral	11/17/07
^^Harmon, Randy L.	Water Maintenance Tech 3	Vol Reduction In Grade	11/17/07

\*Return from Pension to same classification

^Class change from Water Maintenance Leader 2 (TL9) to Engineering Tech 2 (SR8)

\*\*Class change from Service Rep 2 (SR7) to Water Maintenance Leader 1 (TL7)

^^Class change from Treatment Plant Tech 1 (TG8) to Water Maintenance Tech 3 (TG6)

\*\*NOTE: Chairman Farmer recognized Mr. Michael Safley, Metro Attorney, for his loyal and faithful service to both the legal profession and to the Civil Service Commission. Mr. Safley expressed his gratitude to the Commission for the recognition, and for the many years of working with Commission members.

**TERMINATIONS/ PENSIONS**

<b><u>Name</u></b>	<b><u>Classification</u></b>	<b><u>Type</u></b>	<b><u>Department</u></b>	<b><u>Date</u></b>
Mallory, Jeanne C	Emer Telecomm Assistant Director	Resignation	ECC	11/08/07
Asher, Mary E.	Emer Telecomm Officer 3	Resignation	ECC	11/02/07
Swezea, Melanie F.	Emer Telecomm Officer 2	Dismissal	ECC	11/07/07
McGee, Kristy A	Emer Telecomm Officer 2	Resignation	ECC	11/09/07
Whipple, Justin K	Info Systems App Tech 2	Resignation	ECC	10/26/07
Tinnin, Samuel T	Fire Fighter 2	Dismissal	Fire	10/31/07
Bishop, Sarah B	Administrative Services Officer 1	Resignation	Law	11/02/07
Clark, Rhonda D	Recreation Center Manager	Dismissal	Parks	10/31/07
McKisic, Paul L.	Custodial Services Assistant Supv	Dismissal	Parks	11/14/07
Brewer, Chris	Maintenance & Repair Worker 1	Resignation	Parks	11/01/07
Starkovich, Kyle T	Maintenance & Repair Leader 1	Dismissal	Parks	11/02/07
McGowan, Terry A.	Police Officer 2	Pension	Police	10/28/07
Harris, Marissa A.	Library Associate 1	Resignation	Public Library	11/06/07
Hackett, Lance A.	Correctional Officer 1	Resignation	Sheriff	11/05/07
Patton-Bayne, Gail L.	Correctional Officer 1	Resignation	Sheriff	10/29/07
Tolliver, Erica L.	Correctional Officer 1	Resignation	Sheriff	11/15/07
Lawrence, Joshua T.	Correctional Officer 1	Dismissal	Sheriff	11/12/07
Williams, Patricia D	Homemaker	Resignation	Social Services	10/31/07
Hall, Gladys P	Homemaker	Resignation	Social Services	11/02/07
Ballentine, Andrew L	Utility System Helper	Pension	Water Services	11/01/07
Mauck, Thomas C.	Engineering Tech 3	Deceased	Water Services	11/10/07
Peterson, Joseph David	Customer Service Field Rep 1	Dismissal	Water Services	10/23/07

**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**

<b><u>Classification</u></b>	<b><u>Type</u></b>	<b><u>Requesting Department</u></b>
Customer Service Supervisor	Dept	Codes
Finance Administrator-OMB	Open	Finance
Administrative Services Officer 2-Juvenile Court	Dept	Juvenile Court
Maintenance & Repair Supervisor-Grounds	Dept	Parks and Recreation
Naturalist 2-Nature Centers	Open	Parks and Recreation
Naturalist 3-Nature Centers	Open	Parks and Recreation
Administrative Services Officer 1-Police Fiscal Affairs	Open	Police
Office Support Rep 3-Waste Management	Dept	Public Works
Contract Administrator - Children Services Coordinator	Dept	Social Services
Application Tech 3-Cash/Payment Process	Dept	Water Services
Engineer Tech 3-Storm Remedial Maintenance	Dept	Water Services
Environmental Lab Manager	Dept	Water Services
Equipment & Supply Clerk 2-Stores	Dept	Water Services
Equipment Mechanic-Fleet Maintenance	Dept	Water Services
Treatment Plant Shift Operator-Whites Creek	Dept	Water Services
Water Maintenance Leader 2-Sewer Maintenance	Dept	Water Services

**REGISTERS ABOLISHED**

<b><u>Date Established</u></b>	<b><u>Classification</u></b>	<b><u>Number On Register</u></b>	<b><u>Register</u></b>
02/24/2006	Finance Officer 3 - Budgets	14	Open
12/13/2006	Program Specialist 2 - Video	21	Open
11/29/2005	Program Manager 2	01	Dept

**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****FINANCE**

**REQUEST:** **Mr. Richard Riebeling, Director, requested approval of a 7% Open Range Salary Adjustment for Mr. Gene Nolan, Deputy Director, to \$128, 825.**

Mr. Riebeling, Finance Director, said that Mr. Nolen received a temporary 7% salary increase while serving as Interim Finance Director. Due to additional responsibilities, job restructuring, and salary parity with the other Deputy Director, he requested that Mr. Nolen retain the seven (7%) percent increase to his pay from \$120,398 to \$128,825.

**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.*

**SHERIFF**

**REQUEST:** **Sheriff Daron Hall requested approval of Departmental Rules – Personal Appearance.**

Sheriff Hall said the proposed departmental rules will provide a consistent guideline for DCSO employees, who need to present a professional uniform appearance. The Sheriff's office had posted the rules and conferred with the unions as required.

**MOTION:** *After much discussion, Vice-Chairman Corbitt moved for approval that the Sheriff will be the final arbiter in determination of compliance with personal appearance policy, with the last sentence in the first paragraph on page three of the rules is to be amended as such. Seconded by Commissioner Jarrett 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 Initial Order – Dawn Daman, Water Services /Grievance**

Dawn Daman, Environmental Compliance Officer I, Water Services, filed a grievance in response to a denial by the Appointing Authority of a claim for "out-of Class Pay" as an ECO II. Mr. Daman maintained that he met all requirements of an Environmental Compliance Officer II (targeted classification) and should be paid out of class as such. Administrative Law Judge Margaret Robertson was assigned to hear the case. Thomas Cross, Metropolitan Attorney, represented the Water Services Department, while Mr. Daman represented himself.

On October 2, 2007, Judge Robertson entered an Order to Uphold the department decision to deny an early promotion and/or out of class pay for Mr. Daman. A petition for reconsideration of the order was denied by Judge Robertson.

Mr. Cross, Metro Attorney and Mr. Daman, appellant, were present before the Commission for discussion.

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

**( 2: Review of Initial Order – Connie Bates, Fire/20 Days Suspension**

Ms. Connie Bates, Fire/EMT was suspended twenty (20) days from the Metro Fire Department for alleged violation of Civil Service rule 6.7 – provisions #28, 32 and 33 that deals with threats of violence, behavior and conduct unbecoming. Ms. Bates appealed her suspension to the Commission and the case was assigned to Administrative Law Judge Thomas Stovall. Ms. Bates was represented by Attorney Harry Miller. Cynthia Gross, Metro Attorney, represented the Fire Department.

On October 17, 2007, Judge Stovall entered an Order with the following provisions:

- \* Appellant's suspension shall be reduced from twenty (20) days to ten (10) days
- \* Appellant shall be awarded back pay equivalent to ten (10) days pay
- \* Restoration of any other leave or benefits to which she is entitled due to the reduction in the period of suspension.

Ms. Gross, Metro Attorney was present before the Commission. Ms. Bates was duly notified however, was not represented or present for the meeting.

**MOTION:** *After some discussion, Commissioner Jarrett moved for approval to UPHOLD the Initial Order as submitted by Judge Thomas Stovall. Seconded by Commissioner Allen and the Commission approved without objection.*

**( 3: Review of Initial Order – James Dunkling, Public Works/Dismissal**

Mr. Dunkling, Waste Management Division of Public Works, was dismissed for alleged violation of Civil service rule 6.7 – provision #26 that deals with falsifying an employment /promotional application or any official document of Metro Government. Mr. Dunkling appealed his dismissal to the Commission and the case was assigned to the Administrative Law Judge Rob Wilson. Mr. Dunkling was represented by Attorney Dan Alexander and Mr. Thomas Cross, Metro Attorney, represented the Public Works Department.

The case was heard on July 30, 2007 before Judge Wilson and on November 13, 2007, he entered an Initial Order which upheld the dismissal.

Mr. Thomas Cross, Metro Attorney, was present before the Commission however Mr. Dunkling was not represented or present for the meeting.

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved for approval to UPHOLD the Initial Order as submitted by Judge Rob Wilson. Seconded by Commissioner Jarrett and the Commission approved without objection.*

**( 4: Review of Initial Order – William Medina, ITS/3 Days Suspension**

William Medina, Operations Analyst II/ITS, was suspended three (3) days for alleged violation of Civil Service rule 6.7, dealing with deficient or inefficient performance of duties. Mr. Medina appealed his suspension to the Commission and the case was assigned to Administrative Law Judge James Hornsby. Mr. Medina represented himself while Metro Attorney Theodore Morrissey represented ITS.

On October 23, 2007, Judge James Hornsby entered an Order to uphold the three days suspension.

Appellant William Medina was present before the Commission. Metro Attorney, Tom Cross represented ITS before the commission.

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved for approval to UPHOLD the Initial Order as submitted by Judge James Hornsby. Seconded by Commissioner Jarrett and the Commission approved without objection.*

**( 5: Report of Employee Benefit Board Election Results – Police Representative**

Jim Lynch said that an election was announced/scheduled to be conducted in the month of January 2008 for the Police Department Representative to the Employee Benefit Board. All Police Department employees who contributed to any of the Benefit Board plans were duly notified and eligible to be candidates and vote in the election.

Deadline for qualifying was November 30, 2007. Police Officer James Johnson was the only candidate that submitted a qualifying petition to the Election Coordinator. Human Resources Director, Dorothy Shell Berry reviewed and inspected the election process and certified Officer Johnson as the winner in accordance with established election guidelines.

**ACTION:** *Report only.*

**( 6: Election of Chairman and Vice-Chairman to the Civil Service Commission**

The Commission shall have a Chairman and a Vice-Chairman. These officers shall be elected by the Commission at the first (1st) regular meeting in December. The terms of the officers shall be from January through December of each year. Should an officer no longer be able to serve, the Commission shall select from among its membership a replacement to fill the vacant office. The new officer will serve out the remainder of the term.

**MOTION:** *After some discussion, Commissioner Jarrett moved for approval to re-elect William Farmer as Chairman and Steve Corbitt as Vice-Chairman. Seconded by Commissioner Allen and the Commission approved without objection.*

**( 7: Request for Commissioners to begin hearing employee appeals of suspensions, temporary demotions and grievance decisions due to budgetary constraints**

Ms. Dot Berry, Director of Human Resources, said that the Administrative Hearing program for Metro employees is conducted with the assistance of Judges assigned from the Tennessee State Attorney General's Office. During this past fiscal year, we have experienced a rather significant escalation of charges for judicial services rendered, and also changes in billing practices. The State previously billed Metro on a quarterly cycle. They now bill us monthly at a higher per hour rate. In addition to the monthly billing practice, the bills are in a more detailed / itemized list of services rendered format.

The Department of Human Resources requested \$35,000 to fund the Administrative Hearing program budget for 2007-2008. A total of \$25,000 was the actual approved appropriation. At this time, the departmental budget will not adequately cover the cost of funding this program. In light of this funding shortfall, the Department is requesting the Commission to exercise an optional provision in CS policy 6.8A1-B which addresses the assignment of Commission members as Hearing Officers.

**ACTION:** *After much discussion, Chairman Farmer made a request to defer this item to the January meeting.*

**( 8: Communiqués from the public on pending hearings**

There were no communiqués from the public.

With nothing further, the regular meeting adjourned at 10:15a.m.

**ATTEST:****APPROVED:**

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

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