

# **MINUTES**

## **METROPOLITAN CIVIL SERVICE COMMISSION**

**January 8, 2008**

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on January 8, 2008 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.

### **December 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 Jarrett moved for approval. Vice-Chairman Corbitt 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>EMERGENCY COMMUNICATION CENTER</u></b>			
Hamlet, Kimberly A	Emer Telecommunications Manager	Promotion	12/08/07
<b><u>FINANCE</u></b>			
Fields, Ellen K	Finance Officer 3	Promotion	12/17/07
<b><u>FIRE</u></b>			
Baker, Shane	Fire Engineer	Promotion	12/16/07
Butler, Brian K	Fire Engineer	Promotion	12/16/07
*Clark, Jimmy W	Fire Engineer	Class Change/Lateral	12/16/07
Gaston, Benny L	Fire Engineer	Promotion	12/16/07
Jefcoat, Jason J	Fire Engineer	Promotion	12/16/07
Kirby, Darrell E	Fire Engineer	Promotion	12/16/07
Kirby, Jeffery R	Fire Engineer	Promotion	12/16/07
Martin, Yolanda Delores	Fire Engineer	Promotion	12/16/07
Reichard, Brian L	Fire Engineer	Promotion	12/16/07
Scott, David Ray	Fire Engineer	Promotion	12/16/07
White, Robert P	Fire Engineer	Promotion	12/16/07
Boatman, Beulah Mai	Office Support Rep 2	New Hire	12/16/07

\*Class Change from Fire Fighter 3 (PS 5) to Fire Engineer (PS 5)

**APPOINTMENTS**

<b><u>NAME</u></b>	<b><u>CLASSIFICATION</u></b>	<b><u>TYPE</u></b>	<b><u>DATE</u></b>
<b><u>GENERAL SERVICES</u></b>			
Armistead, Karyn S	Application Tech 2	Promotion	12/03/07
<b><u>HUMAN RESOURCES</u></b>			
Baker, Fortress Y	Human Resources Analyst 2	Promotion	12/17/07
<b><u>INFORMATION TECHNOLOGY SERVICES</u></b>			
Lyng, Tammy K	Info Systems Comm Analyst 2	Promotion	12/03/07
Kennedy, Brian J	Info Systems Comm Analyst 3	Promotion	11/30/07
Linn, Bonnie D	Info Systems Comm Analyst 3	Promotion	11/30/07
Jackson, Debra J	Information Sys Oper Analyst 1	Promotion	12/20/07
Duke, Robert M	Information Systems Oper Tech 2	New Hire	12/19/07
Pettie, George L	Information Systems Advisor 1	Promotion	11/29/07
<b><u>INTERNAL AUDIT</u></b>			
Perod, Anne L	Finance Officer 3	New Hire	12/10/07
<b><u>PARKS</u></b>			
Boner, Donald R	Maintenance & Repair Supervisor	Promotion	12/14/07
*Wiser, Christie C	Naturalist 2	Class Change/Lateral	11/30/07
Gallagher, Heather L	Naturalist 3	Promotion	11/30/07
Mahoney, Robin R	Naturalist 3	New Hire	12/21/07
*Class Change from Recreation Leader (SR7) to Naturalist 2 (SR7)			
<b><u>POLICE</u></b>			
Hickerson, Randall Fred	Police Captain	Promotion	12/01/07
*Bryner, Ben A	Police Officer 1	Class Change	12/04/07
*Coker, Justin D	Police Officer 1	Class Change	12/04/07
*Cothran, Walter A	Police Officer 1	Class Change	12/04/07
*Covert, Keith	Police Officer 1	Class Change	12/04/07
*Cregan, Justin S	Police Officer 1	Class Change	12/04/07
*Douglas, Michael J	Police Officer 1	Class Change	12/04/07
*Gray, Michael R	Police Officer 1	Class Change	12/04/07
*Gregg, Jimmy L.	Police Officer 1	Class Change	12/04/07
*Haggard, Cory D	Police Officer 1	Class Change	12/04/07
*Jones, Raymond	Police Officer 1	Class Change	12/04/07
*Kordie, Daniel D	Police Officer 1	Class Change	12/04/07
*Lawman, Donald E	Police Officer 1	Class Change	12/04/07
*Powers II, Kenneth M	Police Officer 1	Class Change	12/04/07
*Rumbley, Bradley M	Police Officer 1	Class Change	12/04/07
*Shepherd, Jonathan A	Police Officer 1	Class Change	12/04/07
*Turner, Christopher L	Police Officer 1	Class Change	12/04/07
*Warren, Michael A	Police Officer 1	Class Change	12/04/07

**APPOINTMENTS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>POLICE</u></b>			
Thornton, James R	Police Officer 2	Re-Employment	12/01/07
Jines, Julie A	Police Operations Assistant 1	New Hire	12/16/07
Long, Victoria V	Police Operations Assistant 1	New Hire	12/16/07
Phillips, Natoshia M	Police Operations Assistant 1	New Hire	12/16/07

\*Class Change from Police Officer Trainee to Police Officer 1

**PUBLIC LIBRARY**

Wessels, Richard A	Circulation Assistant 1	Re-Hire	12/03/07
Sanders III, James C	Library Associate 2	Promotion	12/17/07
Berg, Heidi M	Library Manager 1	New Hire	12/03/07

**PUBLIC WORKS**

*Reid, Donald L	Contract Administrator	Class Change/Lateral	12/03/07
^Wright, Jonathan R	Equipment Operator 3	Class Change/Lateral	12/03/07
Scott, Michael B	Maintenance & Repair Worker 2	Promotion	12/17/07
Jackson, Eureka M	Office Support Rep 3	Promotion	12/03/07

\*Class Change from Transportation Manager (SR14) to Contract Administrator (SR14)

^Class Change from Sanitation Leader (TL6) to Equipment Operator 3 (TG8)

**SHERIFF**

Williams, Danna M	Correctional Officer 1	Re-Hire	12/17/07
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**SOCIAL SERVICES**

Venson, Brenda J	Contract Administrator	Promotion	12/03/07
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**WATER SERVICES**

Fuqua, Lisa K.	Application Tech 3	Promotion	12/01/07
Watts, Roosevelt	Building Maintenance Leader	Promotion	12/01/07
Hamilton, Kenneth D	Customer Service Field Rep 1	New Hire	12/01/07
Lyons, Brandon J	Customer Service Field Rep 1	New Hire	12/01/07
Garrison, Hugh T	Environmental Laboratory Manager	Promotion	12/15/07
Mitchell, Gary L	Environmental Laboratory Manager	Promotion	12/15/07
Osborn, Barbara L	Environmental Laboratory Manager	Promotion	12/15/07
Woods, Karion E	Equipment & Supply Clerk 2	Promotion	12/08/07
Crockett, Thomas J	Equipment Mechanic	Promotion	12/15/07
Sloan, Shane T	Technical Specialist 2	Promotion	12/01/07
Boachie, Kwaku S	Water Maintenance Leader 2	Promotion	12/01/07
Luck, Terry E	Water Maintenance Tech 1	New Hire	12/15/07

**MOTION:** *After some discussion, Vice-Chairman Corbitt 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>
Evans, Tracy N	Emer Telecomm Officer 2	Resignation	ECC	12/13/07
Gonzales, Sandra L	Emer Telecomm Officer 1	Resignation	ECC	11/17/07
Winston, Laura J	Emer Telecomm Officer 1	Resignation	ECC	11/29/07
Clayton, Ann M	Emer Telecomm Officer 1	Resignation	ECC	12/12/07
Resha Jr., Donald J	Fire Fighter/Paramedic	Pension	Fire	12/13/07
Kenney, Ronald S	Paramedic 2	Dismissal	Fire	11/28/07
Tenpenny, Jeanette	Compliance Inspector 3	Pension	Human Resources	11/30/07
Akins, Gregory T	Recreation Leader	Resignation	Parks	11/19/07
Petty, Brian K	Police Sergeant	Dismissal	Police	12/05/07
Steele, Ronald L	Police Officer 2	Pension	Police	11/30/07
England, Matthew G	Police Sergeant	Pension	Police	12/06/07
Buchanan, Beverly D	Police Data Prod Cntrl Coord	Pension	Police	11/30/07
Childress, Patrice	Police Operations Assistant 1	Resignation	Police	11/18/07
Tolbert, Todd A	Technical Specialist 1	Resignation	Police	11/23/07
Braden, Ann S	Library Manager 1	Pension	Public Library	11/30/07
Tekulve, Nicole R	Library Associate 1	Resignation	Public Library	12/01/07
Shirey, Gerrod D	Compliance Inspector 1	Resignation	Public Works	12/07/07
Pendergrass Jr., Willard	Correctional Officer Sergeant	Resignation	Sheriff	11/22/07
Fryer, Robert J	Correctional Officer Sergeant	Resignation	Sheriff	11/18/07
Barrow, Kiana	Correctional Officer 1	Resignation	Sheriff	11/26/07
Gibson, Maria K	Office Support Rep 2	Dismissal	Sheriff	11/26/07
Tolliver, Erica L	Correctional Officer 1	Resignation	Sheriff	11/17/07
Register, Alisha A	Correctional Officer 1	Dismissal	Sheriff	11/27/07
Young Jr., Will	Van Driver	Pension	Social Services	11/30/07
Glenn, Sharon D	Van Driver	Resignation	Social Services	11/30/07
Castleman, Charles T	Water Maintenance Leader 2	Pension	Water Services	11/30/07

***MOTION:*** *After some discussion, Vice-Chairman Corbitt 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**

<u>Classification</u>	<u>Type</u>	<u>Requesting Department</u>
Finance Officer 3-Payroll	Dept	Finance
Application Tech 2-Scanner MPS	Dept	General Services
Office Support Rep 3-Juvenile Court	Dept	Juvenile Court
Library Associate 2-Customer Service Specialist	Dept	Library
Library Associate 1-Adult Services	Open	Library
Maintenance & Repair Worker 2-Paving/Milling	Dept	Public Works
Equipment Operator 2	Dept	Public Works
Water Maintenance Supervisor	Dept	Water Services
Tech Specialist 2-Construction Inspection/Contracts	Open	Water Services
Systems Services Assistant Manager	Dept	Water Services
Building Maintenance Ldr-Water/ Wastewater Treatment Plant	Dept	Water Services

**REGISTERS ABOLISHED**

<b><u>Date Established</u></b>	<b><u>Classification</u></b>	<b><u>Register</u></b>	<b><u>Number On Register</u></b>
06/07/07	Plans Examiner 2	Open	03
06/11/07	Finance Officer 3 - Budgets	Dept	04
02/28/07	Emergency Communications Manager	Dept	05
03/27/07	Office Support Rep 2 - Juvenile Court	Open	188
11/08/05	Paralegal - Police	Open	23
08/23/05	Police Operations Coordinator 1	Dept	06
05/31/06	Equipment Operator 1 - Roads	Dept	03
02/17/06	Correctional Officer Lt	Dept	16
01/19/07	Correctional Officer Sgt	Dept	78
10/06/06	Social Worker 3	Open	04
08/29/05	Industrial Mechanic 1	Dept	03

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

**HUMAN RESOURCES**

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

- ( 1: Consideration of request for Medical Waiver from Mr. John Burdge, Applicant for Police Officer Trainee.

In November 2007, John Burdge (Police Office applicant), appealed a disqualification (hearing deficiency) that had been submitted by Medical Examiner Dr. Chris Fletcher. The Commission reviewed the information and requested that Mr. Burdge obtain additional testing. Those results were reviewed at the regular meeting in January 2008.

Additional testing was done at Vanderbilt University Medical Center and concluded that Mr. Burdge has a high pitch hearing loss. Dr. Fletcher said the test was very helpful and based on test results, recommended the Commission approve a medical wavier for Mr. Burdge, under the conditions that he obtain and use a hearing amplification aid while at work.

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved for approval of a Medical Waiver for John Burdge in accordance with Dr. Fletcher's recommendation. Seconded by Commissioner Allen and the Commission approved without objection.*

- ( 2: Request for Commissioners to begin hearing employee appeals of suspensions, temporary demotions and grievance appeals due to program budgetary constraints

Ms. Dot Berry, Director of Human Resources, said a request for a budget modification was no longer necessary and the matter has been resolved. Funding and Administrative Hearings for fiscal year 2007-2008 will now continue as scheduled.

**ACTION:** *No action necessary, report only.*

( 3:            **Review of Order – Ernest Fields, Police Dept./Dismissal**

Office Ernest Fields was dismissed from the Metro Police Department for alleged violation of the Metro Substance Abuse Policy, specifically, failure to provide a sufficient urine sample during a random drug test. Officer Fields appealed his dismissal to the Commission and the case was assigned to Administrative Law Judge William Jay Reynolds. Officer Fields was represented by Attorney R. Stephen Doughty. Cynthia Gross, Metro Attorney, represented the Police Department.

On November 6, 2007, Administrative Law Judge Reynolds entered an Order with the following provisions:

- \* Appellant's dismissal shall be overturned and he shall be immediately reinstated
- \* Appellant shall be awarded back pay
- \* Restoration of any other leave or benefits to which he is entitled due to the period of dismissal

Mr. Stephen Doughty, Attorney for Mr. Fields and Ms. Cynthia Gross, Metro Attorney, were present before the Commission to discuss the case.

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

( 4:            **Review of Initial Order – Juan Gomez, Sheriff's Office/Suspension & Demotion**

Juan Gomez, Sergeant -Sheriff's Office, was suspended five (5) days and demoted from Sergeant to Correctional Officer I, for alleged violation of Civil Service rule 6.7 and Sheriff's Policy 1-12.312, dealing with Employee Conduct. Mr. Gomez appealed his suspension and demotion to the Commission and the case was assigned to Administrative Law Judge Ann Johnson.

Mr. Gomez was represented by Attorney John Brown, while Metro Attorney Cynthia Gross represented the Sheriff's Office. On November 19, 2007, Administrative Law Judge Johnson entered an Order to uphold the department's suspension and demotion of Juan Gomez.

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

( 5:            **Request to conduct a Public Hearing on February 12, 2008 to consider proposed revisions to Civil Service Rules: Appendix 3 – Family Medical Leave Act (FMLA)**

Mr. Jim Lynch said notification will be sent out (with proposed changes.) for departments to post in accordance with Public Notice provisions.

**MOTION:**            ***After some discussion, Vice-Chairman Corbitt moved for approval to conduct a Public Hearing on February 12, 2008 following the regularly scheduled meeting. Seconded by Commissioner Jarrett and the Commission approved without objection.***

( 6: Request by Police Officer Gary Baker to review a “Not Fit for Duty” Medical Evaluation report by the Metro Medical Examiner

Police Officer Gary Baker completed an annual Medical Evaluation and was diagnosed as medically “not fit for duty” by Metro Medical Examiner Dr. Christopher Fletcher. As a result of this evaluation, the Police Department placed Officer Baker on an Inactive Status and advised him to apply for his pension.

Officer Baker, Police Officer since 1973, requested the Commission review his personal physician’s medical evaluations, which stated that he is fit for duty. Mr. Worrick Robinson, Attorney for Mr. Baker, Sue Bibb, Police Department, and Kathy Evans, Metro Attorney, were present before the Commission to discuss this matter. Also present was Dr. Fletcher.

***ACTION: The Commission requested this matter be reviewed further by the Police Department and report back at the next Civil Service meeting on February 12, 2008.***

( 7: 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:**

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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**