

MINUTES

METROPOLITAN CIVIL SERVICE COMMISSION

MARCH 11, 2008

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on March 11, 2008 in the Civil Service Conference Room, Suite 163, 222 Building, Third Avenue North, Nashville, Tennessee, at approximately 8:40 a.m.

Commission Members present: Chairman William H. Farmer, R. Steve Corbitt, C. Michael Allen, and D. Billy Sanders.

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

Members not present: Ms. Ervina Jarrett was unable to attend.

February 12, 2008 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 Sanders seconded the motion.

February 12, 2008 PUBLIC HEARING MINUTES:

Chairman Farmer asked if there were any amendments, corrections or questions of the public hearing minutes.

With no corrections to the public hearing minutes, Vice-Chairman Corbitt moved for approval. Commissioner Sanders 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>			
Davanon, Rebecca M	Information System Operator Analyst 1	New Hire	02/04/08

FIRE

Ingram, Tammy Irby	Administrative Assistant	Promotion	02/16/08
Whitley, Delia C	Administrative Assistant	Promotion	02/16/08
Jones Jr., Robert H	Fire Assistant Chief	Promotion	02/16/08
Brown, Alana C	Fire District Chief	Promotion	02/16/08
Evans, Carl D	Fire District Chief	Promotion	02/16/08
Lankford, Timothy W	Fire District Chief	Promotion	02/16/08
Webb Jr., Johnnie E	Fire District Chief	Promotion	02/16/08

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>GENERAL SERVICES</u>			
Saad III, John Phil	Technical Specialist 1	Promotion	02/11/08
Schuffman, Jan C	Technical Specialist 1	Promotion	02/11/08
Silver, Cynthia E	Technical Specialist 1	Promotion	02/11/08
<u>INFORMATION TECHNOLOGY SERVICES</u>			
Harbsmeier, David M	Administrative Services Officer 4	Promotion	01/30/08
Grigsby, Keith L	Computer Operator 2	New Hire	02/04/08
Schroeder, Jamie	Information Systems Comm Analyst 2	New Hire	02/25/08
Anderson, Ryan A	Information Systems Oper Analyst 2	New Hire	02/01/08
Garcia, Luis R	Information Systems Oper Analyst 3	New Hire	02/25/08
Roselli, Joseph	Information Systems Advisor 2	New Hire	02/01/08
Kilbane, Michael F	Program Specialist 2	New Hire	02/25/08
<u>INTERNAL AUDIT</u>			
Holt, Carlos L	Auditing Manager	New Hire	02/25/08
Kennamore, Tina	Finance Officer 3	New Hire	02/25/08
<u>PARKS</u>			
Belcher, Patricia D	Custodial Services Supervisor	Promotion	02/08/08
Ingram Jr., Edgar D	Custodial Services Supervisor	Promotion	02/08/08
Kincaid, Timothy D	Custodial Services Supervisor	Promotion	02/08/08
Martin-Douglas, Brenda S	Custodial Services Supervisor	Promotion	02/08/08
Reams, Jeanette L	Custodial Services Supervisor	Promotion	02/08/08
Karnes, Eric D	Maintenance & Repair Worker 3	Promotion	01/25/08
*Young Jr., Glenn M	Program Coordinator	Transition - Civil Service	01/25/08
*Transition to Civil Service from a Part Time status			
<u>POLICE</u>			
Greer, Leland	Information Systems App Tech 2	Promotion	02/01/08
Scantling, Tahandshea N	Police Operations Assistant 1	New Hire	02/16/08
Burnett, Tara Leigh	Police Operations Coordinator 1	Promotion	02/16/08
<u>PUBLIC LIBRARY</u>			
Estes, Jeremy S	Circulation Assistant 1	New Hire	02/11/08
Evans, Mamee B	Office Support Specialist 1	Promotion	02/11/08
Tullos, Jennifer M	Office Support Specialist 1	Promotion	02/11/08

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>PUBLIC WORKS</u>			
Towe, John D	Equipment Operator 3	New Hire	01/29/08
Arnell, Jeffery E	Maintenance & Repair Worker 1	New Hire	02/11/08
McElhiney, Kyle S	Maintenance & Repair Worker 1	New Hire	02/11/08
Trotter, Steven E	Maintenance & Repair Worker 1	New Hire	02/11/08
*Sharpley, Tyrus	Sanitation Leader	Class Change/Lateral	02/12/08

*Class Change from Customer Service Field Rep 3 (SR7) to Sanitation Leader (TL6)

SHERIFF

Stephens, Jason G	Correctional Officer 1	Re-Employment	02/14/08
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SOCIAL SERVICES

Van Dyke, Tameka D	Homemaker	Re-Hire	02/11/08
Hyde, Marva R	Nutrition Site Coordinator	New Hire	01/15/08
Wilson, Carol E	Program Manager 2	Promotion	02/11/08
Shreeve, Edward L	Van Driver	New Hire	02/11/08

WATER SERVICES

Pendley, David M	Engineer 2	New Hire	02/19/08
Embry, Irucka A	Engineer In Training	New Hire	02/09/08
Jackson, Mickey	Maintenance & Repair Leader 2	Promotion	02/09/08
Moore, Randal W	Maintenance & Repair Leader 2	Promotion	02/09/08
Shelton, Steve D	Maintenance & Repair Leader 2	Promotion	02/09/08
Reed Jr., Robert A	Maintenance & Repair Worker 1	New Hire	02/09/08
*McWhorter, Sally A	Office Support Rep 3	Dept Transfer/Promotion	02/23/08
Crimmons, Benjamin S	Water Maintenance Leader 2	Promotion	01/26/08
Clark III, Charlie L	Water Maintenance Supervisor	Promotion	01/26/08
Easley, Johnny L	Water Maintenance Supervisor	Promotion	01/26/08
Ferrell II, Charles R	Water Maintenance Supervisor	Promotion	01/26/08
French, Michael C	Water Maintenance Supervisor	Promotion	01/26/08
Luck Jr., Harold B	Water Maintenance Supervisor	Promotion	02/09/08
McKissack Sr., Antonio D	Water Maintenance Supervisor	Promotion	01/26/08
^Richardson, Robert D	Water Maintenance Supervisor	Class Change/Lateral	01/26/08
Shrum, Timothy W	Water Maintenance Supervisor	Promotion	01/26/08
Trotter, Cecil	Water Maintenance Supervisor	Promotion	01/26/08

*Department Transfer from Juvenile Court (Office Support Rep 2, SR5) to Water (Office Support Rep 3, SR6)

^Class Change from Engineering Tech 3 (SR10) to Water Maintenance Supervisor (TS8)

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>
Givens, Janet D	Emer Telecommunications Officer 1	Resignation	ECC	02/22/08
Bauscher, Lorraine L	Emer Telecommunications Officer 1	Dismissal	ECC	01/29/08
Wynn, Brenda G	Emer Telecommunications Officer 1	Dismissal	ECC	02/08/08
Goodale, Lorri L	Emer Telecommunications Officer 1	Dismissal	ECC	02/08/08
Ives, William R	Finance Manager	Resignation	Finance	01/25/08
Sesler, Phillip R	Fire Engineer	Pension	Fire	02/13/08
Nunn, Antione M	Human Resources Analyst 2	Resignation	Human Resources	02/15/08
Allen, Katherine M	Administrative Assistant	Deceased	Parks	01/30/08
Mangrum, William A	Maintenance & Repair Worker 3	Pension	Parks	02/19/08
Cockerham, Larry D	Parks & Recreation Superintendent	Pension	Parks	02/21/08
Hawthorn, Justin L	Police Officer 1	Resignation	Police	01/25/08
Denny, Mark D	Police Officer 2	Pension	Police	02/06/08
Page, Angela P	Police Officer 2	Resignation	Police	02/15/08
Lopez, Leopoldo P	Police Officer 2	Resignation	Police	02/11/08
Bradley II, Jerry H	Police Officer 2	Resignation	Police	01/18/08
Rigsby, Ernest E	Police Officer 3	Pension	Police	01/31/08
Hale, Regina M	Police Operations Assistant 3	Resignation	Police	02/07/08
Ezzell, Lynda C	Police Operations Assistant 3	Resignation	Police	01/18/08
McDermott, Claudette D	Police Operations Coordinator 1	Pension	Police	01/23/08
Moss, Bethany L	Police Operations Coordinator 1	Resignation	Police	02/08/08
Hamilton, Richard W	Police Sergeant	Pension	Police	01/31/08
Duncan, Gary L	Police Sergeant	Pension	Police	01/25/08
Donofrio, Joseph A	Police Sergeant	Resignation	Police	02/15/08
Dyess, Aaron W	Technical Specialist 1	Resignation	Police	01/31/08
Kassaee, Lili S	Info Systems App Analyst 2	Resignation	Public Library	02/01/08
Ball Jr., Donald A	Info Systems App Analyst 2	Resignation	Public Library	02/08/08
Stevenson-Jones, Chena N	Correctional Officer 1	Resignation	Sheriff	01/30/08
Turner, Anthony L	Correctional Officer 1	Resignation	Sheriff	02/19/08
Boleyjack, Ricky	Correctional Officer 2	Resignation	Sheriff	02/18/08
Simon, Emma Jean	Homemaker	Pension	Social Services	02/08/08
McNeese, Patricia G	Engineer 2	Resignation	Water Services	02/01/08
Odom, John Paul	Office Support Rep 3	Resignation	Water Services	02/08/08
Ballard, Ronald W	Treatment Plant Superintendent	Deceased	Water Services	01/26/08

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
REGISTERS ESTABLISHED

<u>Classification</u>	<u>Type</u>	<u>Requesting Department</u>
Plans Examiner 2	OPEN	Codes
IS Operations Analyst 1- ECC	OPEN	General Services
Stores Manager	DEPT	General Services
Technical Specialist 1- ADA	OPEN	General Services
Technical Specials 1 - Shared Business Office	DEPT	General Services
IS Applications Analyst 3 - Database Services	OPEN	ITS
Office Support Spec 1 - Branch Services	DEPT	Library
Park Police Sergeant	DEPT	Parks and Recreation

ELIGIBILITY REGISTER REPORT
REGISTERS ESTABLISHED

<u>Classification</u>	<u>Type</u>	<u>Requesting Department</u>
Recreation Leader- Aquatics	OPEN	Parks and Recreation
Program Supervisor	OPEN	Social Services
Social Worker 3	OPEN	Social Services
Admin Services Officer 3 -Stormwater Remedial Maintenance	DEPT	Water Services
Equipment Operator 3 - Central Wastewater	DEPT	Water Services
Industrial Mechanic 1- KR Harrington	DEPT	Water Services
M&R Leader 2 - Stormwater	DEPT	Water Services
Maintenance & Repair Worker 3 - Stormwater	OPEN	Water Services

REGISTERS ABOLISHED

<u>Date Established</u>	<u>Classification</u>	<u>Register</u>	<u>Number On Register</u>
11/01/05	Fire Assistant Chief - EMS	Dept	07
11/17/05	Fire Instructor	Dept	15
09/21/06	Computer Operator 2 - Police	Open	51

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.*

DEPARTMENTAL ITEMS

GENERAL SERVICES

REQUEST: Ms. Nancy Whittemore, Director, represented by Ms. Erin Hampton, requested approval for an Increment Advance for Mr. Ronald Cleveland, Garage Supervisor I, from Step 2 to Step 3, effective March 11, 2008. TS11

Ms. Hampton said that Mr. Cleveland recently accepted the promotional position of Garage Supervisor I. She said that due to an Administrative oversight, the amount offered Cleveland exceeded that allowed under the Civil Service pay plan policy. Mr. Cleveland will be functioning in a managerial position and is well qualified to assume the additional responsibilities.

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

SOCIAL SERVICES

REQUEST: Ms. Gerri Robinson, Director, represented by Ms. Yuri Hancock, requested approval to Hire Above Base the following:

- a. Ms. Melinda Eakes, Van Driver, Step 4, effective March 17, 2008. TG05
- b. Ms. Tameka Van Dyke, Homemaker, Step 2, effective March 17, 2008. SR05

Ms. Hancock said that Ms. Eakes has served as a Nutrition Site Coordinator over the past eleven years. During her employment, she prepared herself to become a Van Driver for Social Services and accomplished her goal when she obtained the required training for the position. Ms. Eakes will transfer from a non-Civil Service part-time to a Civil Service full-time position at the step closest to her current salary.

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.*

Ms. Hancock said that Ms. Van Dyke, who has previous experience as a Homemaker with Metro Social Services, is returning to the department at the same classification. The proposed request to place her one step above base rate, is closest to her previous salary.

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

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

(1: Status Report of Police Officer Gary Baker – Appeal of Medical Exam Results/Fitness for Duty)

This matter came before the Civil Service Commission on January 8, 2008 due to an appeal of a medical exam by Dr. Christopher Fletcher, Metro Medical Examiner. Officer Baker's physical examination resulted in his being declared medically "unfit for duty". Attorney Worrick Robinson and Metro Attorney Kathy Evans were present before the Commission at that time to discuss the matter. It was requested by the Commission that both parties meet and confer. Both attorneys and the Police Department decided this matter would be processed through the departmental grievance procedure. Officer Baker filed a stage I grievance, which was denied and the appeal has gone to stage 2. Officer Baker is currently in a paid status using accrued vacation and/or sick leave which should last through mid March 08'.

Ms. Kathy Evans, Metro Legal Attorney, reported the grievance is still in stage II and the Department is waiting for Dr. Christopher Fletcher to provide information regarding Baker's February reexamination. Attorney Worrick Robinson was not able to attend the meeting, however, Officer Gary Baker was present.

ACTION: *Report only, no action necessary*

(2: Review of Agreed Order – Mark Mitchell, Fire Dept./20 Days Suspension)

Mr. Mark Mitchell, Metro Fire Department, was suspended twenty days (twenty 12 hour shifts) from the Metro Fire Department for alleged violation of Civil service Rule 6.7 – provisions 11, 12, 18, 33, dealing with excessive absenteeism, abuse of sick leave and conduct unbecoming. Mr. Mitchell appealed his suspension to the Commission and the case was assigned to Administrative Law Judge Mattielyn Williams. Mr. Mitchell was represented by Attorney Dewey Branstetter. Cynthia Gross, Metro Attorney, represented the Fire Department. On January 25, 2008, Administrative Law Judge Williams entered an Agreed Order with the following provisions:

- * Agreement to reduce the 20 days suspension to 1 (12 hour shift) day suspension
- * Agreement that this will be the only disciplinary action taken for violations of the sick leave policy On February 16, 2006 and May 12, 2006
- * Agreement to restore any and all back pay and other benefits owed to Mitchell as a result of the reduction in his suspension
- * Mark Mitchell shall withdraw his appeal to the Commission

Ms. Kathy Evans, Metro Attorney was present before the Commission to discuss the case. Mr. Dewey Branstetter, Attorney for Mr. Mitchell, was notified but advised HR that he would not be in attendance.

MOTION: *After some discussion, Vice-Chairman Corbitt moved for approval to uphold the Agreed Order as submitted by Judge Mattielyn Williams. Seconded by Commissioner Sanders and the Commission approved without objection.*

(3: Review Order to Withdraw appeal – Richard Dutton, Fire Dept. / 1 Day Suspension

Mr. Dutton's case was appealed to the Civil Service Commission and scheduled to be heard by Administrative Law Judge Mary Collier. On February 7, 2008, Mr. Dan Alexander, Attorney for Mr. Dutton, advised the court that he did not wish to pursue his appeal. The Administrative Law Judge entered an Order to withdraw the case and close the file.

Ms. Kathy Evans, Metro Attorney was present before the Commission to discuss the case. Mr. Alexander, Attorney for Mr. Dutton, was notified, but did not attend the meeting.

MOTION: *After some discussion, Vice-Chairman Corbitt moved for approval to uphold the Order of Withdrawal as submitted by Administrative Law Judge John Hicks. Seconded by Commissioner Allen and the Commission approved without objection.*

(4: Review of Petition for Reconsideration – Scott Wells, Social Services/Dismissal

On February 12, 2008, the Commission reviewed and upheld an Order to Dismiss the Appeal as submitted by Administrative Law Judge Randall LaFevor. On February 21, 2008, Attorney Michelle Owens submitted a Petition for Reconsideration on behalf of Petitioner Scott Wells. It was noted that nothing new had been introduced as evidence that would change the decision.

Ms. Keri Fowler, Metro Attorney, was present before the Commission to discuss the case. Attorney Michelle Owens, was notified but did not attend the meeting.

MOTION: *After some discussion, Vice-Chairman Corbitt moved to deny the Petition for Reconsideration. Seconded by Commissioner Sanders and the Commission approved without objection.*

(5: Review of Initial Order - Millicent Watkins, Human Resources Dept. / 2 Days Suspension

Ms. Millicent Watkins, Administrative Specialist- Benefits, was suspended two (2) days from the Human Resources Department for alleged violation of Civil Service Rule 6.7, dealing with inappropriate conduct and behavior. Ms. Watkins appealed her suspension to the Commission and the case was assigned to Administrative Law Judge Joyce Carter-Ball. Ms. Watkins was represented by Attorney Gary Blackburn, while Metro Attorney Theodore Morrissey, represented Human Resources. On January 29, 2008, Administrative Law Judge Carter-Ball entered an Order to uphold the two (2) days suspension.

Mr. Theodore Morrissey, Metro Attorney, was present before the Commission to discuss the case. Mr. Blackburn, Attorney for Ms. Watkins, contacted the Legal Department stating he would not be able to attend the meeting and that he did not wish to object to the Administrative Law Judge's Initial Order.

MOTION: *After some discussion, Vice-Chairman Corbitt moved to uphold the Initial Order as submitted by Judge Joyce Carter-Ball. Seconded by Commissioner Allen and the Commission approved without objection.*

(6: Consideration and Approval of proposed Revisions to Civil Service Rules/Policy

- * Appendix 3 Family Medical Leave Act (FMLA Handbook)
- * Proposed Revisions to FMLA language in the following:
- * Chapter 3.8 Outside Employment
- * Chapter 4.7 Sick Leave
- * Chapter 4.16 Family Medical Leave Act
- * Chapter 7.5 Outside Employment
- * Chapter 8.5 Outside Employment
- * Policy 4.16 FMLA

Les Bowron, Human Resources Manager, appeared before the Commission to recap a previous discussion from the Public Hearing held on February 12, 2008. Commissioner Allen made a request to defer this matter until union negotiations had been concluded. Chairman Farmer noted it would be best to wait until the next regular meeting at which time all parties would be able to discuss proposed revisions.

ACTION: *This item was deferred until the regular meeting in April.*

(7: Request for Reconsideration of Medical Waiver for Chris Franklin, Fire Recruit Applicant

Mr. Franklin recently retained Attorney Kevin Sharp to represent him in his request for reconsideration of a medical waiver. He has requested the Commission to revisit and reconsider approval of this matter at the March 11th meeting.

OVERVIEW:

Chris Franklin, Fire Recruit Applicant, was medically disqualified for entrance into the Fire Academy and requested the Commission's approval of a medical waiver at the February 12th meeting. Metro Medical Examiner Dr. Christopher Fletcher recommended that the Commission deny the request based upon established Fire Recruit medical employment standards. The Commission voted to deny the request for a medical waiver.

Ms. Kathy Evans, Metro Attorney, was present before the Commission to discuss this case. Having been duly notified, Mr. Franklin was not present or represented at the meeting. Chairman Farmer made a request that both Ms. Evans and Mr. Sharp provide a short memorandum regarding the medical waiver request and other issues that need to be addressed in this matter.

ACTION: *This item was deferred until the regular meeting in April.*

(8: Communiqués from the public on pending hearings

There were no communiqués from the public.

With nothing further, the regular meeting adjourned at 9:47 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