

MINUTES

METROPOLITAN CIVIL SERVICE COMMISSION

APRIL 8, 2008

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on April 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.

March 11, 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 Allen 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>CODES ADMINISTRATION</u>			
Stephens, Jimmy W	Plans Examiner 2	New Hire	02/25/08
<u>FIRE</u>			
*Crum, Michael A	Firefighter 3	Demotion	03/16/08
*Demotion from Fire Captain (PS6) to Firefighter 3 (PS5)			
<u>GENERAL SERVICES</u>			
Sinor, Calvin E	Stores Manager	Promotion	02/25/08
<u>INFORMATION TECHNOLOGY SERVICES</u>			
Waltenbaugh, Joel K	Info Systems App Analyst 3	Re-Hire	03/10/08
<u>JUVENILE COURT</u>			
*Robinson, Amy M	Office Support Rep 3	Transition - Civil Service	02/25/08
*Transition to Civil Service from Non-Civil Service status			

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>PARKS</u>			
*Dodson, Jonathan B	Aquatics Coordinator	Class Change/Lateral	02/15/08
Whitworth Jr., Aubrey C	Park Police Sergeant	Promotion	02/22/08
Geist, Amanda S	Recreation Leader	New Hire	03/14/08
^Greene II, Curtis D	Recreation Leader	Transition - Civil Service	02/22/08

*Class Change from Recreation Center Manager (SR9) to Aquatics Coordinator (SR9)

^Transition to Civil Service from Part Time status

POLICE

Hunt, Rhonda F	Info Systems App Tech 2	New Hire	03/01/08
O'Neil, Kevin M	Information Systems Advisor 1	New Hire	03/16/08
*Acevedo, Gabriel E.	Police Officer 1	Class Change	03/07/08
*Akhom, Kethsada	Police Officer 1	Class Change	03/07/08
*Baird, Patrick N	Police Officer 1	Class Change	03/07/08
*Bell, Jerry W.	Police Officer 1	Class Change	03/07/08
*Blackburn, Gregory S.	Police Officer 1	Class Change	03/07/08
*Callahan, Stephanie D.	Police Officer 1	Class Change	03/07/08
*Drake, Forrest A	Police Officer 1	Class Change	03/07/08
*Edwards, Timothy W.	Police Officer 1	Class Change	03/07/08
*Evans, Brandon O.	Police Officer 1	Class Change	03/07/08
*Feinstein, Richard S	Police Officer 1	Class Change	03/07/08
*Feldmann, Dustin T.	Police Officer 1	Class Change	03/07/08
*Fly, Jerre M.	Police Officer 1	Class Change	03/07/08
*Gilbert, Julie A.	Police Officer 1	Class Change	03/07/08
*Hanlon, Bert W	Police Officer 1	Class Change	03/07/08
*Hawk, Christopher R	Police Officer 1	Class Change	03/07/08
*Holland, Stephen N.	Police Officer 1	Class Change	03/07/08
*Jayne, John L.	Police Officer 1	Class Change	03/07/08
*Jenkins, Steven M.	Police Officer 1	Class Change	03/07/08
*Kenney, Brett C	Police Officer 1	Class Change	03/07/08
*Murphy, Phillip J.	Police Officer 1	Class Change	03/07/08
*Nelson, Kyle M	Police Officer 1	Class Change	03/07/08
*Newman, Eric D.	Police Officer 1	Class Change	03/07/08
*Owsley, Randal V.	Police Officer 1	Class Change	03/07/08
*Percy, Christopher J.	Police Officer 1	Class Change	03/07/08
*Poole, Jeffrey L.	Police Officer 1	Class Change	03/07/08
*Reese, Adam G	Police Officer 1	Class Change	03/07/08
*Reese, James R	Police Officer 1	Class Change	03/07/08
*Tyson, Shaun C	Police Officer 1	Class Change	03/07/08
*Watkins Jr., Bobby W.	Police Officer 1	Class Change	03/07/08
*Williams, Brian J	Police Officer 1	Class Change	03/07/08
*Young, Robert A.	Police Officer 1	Class Change	03/07/08
^Petre Jr., James A	Police Operations Assistant 3	Return - Medical Pension	03/01/08
Spraggins, Aisha I	Police Operations Coordinator 1	Re-Hire	03/16/08

*Class Change from Police Officer Trainee (PS2) to Police Officer 1 (PS3)

^Return from Medical Pension to same classification

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>SHERIFF</u>			
England, Christopher M	Correctional Officer 2	Promotion	03/03/08
Little, Steven A.	Correctional Officer 2	Promotion	03/09/08

SOCIAL SERVICES

Drake, Krishauna D	Homemaker	New Hire	02/25/08
Franzen, David D	Information Systems Advisor 2	New Hire	03/03/08
Ramsey, Terry P	Social Worker 3	Re-Hire	02/25/08
*Eakes, Melinda S	Van Driver	Transition - Civil Service	03/17/08

*Transition to Civil Service from Part Time Status

WATER SERVICES

Scuggs, Eugene	Administrative Services Officer 3	Promotion	03/08/08
*Crockett, Thomas J	Equipment Operator 2	Vol Reduction In Salary Grade	03/22/08
Jumper Jr., Walter	Equipment Operator 3	Promotion	02/23/08
Belcher, Dale W	Industrial Mechanic 1	Promotion	03/08/08
Ryder, Thomas L.	Industrial Mechanic 1	Promotion	02/23/08
**Hailey III, William	Office Support Rep 3	Dept Transfer/Lateral	03/22/08
^McWhorter, Sally A	Office Support Rep 3	Dept Transfer/Promotion	02/23/08
Peacher, Stanley C	Water Maintenance Leader 2	Promotion	03/08/08

*Voluntary Reduction In Grade from Equipment Mechanic (TG11) to Equipment Operator 2 (TG7)

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

**Department Transfer from the Health Department to Water Services, same classification (CS Policy 3.9 D1)

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

TERMINATIONS/ PENSIONS

<u>Name</u>	<u>Classification</u>	<u>Type</u>	<u>Department</u>	<u>Date</u>
Lindsay, Gloria D	Emer Telecommunications Off 4	Resignation	ECC	02/29/08
Dotye, Christopher B	Fire Assistant Chief	Pension	Fire	02/29/08
Hoover Jr., James H	Fire Captain	Pension	Fire	02/29/08
Overstreet, John L	Fire Maintenance Worker 2	Dismissal	Fire	03/14/08
Johnson, Edward L	Firefighter 3	Pension	Fire	03/04/08
Davis, Erik D	Probation Officer 1	Resignation	Juvenile Court	03/04/08
Carter, Dennis C	Maintenance & Repair Worker 1	Resignation	Parks	03/14/08
Moore, Michael S	Maintenance & Repair Worker 1	Resignation	Parks	03/07/08
Doolittle, Valerie L	Office Support Rep 3	Resignation	Parks	03/19/08
Moorman, Charles	Recreation Center Manager	Pension	Parks	03/04/08
Rucker, Fredrica F.	Recreation Leader	Resignation	Parks	02/14/08
Anderson, Christy R.	Office Support Rep 3	Resignation	Planning Commission	02/13/08

TERMINATIONS/ PENSIONS

<u>Name</u>	<u>Classification</u>	<u>Type</u>	<u>Department</u>	<u>Date</u>
Page, Angela P.	Police Officer 2	Resignation	Police	02/15/08
White, Kelly Nicole	Police Officer 2	Resignation	Police	03/07/08
Haines, Jessica G	Police Operations Assistant 1	Resignation	Police	02/19/08
Jines, Julie A	Police Operations Assistant 1	Resignation	Police	02/22/08
Wade, Sandy L.	Police Operations Assistant 3	Resignation	Police	02/29/08
Grant, Peggy K	Police Operations Coordinator 1	Pension	Police	02/26/08
Reed, Linda G.	Police Sergeant	Pension	Police	03/13/08
Root, Larissa T.	Librarian 1	Resignation	Public Library	03/06/08
Jones, Celia M.	Librarian 2	Pension	Public Library	03/01/08
Collins, Andrea E	Library Associate 1	Resignation	Public Library	02/28/08
Council, Floyd G	Library Associate 1	Resignation	Public Library	03/06/08
Jackson, Fredilia J.	Correctional Officer 1	Resignation	Sheriff	03/07/08
Matthews, Jacqueline D	Correctional Officer 1	Dismissal	Sheriff	03/11/08
Sarmiento, Daniel S.	Correctional Officer 1	Resignation	Sheriff	03/07/08
Tibbetts, Candace W.	Correctional Officer 1	Resignation	Sheriff	03/08/08
Nichols, David E.	Treatment Plant Tech 2	Deceased	Water Services	03/18/08

MOTION: *After some discussion, Vice-Chairman Corbitt moved to accept the Termination/ Pension report for the dates and reasons stated. Seconded by Commissioner Jarrett and the Commission approved without objection.*

ELIGIBILITY REGISTER REPORT

<u>Classification</u>	<u>Type</u>	<u>Requesting Department</u>
Museum Specialist 2-Education Manager	OPEN	Parks
M & R Worker 2 - Grounds	DEPT	Parks
M & R Worker 3 - Grounds	DEPT	Parks
IS Advisor 1-Database Administrator	OPEN	Police
Information Systems Applications Technician 2-Quality Assurance	OPEN	Police
Police Operations Coordinator 1-Chief's Office	OPEN	Police
Correctional Officer Sergeant	DEPT	Sheriff's Office
IS Advisor 2-Social Services	OPEN	Social Services
Industrial Mechanic 1	OPEN	Water Services
Industrial Electronics Technician 1-Omhundro	OPEN	Water Services
Water Maintenance Leader 2-Night & 2nd Shift	DEPT	Water Services

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

DEPARTMENTAL ITEMS**JUVENILE COURT**

REQUEST: *Judge Betty Adams Green, represented by Phoebe Johnson, requested an Increment Advance for Ernest Jones, Jr., Warrant Officer 1, from Step 3 to Step 5, effective May 2, 2008. SR08*

Ms. Johnson said the Warrant Processing section is in need of administrative support. Mr. Jones, who does 90% of the administrative duties, has been serving as a backup to the lead officer in this section. He has assumed additional administrative responsibilities and assists with training, work assignments, transportation coordination and processing orders.

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

POLICE

REQUEST: a. **Chief Ronal Serpas, represented by Richard Vaughn, requested approval to Hire Above (mid-point), Mr. Kevin O'Neil, Information Systems Advisor I, Information Technology, at \$70,000 annually, effective March 16, 2008. SR13**

Mr. Vaughn stated that Mr. O'Neil will be working in the Police Department as the sole in-house ORACLE database administrator and handle all of MNPD's database administration duties. He will coordinate the Oracle data base schema changes, stored procedures and ensure optimization and faster response, which is critical to the new Advanced Records management System (ARMS). Mr. O'Neil will also be in charge of and maintain the auxiliary MS SQL Server databases that support MNPD goals and objectives.

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

b. **Chief Ronal Serpas, represented by Sue Bibb, requested approval to extend the Police Lieutenant Promotional List.**

Ms. Bibb said Chief Serpas is requesting that the Police Lieutenant Promotional List be extended for an additional six months. Even though this list has been used, approval of this request would allow MNPD to consider other eligible candidates prior to establishing a new one.

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

HUMAN RESOURCES

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

(1: Review of Initial Order, Ace Lawrence, WS/Dismissal

Mr. Ace Lawrence, Water Maintenance Technician I, was dismissed from the Water Services Department for alleged violation of Civil Service Rule 6.7, dealing with insubordination, use of abusive/profane language and conduct unbecoming. Mr. Lawrence appealed his dismissal to the Commission and the case was assigned to Administrative Law Judge Margaret Robertson. Mr. Lawrence represented himself, while Metro Attorney Jonathan Michael, represented Water Services.

On November 16, 2007, Metro filed a Motion for Default and Dismissal of the case due to the Petitioner's failure to prosecute his appeal. On January 30, 2008, Administrative Law Judge Robertson entered an Order to Dismiss the matter with prejudice. On February 12th, Mr. Lawrence filed a Petition for Reconsideration, which was denied by Judge Robertson.

Metro Attorney Jon Michael and Mr. Lawrence, appellant, appeared before the Commission to review and discuss the case.

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

(2: Review of Initial Order, Teddy Frazier, Parks/5 Days Suspension

Mr. Teddy Frazier, Electrician, was suspended five (5) days from the Parks and Recreation Department for alleged violation of Civil Service Rule 6.7, dealing with absence without notification or approval of leave. Mr. Frazier appealed his suspension to the Commission and the case was assigned to Administrative Law Judge Joyce Grimes Safley. Mr. Frazier was represented by Attorneys Larry Roberts and Amanda Thornton. Metro Attorney Jonathan Michael, represented the Parks Department.

On February 11, 2008, Administrative Law Judge Safley entered an Order that reduced the five day suspension to two days. On February 25th, Mr. Frazier filed a Petition for Reconsideration of the order, which was denied by Judge Grimes-Safley.

Metro Attorney Jon Michael and Mr. Frazier appeared before the Commission to review and discuss the case.

MOTION: *After much discussion, Commissioner Allen moved to Reverse the two (2) day suspension in the Initial Order entered by Administrative Law Judge Joyce Grimes-Safley. The Commission found that no discipline was warranted in this matter. Seconded by Commissioner Jarrett and the Commission approved without objection.*

NOTE: ****The Commission then directed Metro Attorney Jon Michael to meet with the Department and review Frazier's payroll / leave records. The commission requested a report of the findings for review and discussion at the next meeting (May 13, 2008).**

(3: Request for Reconsideration of Medical Waiver – Chris Franklin, Fire Recruit Applicant.

Mr. Chris Franklin, represented by Attorney Kevin Sharp, requested the Commission to revisit and reconsider approval of a medical waiver for him to attend the next Recruit class at the Fire Training Academy. The Commission had deferred action on the request from the March 11th meeting.

Previously, Mr. 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's Medical Examiner, Dr. Christopher Fletcher, recommended that the Commission deny the request based on established medical employment standards. The Commission then voted to deny the request for a waiver.

MOTION: *After much discussion, Vice-Chairman Corbitt moved to deny the present request for reconsideration of the matter and furthermore moved to uphold the commission's decision to deny the request for the medical waiver as originally submitted on February 12, 2008. Seconded by Commissioner Sanders and the Commission approved without objection.*

(4: JOB DESCRIPTION CHANGES

Fire Instructor - This proposal adds the following certifications:

- CPR Instructor (within six (6) months of appointment to Fire Instructor)
- International Trauma Life Support Instructor/Pre Hospital Trauma Life Support Instructor
- EMS requires an Associates' degree.

Automotive Mechanic

Automotive Mechanic – Certified

Equipment Mechanic

Equipment Mechanic – Certified

Susan Gish said that these proposed changes to the above job descriptions would clarify which A.S.E. certifications are required, and detail the types of vehicles being repaired. Additionally, the experience required for Automotive/Equipment Mechanic-Certified classifications increased from two (2) to four (4) years, to include 2 years experience working as Automotive/Equipment Mechanic classifications at Metro Fleet Management.

Master Technician - The proposed experience requirement increases from four (4) to six (6) years, which includes two (2) years at Metro as Automotive/Equipment Mechanic – certified or Emergency Vehicle Tech 1

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

(5: Consideration and approval of a Benefit Board Election Plan - General Government Representative - May 9, 2008

Mr. Jim Lynch said the Human Resources Department has developed a plan to conduct an election for the position of General Government Representative to the Employee Benefit Board. The Board member elected will serve a three year term in the position currently being held by incumbent Edna Jones.

Notice of the election will be appropriately distributed and posted throughout Metro Government. The election will be held on May 9, 2008, by machine vote. Once the HR Director has certified the election results, they will be reported to the commission at the June meeting. The elected member will assume office July 1, 2008.

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.*

(6: Consideration and Approval of proposed revisions to Civil Service Rules / Policy (Revisions from Public Hearing, and deferred from March 11th Meeting)

- * 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

A Public Hearing was held on February 12, 2008 to hear proposed revisions to the Civil Service Commission Rules and Polices relating to the Family and Medical Leave Act. An Issue was raised regarding the provisions of Civil Service Policy 4.16.

During the Commission meeting, which was held on March 11, 2008, the matter of concurrent counting of FMLA and Injured On Duty was discussed and the consideration of revisions to Metro's FMLA policy was tabled to allow the Commission members more time to consider the issue. Mr. Les Bowron, Human Resources Manager, presented an informational staff report relating to the FMLA / IOD issue. He also provided options for the Commission to review and consider.

The following persons came forward at the regular meeting to address concerns with the Commission regarding Injury on Duty leave (IOD) and the Family Medical Leave Act (FMLA).

- Danny Hale (Fraternal Order of Police)
- Doug Conquest, Firefighters
- Clyde Smith, WS / Benefit Board member

MOTION: *After much discussion, Commissioner Sanders moved for approval to adopt the proposed amendments to Civil Service Policy 4.16; to approve the replacement of current Appendix #3 to the Civil Service Rules, with a new Appendix #3 - the approved Metro FMLA Policy Handbook; and to approve the revised policy without section "e" (exceptional leave portion that was proposed as an option). Seconded by Commissioner Jarrett and the Commission approved with one objection. Commission vote was 3-1.*

(7: Communiqués from the public on pending hearings

There were no communiqués from the public.

With nothing further, the regular meeting adjourned at 11:30 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