

# **MINUTES**

## **METROPOLITAN CIVIL SERVICE COMMISSION** **JUNE 10, 2008**

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on June 10, 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, and Ervina Jarrett

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

**Members not present:** D. Billye Sanders was not able to attend meeting

### **May 13, 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, Commissioner Jarrett 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>EMERGENCY COMMUNICATION CENTER</u></b>			
Culwell, Joshua W.	Emer Telecommunications Officer 4	Re-Employment	05/12/08

### **FIRE**

*Ashton, Brett N.	Fire Fighter 1	Class Change	05/16/08
*Borgeson Jr., Donald G.	Fire Fighter 1	Class Change	05/16/08
*Brasells, David J.	Fire Fighter 1	Class Change	05/16/08
*Brittain, Tracy A.	Fire Fighter 1	Class Change	05/16/08
*Calvin, Christopher W.	Fire Fighter 1	Class Change	05/16/08
*Hodges, Jamie M.	Fire Fighter 1	Class Change	05/16/08
*Ivanov, Ivan	Fire Fighter 1	Class Change	05/16/08
*Parker, Matthew R.	Fire Fighter 1	Class Change	05/16/08
*Powers, Benjamin S.	Fire Fighter 1	Class Change	05/16/08
*Roberts, Austin T.	Fire Fighter 1	Class Change	05/16/08
*Robinson, Shannon L.	Fire Fighter 1	Class Change	05/16/08
*Schroeder, Solomon D.	Fire Fighter 1	Class Change	05/16/08
*Terry, Wanda L.	Fire Fighter 1	Class Change	05/16/08

\*Class Change from Fire Recruit to Fire Fighter 1

### **GENERAL SERVICES**

Granderson, Leah S.	Administrative Services Officer 4	Promotion	05/12/08
Mohon, Glenn A.	Technical Specialist 1	Promotion	05/19/08

**APPOINTMENTS**

<b><u>NAME</u></b>	<b><u>CLASSIFICATION</u></b>	<b><u>TYPE</u></b>	<b><u>DATE</u></b>
<b><u>HUMAN RESOURCES</u></b>			
Adams-Bowles, Sue A.	Professional Specialist	Promotion	05/01/08
<b><u>INTERNAL AUDIT</u></b>			
Terrell, Sharonda	Finance Officer 3	Rehire	05/26/08
<b><u>PARKS</u></b>			
*Butler, David J.	Maintenance & Repair Worker 2	Vol Reduction In Grade	05/02/08
Jordan, Roy A.	Maintenance & Repair Worker 2	Promotion	05/16/08
Jordan, Keith E.	Maintenance & Repair Worker 3	Promotion	05/16/08
Guerin, Christopher C.	Naturalist 3	Promotion	05/02/08
Welch, Linn A.	Nature Center Manager	New Hire	05/01/08
Franks, Valencia R.	Recreation Center Manager	Promotion	05/16/08

\*Voluntary reduction in grade from Maintenance and Repair Worker 3 (TG6) to Maintenance and Repair Worker 2 (TG4)

**POLICE**

Olsen, Jessica R.	Police Data Prod Control Coordinator	Promotion	05/16/08
Addleman, Lisa K.	Police Ident Analyst 1	Promotion	05/16/08
Farnow, Larry J.	Police Ident Analyst 1	Promotion	05/16/08
Holman, Candra D.	Police Operations Assistant 1	New Hire	05/01/08
Lewis, Bradley E.	Police Operations Assistant 1	Re-Hire	05/16/08
Moore, Sonya R.	Police Operations Assistant 1	New Hire	05/16/08
Simpkins, Adam W.	Police Operations Assistant 1	Rehire	05/13/08
*Haworth, Patricia	Police Operations Assistant 3	Return from I.O.D. Pension	05/08/08

\*Return from Disability Pension Into Supplemented Classification (employees' pay is supplemented by the Benefit Board when they return to work in a lower classification)

**SHERIFF**

*Saad, Jason R.	Correctional Officer 1	Demotion	04/30/08
^Wyatt, Carlton J.	Correctional Officer 1	Transition - Civil Service	05/01/08
Johnson, Antonio	Correctional Officer 2	Promotion	04/30/08
MCarthur, Leon	Correctional Officer 2	Promotion	04/30/08
Tetterton, Christina M.	Correctional Officer 2	Promotion	04/30/08
Quintal, Kristina B.	Correctional Officer Lt	Promotion	04/30/08
Miller, Ryan W.	Correctional Officer Sergeant	Promotion	04/18/08
Noel, Elsie C.	Correctional Officer Sergeant	Promotion	04/18/08
Shearon, Nathaneal M.	Correctional Officer Sergeant	Promotion	04/30/08

\*Demotion from Correctional Officer 2 (CO2) to Correctional Officer 1 (CO1)

^Transition to Civil Service from Part Time Status

**SOCIAL SERVICES**

Morgan, Stacy L.	Social Worker 3	New Hire	04/28/08
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**APPOINTMENTS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>WATER SERVICES</u></b>			
*Mishu, Charissa Christine	Engineer 1	Department Transfer/Lateral	04/19/08
***Hendrix, Darlene R.	Office Support Rep 3	Demotion	05/17/08
^Binder, Dale A.	Technical Specialist 2	Re-Classification	05/17/08
**Brown, Carlos R.	Water Maintenance Tech 1	Class Change/Lateral	05/17/08
^^Taylor, Ted A.	Water Quality Analyst 1	Class Change/Lateral	05/17/08
^^White, Amy J.	Water Quality Analyst 1	Class Change/Lateral	05/17/08

\*Department Transfer from Public Works to Water Services / Lateral

\*\*\*Demotion from Application Tech 1 (SR7) to Office Support Rep 3 (SR6)

^Reclassification from Technical Services Coordinator (SR11) to Technical Specialist 2 (SR12)

\*\*Class Change from Maintenance and Repair Worker 1 (TG3) to Water Maintenance Tech 1 (TG3)

^^Class Change from Environmental Compliance Officer 1 (SR 8) to Water Quality Analyst 1 (SR8)

**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.*

**TERMINATIONS/ PENSIONS**

<u>Name</u>	<u>Classification</u>	<u>Type</u>	<u>Department</u>	<u>Date</u>
Vogel, Markell Carl	Administrative Services Manager	Resignation	Finance	05/07/08
Sewell, David H	Fire Assistant Chief	Deceased	Fire	04/26/08
Jackson, Michael S.	Fire Captain	Pension	Fire	04/20/08
Taylor, Michael S.	Property Guard 1	Resignation	General Services	05/15/08
Dickson, Lisa M.	Professional Specialist	Resignation	Human Resources	04/30/08
Henry, Lacy M.	Professional Specialist	Resignation	Human Resources	04/25/08
Redding, Benecca S.	Information System Oper Tech 1	Resignation	ITS	04/30/08
Spradley, Sherian E.	Info Systems App. Analyst 1	Pension	Juvenile Court	05/02/08
Nolan, Thomas J.	Maintenance & Repair Worker 1	Resignation	Parks	04/30/08
Binkley, Charles C.	Maintenance & Repair Worker 3	Dismissal	Parks	05/05/08
Hall, Brandi C.	Recreation Leader	Resignation	Parks	05/02/08
Segal, Natalie E.	Specialized Skills Instructor	Resignation	Parks	05/16/08
Hunter, Glenda P.	Computer Operations Shift Supv.	Pension	Police	04/30/08
Reasonover, Damon B.	Police Officer 2	Resignation	Police	04/24/08
Ollis, Rickey D.	Police Officer 3	Pension	Police	04/30/08
Hayes, Sandra D.	Police Operations Supervisor	Deceased	Police	04/27/08
Crabtree, Kendra J.	Archives Assistant 1	Resignation	Public Library	05/02/08
Kenderdine, Lee R.	Engineer 3	Resignation	Public Works	05/16/08
Banks, William G.	Engineer In Training	Resignation	Public Works	05/09/08
Pannell, James E.	Maintenance & Repair Worker 1	Dismissal	Public Works	04/29/08
Trotter, Steven E.	Maintenance & Repair Worker 1	Resignation	Public Works	05/06/08
Vanatta, Brandon E.	Maintenance & Repair Worker 1	Dismissal	Public Works	05/16/08
Morris, Melody M.	Office Support Spec 1	Resignation	Public Works	05/16/08
Linville, Delaine B.	Professional Specialist	Resignation	Public Works	05/09/08
Anderson, Robin B.	Correctional Officer 1	Resignation	Sheriff	05/10/08
Campbell, Michael A.	Correctional Officer 1	Dismissal	Sheriff	04/28/08
Hopper, Sheila K.	Correctional Officer 1	Resignation	Sheriff	05/12/08

**TERMINATIONS/ PENSIONS**

<u>Name</u>	<u>Classification</u>	<u>Type</u>	<u>Department</u>	<u>Date</u>
Vaught, Robert T.	Correctional Officer 1	Resignation	Sheriff	05/01/08
Coleman, Tonia L.	Correctional Officer 2	Resignation	Sheriff	04/30/08
Franzen, David D.	Information Systems Advisor 2	Resignation	Social Services	05/09/08
Boyles, James A.	Industrial Tech Master	Pension	Water Services	05/02/08
Finney, Shanielle A.	Office Support Rep 3	Dismissal	Water Services	04/25/08

**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 ESTABLISHED**

<u>Classification</u>	<u>Type</u>	<u>Requesting Department</u>
Tech Spec 1- HVAC	OPEN	General Services
Automotive Mechanic Leader	DEPT	General Services
Equipment & Supply Clerk 3	OPEN	Police
Computer Operator 2	OPEN	Police
Police Data Production Control Coordinator	OPEN	Police
Administrative Assistant - Police Fiscal Affairs	OPEN	Police
Police Operations Supervisor - Records	DEPT	Police

**REGISTERS ABOLISHED**

<u>Date Established</u>	<u>Classification</u>	<u>Register</u>	<u>Number On Register</u>
06/08/2005	Electrical Inspector 1	OPEN	21
08/03/2006	Plumbing Inspector 1	OPEN	15
10/25/2007	Mechanical/Gas Inspector 1	OPEN	20

**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****POLICE**

**REQUEST:** Police Chief Ronal Serpas, represented by Ms. Sue Bibb, requested approval of Leave from Civil Service effective June 1, 2008 to May 31, 2009, for Lieutenant Duane Phillips to serve as Interim Director of the Emergency Communications Center.

Ms. Bibb said Lieutenant Phillips is requesting Leave from Civil Service to work as Interim Director of Emergency Communications from Jun 1, 2008 to May 31, 2009. This Interim position is non-Civil Service.

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

### **EMERGENCY COMMUNICATIONS CENTER**

**REQUEST:** Lieutenant Duane Phillips, Interim Director, requested approval to extend Out-of-Class pay beyond the 100 days for Mr. Bruce Sanschargin and Ms. Lisa Baker, as Interim Assistant Directors of ECC.

Lt. Phillips, who has been appointed as Interim Director, said he is requesting Out-of-Class pay for both Mr. Sanschargin and Ms. Baker through August 12, 2008. Approval of this request will allow the Board necessary time to recruit and hire/appoint an ECC Director prior to the appointment of the Assistant Directors positions.

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

### **SHERIFF'S OFFICE**

**REQUEST:** Sheriff Daron Hall, represented by Jim Kramer, requested consideration and approval of Departmental Rule 1-1.314 - Employee Grievances.

Mr. Jim Kramer said that Policy 1-1.314 has been rewritten, posted, supported by representative labor and is now being brought back for consideration and approval by the commission.

**MOTION:** *After some discussion, Commissioner Allen moved for approval of the request as listed. Seconded by Commissioner Jarrett 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: Review of Initial Order – David Caruthers, Fire Department /Grievance**

David Caruthers, Firefighter III/Paramedic, filed a grievance with the Metro Fire department concerning an alleged violation of the rules related to the "bid" system/assignment of the work station requested by the appellant. The grievance proceeded through the departmental process and was denied by Fire Chief Steve Halford. Caruthers then appealed the denial of his grievance to the Civil Service Commission, whereas the case was assigned to Administrative law Judge Ann Johnson.

Caruthers was represented by Attorney Dewey Branstetter, while Metro Attorney Cynthia Gross, represented the Fire Department. The contested case was heard on December 12, 2007. On April 18, 2008, Judge Johnson entered an Initial Order, which denied the grievance, finding that Metro's work assignment decision was appropriate and in accordance with established rules and policy (Bid System) of the Metro Fire Department.

Mr. Dewey Branstetter, Attorney for Mr. Caruthers and Ms. Cynthia Gross, Metro Legal Attorney were both present before the Civil Service Commission to discuss the case.

**MOTION:** *After some discussion, Commissioner Allen moved to Uphold the Initial Order from Administrative Law Judge Ann Johnson. Seconded by Commissioner Jarrett and the Commission approved without objection.*

**( 2: Review Order of Default and Dismissal – Kenneth Clayton, Police Department /Grievance**

Kenneth Clayton, Police Officer, filed a grievance with the Metro Police department concerning an alleged Injury on Duty. The grievance proceeded through the process and was denied by Police Chief Ronal Serpas. Clayton appealed the denial of his IOD claim to the Civil Service Commission. The case was then assigned to Administrative Hearing Officer Ervina Jarrett. Clayton was initially represented by Attorney Brock Parks, while Metro Attorneys Andrew McClanahan and then Cynthia Gross, represented the Police Department.

Officer Clayton resigned during the appeals process and basically failed to prosecute or participate in his appeal. On April 14, 2008, Metro Attorney Cynthia Gross filed a Motion for Default and Dismissal with Administrative Hearing Officer Jarrett. On April 29, 2008, Commissioner Jarrett entered an Order of Default and Dismissed the appeal due to the petitioner's failure to prosecute/participate in this appeal.

Ms. Cynthia Gross, Metro Legal Attorney was present before the Commission to discuss the case. Mr. Parks was duly notified, but did not attend.

**MOTION:** *After some discussion, Commissioner Allen moved for approval to Uphold the Order of Default and Dismissal. Seconded by Commissioner Jarrett and the Commission approved without objection.*

**( 3: Report of Employee Benefit Board Election Results – General Government Representative Edna Jones, Metro Public Works, won by majority vote.**

Mr. Steve Cain stated that an election had been announced and conducted for the Employee Benefit Board - General Government Representative during May 2008. Ms. Edna Jones of Metro Public Works won the election by a majority vote (490 votes). Human Resources Director Dorothy S. Berry reviewed the election process / results and certified the election.

**ACTION:** *Report only, no action necessary*

**( 4: Request by Police Applicant Nicholas McCluskey for approval of a Medical Waiver (color vision)**

Mr. Nicholas McCluskey was disqualified as a Police Applicant due to color vision deficiency and requested the Civil Service Commission consider and approve a medical waiver. Civil Service Medical Examiner, Dr. Christopher Fletcher, reviewed the request and recommended a waiver for this applicant. He said with new improvements to eye wear (contacts), it would appear reasonable for the Commission to consider granting a waiver from the Civil Service Policy and that he would support the decision.

The Commission requested that Dr. Fletcher further research the matter and determine if it would be appropriate for Metro to consider a change in the policy, rather than consideration /approval of a medical waiver.

Mr. McCluskey did not attend the Civil Service meeting to discuss his request.

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved to Deny the request for a medical waiver. Seconded by Commissioner Allen and the Commission approved without objection.*

The Commission concluded that a Public Hearing should be held in July/August to update the Civil Service Policy 2.12-13.

**MOTION:** *After some discussion, Commissioner Jarrett moved for approval to conduct a Public Hearing to consider a revision in the Civil Service Policy. Seconded by Commissioner Allen and the Commission approved without objection.*

**( 5: Request approval to increase Flat Rates per shift Out-of-Class Pay for Fire Department classes Civil Service Rule 5.9**

Ms. Susan Gish said the Fire Department and the International Association of Fire Fighters have agreed to a proposal to double the flat rate to an average of \$10 per shift. The estimated annual cost of this change is \$145,700, which is still considerably less costly than implementing the standard out-of-class pay. These flat rates per shift have not changed or increased for over a decade.

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved to approve the proposed increases of flat rates per shift out-of-class pay for Fire Department classes. Seconded by Commissioner Jarrett and the Commission approved without objection.*

**( 6: Report of Departmental Layoff Plans approved by the Director of Human Resources**

Mr. Steve Cain said due to budgetary reductions, the following departments have submitted layoff plans that have been reviewed in accordance with Civil Service Rules and approved by the Human Resources Director. These departments are now faced with mandatory staff reduction/layoffs for the next fiscal year. Nine departments are now projected to lay off fifty-two (52) employees. He said that Human Resources Departmental staff members are working closely with these departments in efforts to assist each individual in locating employment within or outside of Metro Government. He further pointed out that the following numbers are fluid numbers that may change day to day. Mr. Cain said an updated report will be presented at the July Commission meeting to track employment progress. The departments affected by the layoff action are as follows:

	Layoffs	Rollbacks
Historical Commission	1	
Library	2	
Community Education Alliance	1	
Planning Commission	1	
Department of Law	2	
Municipal Auditorium	1	
Fire Department	4	22
General Services	6	03
Public Works	34	10

**ACTION:** *Report only, no action necessary*

**( 7: Request to approve proposed New Civil Service Policy 4.17 - Family Medical Leave Act – Injury on Job**

Mr. Les Bowron, Human Resources, said that HR staff members have met and conferred with Employee Group Representatives to develop a supplemental FMLA provision for the employee who has exhausted all FMLA leave while on IOD. The proposed policy provides that if either the employee or a qualifying family member experiences an FMLA qualifying event subsequent to the IOD, the employee may request Administrative Leave without pay, which shall be granted up to the amount of FMLA leave used during the IOD absence. Employees shall be required to submit appropriate medical certification of the qualifying condition. He said that employee group representatives support this proposed policy.

**MOTION:** *After some discussion, Commissioner Jarrett moved for approval for the proposed new Civil Service Policy 4.17 Seconded by Commissioner Allen and the Commission approved without objection.*

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

There were no communiqués from the public.

With nothing further, the regular meeting adjourned at 9:15a.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**