

MINUTES

METROPOLITAN CIVIL SERVICE COMMISSION OCTOBER 14, 2008

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on October 14, 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, D. Billye Sanders and Jo Ann North.

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

September 9, 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 Allen 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

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>CODES ADMINISTRATION</u>			
*Barber, Jeremy Scott	Electrical Inspector 1	Dept Transfer/Lateral	09/22/08

*Department Transfer from Water (Industrial Electrician 1, TG12) to Codes (Electrical Inspector 1, SR9)

EMERGENCY COMMUNICATION CENTER

*Riggs, Zane W.	Emer Telecommunications Officer 2	Dept Transfer/Class Change	08/25/08
Campbell, Anna L.	Emer Telecommunications Officer 4	Class Change	09/04/08
Quirouette, Rachel A.	Emer Telecommunications Officer 4	Class Change	09/01/08

*Department Transfer from Sheriff (Correctional Officer 1, CO1) to Emergency Communications Center (Emergency Tel Officer 2, ET2)

FINANCE

*Robinson, Deborah J.	Finance Officer 1	Vol Reduction In Grade	07/01/08
^Maynard, Kenneth E.	Finance Manager	Rollback In Classification	07/01/08

*Voluntary Reduction In Grade from Finance Officer 2 (SR10) to Finance Officer 1 (SR8)

^Rollback In Class from Finance Assistant Director (SR15) to a Finance Manager (SR14)

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>FIRE</u>			
*Mason, Bryan E.	Fire Fighter 1	Class Change	09/01/08
*Class Change from Fire Recruit (PS2) to Fire Fighter 1 (PS3)			

GENERAL SERVICES

*Edens, James R.	Master Tech	Reinstate	09/08/08
*Employment Reinstatement to same classification by Final Order of Civil Service Commission			

HUMAN RESOURCES

*Simmons-Trotter, Janet S.	Program Spec 2	Department Transfer	09/15/08
*Department Transfer from the Health Department (Program Spec 2, SR8) to Human Resources (Program Spec 2, SR8)			

INTERNAL AUDIT

Carter, Tracy D.	Finance Officer 2	New Hire	09/29/08
Maxwell, Jennifer L.	Finance Officer 2	New Hire	09/22/08
Yuan, Qian	Finance Officer 2	New Hire	09/22/08

JUVENILE COURT

Heard, Constance G.	Office Support Rep 2	Promotion	09/08/08
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PARKS

Edens, Daryl W.	Golf Course Assistant Manager	New Hire	08/29/08
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POLICE

Young, Tonya M.	Info Systems App Tech 2	New Hire	09/01/08
Gann, Rickey R.	Information Systems Advisor 1	Promotion	09/16/08
*Pettibone, Lisa M.	Paralegal	Dept Transfer/ Transition – Civil Service	09/01/08
Martin, Sarah E.	Police Operations Assistant 1	New Hire	09/01/08
Norricks, Chad A.	Police Operations Assistant 1	New Hire	09/16/08
O'Connor, Rachel M.	Police Operations Assistant 1	New Hire	09/01/08
Osborne, Tonya L.	Police Operations Assistant 1	New Hire	09/01/08

*Department Transfer from Legal (Paralegal, SR8) to Police (Paralegal, SR8)

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>PUBLIC LIBRARY</u>			
Morton, Timothy F.	Custodian 1	New Hire	09/08/08
Jones, Michael B.	Librarian 1	New Hire	09/08/08
Williams, Deanza	Library Manager 3	Promotion	08/25/08

PUBLIC WORKS

Claybrooks, George R.	Sanitation Worker	New Hire	09/23/08
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SHERIFF

*Miller, James O.	Correctional Officer 1	Vol Reduction In Grade	09/07/08
*True, Keith T.	Correctional Officer 1	Vol Reduction In Grade	09/14/08
Gaston Jr., Harry T.	Correctional Officer 2	Promotion	09/05/08
McGill, Dennis S.	Correctional Officer 2	Promotion	09/17/08
Harris, Sharron D.	Correctional Officer Sergeant	Promotion	09/05/08

*Voluntary Reduction In Grade from Correctional Officer 2 (CO2) to Correctional Officer 1 (CO1)

SOCIAL SERVICES

*Cardinal, Eric	Information Systems Advisor 2	Dept Transfer/Promotion	08/25/08
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*Department Transfer from Police (Research Analyst 2, SR12) to Social Services (IS Advisor 2, SR14)

WATER SERVICES

Eddins, Jonathan W.	Customer Service Field Rep 3	Promotion	09/06/08
Sanchez, Julio	Customer Service Field Rep 3	Promotion	09/06/08
Charlton, Terry L.	Engineering Tech 3	Promotion	09/06/08
Johnson Jr., Roger A.	Engineering Tech 3	Promotion	09/06/08
Welch, Joseph A.	Environmental Compliance Officer 3	Promotion	09/06/08
Boyd Jr., James O.	Industrial Maintenance Supervisor 2	Promotion	09/06/08
Woods, Karion E.	Office Support Specialist 1	Promotion	09/06/08
Cobb, William K.	Water Maintenance Leader 1	Promotion	09/06/08
Harmon, Randy L.	Water Maintenance Leader 1	Promotion	09/06/08
Pipkin, Jamieo T.	Water Maintenance Leader 2	Promotion	08/23/08

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>
Wheat Jr., John A.	Electrical Inspector 2	Pension	Codes Administration	08/22/08
Simpkins, Steven L.	Emer Telecommunications Off 1	Resignation	ECC	09/02/08
Bomer, Bradley D.	Emer Telecommunications Trainee	Resignation	ECC	09/03/08
Holt III, Mack	Fire Assistant Chief	Pension	Fire	08/29/08
Wilson, James E.	Fire District Chief	Pension	Fire	09/07/08
Kephart, Daniel L.	Fire Engineer	Pension	Fire	08/27/08
Stuart, Sherman A.	Fire Fighter 2	Dismissal	Fire	09/19/08
Foglesong Jr., James S.	Administrative Services Officer 4	Resignation	General Services	09/05/08
Knupp, Robert T.	Human Resources Analyst 3	Pension	Human Resources	08/29/08
Benavides Jr., Isauro	Administrative Services Officer 3	Resignation	Juvenile Court	08/22/08
Kesic, Sanela	Custodian 1	Resignation	Parks	09/18/08
Westfield, Richard D.	Golf Course Manager	Pension	Parks	09/03/08
Crowe, Joshua G.	Park Police 2	Resignation	Parks	09/19/08
Stenberg, Audrey M.	Recreation Leader	Resignation	Parks	08/29/08
Vondohlen, Michael W.	Police Lieutenant	Pension	Police	08/23/08
Stephenson, Tamiko	Police Officer 1	Resignation	Police	08/22/08
Diaz Jr., Jose M.	Police Officer 2	Pension	Police	08/22/08
Hunter, Pamela L.	Police Operations Coordinator 2	Pension	Police	08/26/08
Nesmith, Ninabea L.	Circulation Assistant 1	Resignation	Public Library	08/16/08
Pace-McGowan, Sarah L.	Librarian 1	Resignation	Public Library	08/17/08
Poole, Stephanie L.	Librarian 1	Resignation	Public Library	08/29/08
Hart, John W.	Library Associate 1	Pension	Public Library	08/31/08
Radinger, William J.	Technical Specialist 1	Resignation	Public Works	09/04/08
Tucker, Jack L.	Waste Management Supt	Resignation	Public Works	09/05/08
Gann, Robert J.	Correctional Officer 1	Resignation	Sheriff	08/31/08
Hill, Michael L.	Correctional Officer 1	Resignation	Sheriff	09/06/08
Schonter, Christi D.	Correctional Officer 1	Dismissal	Sheriff	09/01/08
Powell Jr., George A.	Correctional Officer 2	Resignation	Sheriff	09/02/08
Williams, Karen A.	Office Support Rep 2	Dismissal	Water Services	09/12/08
Cason, Bobby L Jr.	Treatment Plant Tech 1	Dismissal	Water Services	09/05/08

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

<u>Classification</u>	<u>Type</u>	<u>Requesting Department</u>
ECC Director	Open	General Services
Equipment Mechanic – Grounds	Open	General Services
Circulation Supervisor	Dept	Library
IS Applications Analyst 2 – Library Automation	Open	Library
Park Police 1	Open	Parks
Carpenter 1	Dept	Parks
IS App Tech 2 – MNPD Research & Doc	Open	Police
IS Advisor 1 – IT Programmer	Open	Police
IS Advisor 2 – Forensic Crime Lab Quality Manager	Open	Police
Paralegal – Case Preparation	Open	Police
Equipment Operator 2 – Systems Services-Nights	Dept	Water Services
Engineering Tech 3 – Remedial/Construction	Dept	Water Services
Engineer 2-Routine Maintenance	Dept	Water Services

REGISTERS ABOLISHED

<u>Date Established</u>	<u>Classification</u>	<u>Register</u>	<u>Number On Register</u>
09/07/06	Police Operations Coordinator 2-Records	Dept	3
11/13/07	Customer Service Supervisor	Dept	2

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 ITEM**SHERIFF'S OFFICE**

REQUEST: Sheriff Daron Hall, represented by Jim Kramer, requested approval of Leave from Civil Service for Correctional Officer Nicole Brummett from September 1, 2008 through August 31, 2009.

Mr. Kramer said Ms. Brummett is requesting Civil Service leave from her position as Correctional Officer from September 1, 2008 thru August 31, 2009. This is due to her husband being deployed in the military. Mr. Kramer said that she will be working in a part time non-civil service position until he returns.

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.*

HUMAN RESOURCES

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

(1: Request to conduct a Public Hearing on November 11, 2008 for Proposed Revision of Civil Service Rule 6.9 - Employee Grievances

Mr. Jim Lynch said that the Human Resources Department is requesting to conduct a Public Hearing on November 11, 2008 following the regular scheduled Civil Service meeting, to consider changes to Civil Service Rule 6.9 – Employee Grievances. Notices of the Public Hearing and proposed revisions will be posted and sent to departments/unions.

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

(2: Request Approval of Employee Benefit Board Election Plan – Police Representative

Mr. Jim Lynch said that a plan has been submitted to conduct an election by machine vote for the position of Police Representative to the Employee Benefit Board. The election will take place during the month of November 2008 and the elected member will assume the position on the board by January 2009.

MOTION: *After some discussion, Vice-Chairman Corbitt moved for approval of the Plan for a Benefit Board Election – Police Representative. Seconded by Commissioner Allen and the Commission approved without objection.*

(3: Review of Agreed Order - Misty Reid, ECC/Grievance – Injured On Duty Claim

Misty Reid filed a grievance with the Metro Emergency Communications Center concerning the denial of an Injured on Duty claim. The grievance failed to proceed through the process in a timely manner and was thus appealed to the Civil Service Commission. The case was assigned to Administrative Law Judge Rob Wilson. Ms. Reid was represented by Attorney Brock Parks and Metro Attorney Cynthia Gross represented the ECC.

With all parties being in agreement, Judge Wilson entered an Agreed Order on September 8, 2008 with the following provisions:

The ECC shall approve the Injured on Duty claim for the time periods:

November 17, 2007 to November 23, 2007
November 29, 2007 to December 11, 2007
December 13, 2007 to April 6, 2008

Misty Reid shall dismiss her grievance appeal to the Commission.

Ms. Cynthia Gross, Metro Attorney and Mr. Brock Parks, Attorney for Ms. Reid, were before the Commission to discuss the case.

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

(4: Review of Initial Order - Ronald Kenney, Fire Department /Dismissal

Ronald Kenney, Paramedic, was dismissed from the Metro Fire Department for alleged violation of Civil Service Rule 6.7 – provisions #1, 3, 11, 13 and 32, which deals with allowing his paramedic's license to expire, dishonesty regarding use of military leave and conduct unbecoming. Mr. Kenney appealed his dismissal and the case was assigned to Administrative Law Judge Lynn England. Metro Attorney Cynthia Gross represented the Fire Department and Mr. Dewey Branstetter, Attorney, represented Mr. Kenney.

On September 3, 2008, Judge England entered an Order to set aside the termination and ordered that Mr. Kenney be returned to employment with the Fire Department with a 20 days suspension in the place of termination. The Judge further ordered restoration of any other leave or benefits to which he is entitled due to his reinstatement.

Ms. Gross and Mr. Branstetter were both present before the Commission to discuss the case.

MOTION: *After much discussion, Vice-Chairman Corbitt moved to modify the Initial Order as entered by Administrative Law Judge Lynn England, from 20 days suspension to 30 days suspension without pay. Seconded by Commissioner Sanders and the Commission approved without objection.*

(5: Review of Initial Order - Michael Crum, Fire Department /Full Demotion

Fire Captain Michael Crum was demoted from Fire Captain to Fire Fighter III in the Metro Fire Department for alleged violation of Civil Service Rule 6.7 – Provisions #1, 2, 20, 32 and 33, which deals with failure to perform official duty, conduct unbecoming and inappropriate behavior. Mr. Crum appealed his demotion and the case was assigned to Administrative Law Judge Anthony Adgent. Metro Attorney Cynthia Gross represented the Fire Department and Mr. Crum was represented by Attorney Dewey Branstetter.

On September 15, 2008, Judge Adgent entered an Order to vacate the demotion and replace the action with a suspension of Mr. Crum for the amount of time necessary to equate to the amount of earnings and benefits lost from the date of his demotion to the date of entry of this order, and that he be assessed the cost of this action. The Judge further ordered that he receive no compensation as a result of his demotion and that he resume the rank of Captain upon entry of the order.

Ms. Cynthia Gross, Metro Attorney and Mr. Dewey Branstetter, Attorney for Mr. Crum were present to discuss the case.

MOTION: *After much discussion, Commissioner Allen moved to approve the Initial Order as entered by Administrative Law Judge Anthony Adgent. Seconded by Commissioner North and the Commission approved without objection.*

(6: Review of Initial Order - Thom Brown, ECC/Grievance – Pay Plan Implementation

Thom Brown, Emergency Communications Center, filed a grievance on behalf of ECC employees represented by the SEIU concerning an alleged violation of the rules related to implementation of the 2005 Metro pay plan. The grievance proceeded through the departmental process and was denied by former Director Roxanne Brown. Thom Brown then appealed the denial of his grievance to the Civil Service Commission, where the case was assigned to Administrative Law Judge Mattielyn Williams.

Mr. Brown was represented by Attorneys Lynn Agee and Christopher Van Atta, while Metro Attorneys Cynthia Gross and Kathryn Evans represented the ECC. The contested case became ready for consideration on April 22, 2008. On June 6, 2008 Judge Williams entered an Initial Order which denied the grievance finding that Metro Government's actions on pay plan implementation were appropriate and in accordance with established pay rules and policy. Attorney Lynn Agee requested that the case be deferred until the November meeting.

ACTION: *This case was deferred until the next regular meeting in November.*

(7: Review of Agreed Order – Victor Fletcher, Fire Department / Dismissal

Victor Fletcher, Fire Fighter, was dismissed from the Metro Fire Department for alleged violation of Civil Service Rules 6.7 provisions #28, 32, 33 dealing with use of threat of violence or intimidation, behavior and conduct unbecoming. Mr. Fletcher appealed his dismissal to the Civil service Commission where the case was assigned to Administrative law Judge Bettye Springfield. Mr. Fletcher was represented by Attorney Dewey Branstetter and Metro Attorney Cynthia Gross represented the Fire Department. With all parties in agreement, Judge Springfield entered an Agreed Order with the following provisions:

- The Fire Department shall reinstate Victor Fletcher's employment with the Department on October 15, 2008.
- Mr. Fletcher shall waive his right of any and all back pay and other benefits having accrued between the date of his termination (November 14, 2007) and the date Mr. Fletcher shall return to work (October 15, 2008).
- Mr. Fletcher shall have his service time connected
- Accrued sick leave prior to termination shall be restored
- Mr. Fletcher shall dismiss the appeal of his termination to the Commission

Metro Attorney Cynthia Gross and Mr. Dewey Branstetter, Attorney for Mr. Fletcher, were present before the Commission to discuss the case.

MOTION: *After much discussion, Commissioner North moved to approve the Agreed Order as entered by Administrative Law Judge Bettye Springfield. Seconded by Commissioner Allen and the Commission approved without objection.*

**(8: Request Approval of Proposed revisions to Civil Service Policy 2.12-I
Metro Driver Safety Standards – Vision**

Mr. Jim Lynch said this request had been previously considered by the Commission and that several concerns and issues needed to be revisited and clarified. He said that HR staff has worked closely with the Metro Police Department and Civil Service Medical Examiner to address commission concerns. With all interested parties having reviewed proposed changes and being in agreement, HR would request approval of the policy as amended and entered at this time.

MOTION: *After some discussion Vice-Chairman Corbitt moved for approval of the revisions to Civil Service policy 2.12-I Seconded by Commissioner Sanders and the Commission approved without objection.*

(9: Request Approval of Pay Plan Amendments

Mr. Ben Johnson said although no funds were available for any pay increases this year, Civil Service rule 5.1E requires the Human Resources Department to conduct a pay study every three years. Results were compiled in August 2008 that showed Metro's pay scales were within 98% of the market. Metro Departments were asked to submit cost neutral changes to the classification structure that were necessary. The proposed changes submitted by the departments showed 12 classifications deleted, 8 were added and 16 only showed minor changes. Upon approval by the Commission, proposals will be forwarded to Finance, the Mayor and Council.

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

(10: Request Approval of Proposed Job Description Revisions:

- Building Inspector I**
- Electrical Inspector I**
- Mechanical Inspector I**
- Plumbing Inspector I**

ACTION: *This item was deferred until the November meeting.*

(11: Communiqués from the public on pending hearings

There were no communiqués from the public.

With nothing further, the regular meeting adjourned at 9:32 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