

# MINUTES

## METROPOLITAN CIVIL SERVICE COMMISSION

DECEMBER 9, 2008

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on December 9, 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, Vice-Chairman 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.

### November 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 two corrections to the regular minutes - under NOTE, the record should reflect that Ms. Nicki Eke read the memorandum regarding Announcement of Appeals Process into the record and from page six, item #1, the word not is to be deleted. 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>			
Faircloth, Kenneth N.	Plumbing Inspector 1	New Hire	11/03/08

### FINANCE

*Holland, Richard K.	Finance Officer 1	Class Change/Lateral	11/17/08
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\*Class change from Application Tech 2 (SR8) to Finance Officer 1 (SR8)

### FIRE

Crum, Michael A.	Fire Captain	Reinstate Disciplinary	09/15/08
Ashton, Brett N.	Fire Fighter 2	Class Change	11/16/08
Brasells, David J.	Fire Fighter 2	Class Change	11/16/08
Brittain, Tracy A.	Fire Fighter 2	Class Change	11/16/08
Calvin, Christopher W.	Fire Fighter 2	Class Change	11/16/08
Fletcher, Victor J.	Fire Fighter 2	Reinstate Disciplinary	10/15/08
Hodges, Jamie M.	Fire Fighter 2	Class Change	11/16/08
Ivanov, Ivan	Fire Fighter 2	Class Change	11/16/08
Parker, Matthew R.	Fire Fighter 2	Class Change	11/16/08
Powers, Benjamin S.	Fire Fighter 2	Class Change	11/16/08
Roberts, Austin T.	Fire Fighter 2	Class Change	11/16/08
Schroeder, Solomon D.	Fire Fighter 2	Class Change	11/16/08
*Myers, Cameron M.	Paramedic 1	Class Change	08/01/08
Kenney, Ronald S.	Paramedic 2	Reinstate Disciplinary	10/17/08

\*Class change from EMT 2 (PS 4) to a Paramedic 1 (PS 4)

**APPOINTMENTS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>GENERAL SERVICES</u></b>			
Miner, Kraig	Equipment Mechanic	New Hire	11/17/08
<b><u>JUVENILE COURT</u></b>			
*Kostrub, William M.	Administrative Services Manager	Dept. Transfer/Promotion	11/17/08
*Department Transfer from General Services (Administrative Services Officer 3, SR 10) to Juvenile Court (Administrative Services Manager, SR 13)			
<b><u>PARKS</u></b>			
Castillo, Krista K.	Museum Spec 2	New Hire	11/01/08
<b><u>POLICE</u></b>			
*Barr, Donnell	Police Officer 1	Class Change	11/04/08
*Bowling, Daniel J.	Police Officer 1	Class Change	11/04/08
*Buchanan, Michael A.	Police Officer 1	Class Change	11/04/08
*Carter, Nicholas C.	Police Officer 1	Class Change	11/04/08
*Coon, Ashley K.	Police Officer 1	Class Change	11/04/08
*Cox, Clifford K.	Police Officer 1	Class Change	11/04/08
*Crow, Robert L.	Police Officer 1	Class Change	11/04/08
*Davis, Adam H.	Police Officer 1	Class Change	11/04/08
*Dooley, Harrison C.	Police Officer 1	Class Change	11/04/08
*Earls, Alan L.	Police Officer 1	Class Change	11/04/08
*Eaves, Brian J.	Police Officer 1	Class Change	11/04/08
*Ellis, Paul K.	Police Officer 1	Class Change	11/04/08
*Farnow, Lindsay A.	Police Officer 1	Class Change	11/04/08
*Hernandez Carpiette, Raul S.	Police Officer 1	Class Change	11/04/08
*Homik, John P.	Police Officer 1	Class Change	11/04/08
*Kerpka, Robert J.	Police Officer 1	Class Change	11/04/08
*Koerner, Jason M.	Police Officer 1	Class Change	11/04/08
*Lamb, Brian K.	Police Officer 1	Class Change	11/04/08
*Mayo, Nathan D.	Police Officer 1	Class Change	11/04/08
*McCord, Michael R.	Police Officer 1	Class Change	11/04/08
*McDugle, James E.	Police Officer 1	Class Change	11/04/08
*Mehaffey, Matthew R.	Police Officer 1	Class Change	11/04/08
*Morgan, Charles C.	Police Officer 1	Class Change	11/04/08
*Moseley, Jeffery T.	Police Officer 1	Class Change	11/04/08
*Orr, Jason E.	Police Officer 1	Class Change	11/04/08
*Pacheco Jr., Oscar M.	Police Officer 1	Class Change	11/04/08
*Reed, Jay B.	Police Officer 1	Class Change	11/04/08
*Rexford, Kimberlin R.	Police Officer 1	Class Change	11/04/08
*Rosenfeld II, Mark S.	Police Officer 1	Class Change	11/04/08
*Rowland, James G.	Police Officer 1	Class Change	11/04/08
*Smith, Steven A.	Police Officer 1	Class Change	11/04/08
*Snitzer, Steven J.	Police Officer 1	Class Change	11/04/08
*Spurlock, Joshua M.	Police Officer 1	Class Change	11/04/08
*Thomas, James F.	Police Officer 1	Class Change	11/04/08
*Thomas, Kenneth W.	Police Officer 1	Class Change	11/04/08

**APPOINTMENTS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>POLICE</u></b>			
*Timm, John P.	Police Officer 1	Class Change	11/04/08
*Watkins, Michael B.	Police Officer 1	Class Change	11/04/08
*Weese, Amanda E.	Police Officer 1	Class Change	11/04/08
*Young, Chad C.	Police Officer 1	Class Change	11/04/08
Helm, Jamie L.	Police Operations Assistant 1	New Hire	11/01/08

\*Class change from Police Officer Trainee (PS 2) to Police Officer 1 (PS 3)

**PUBLIC LIBRARY**

Horn, Jessica L.	Circulation Assistant 1	New Hire	11/05/08
O'Connor, Wendy A.	Librarian 1	New Hire	11/03/08
Ellis, Kearea K.	Library Associate 1	New Hire	11/17/08

**WATER SERVICES**

*Brumit, Sandra G.	Application Tech 1	Return from Medical Pension	11/01/08
Cyrus, Michael W.	Industrial Mechanic 1	New Hire	11/01/08
Hudgens, Timothy M.	Industrial Mechanic 1	New Hire	11/01/08
Lawrence, Ricky L.	Industrial Mechanic 1	New Hire	11/01/08

\*Return from pension to same classification

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

**TERMINATIONS/ PENSIONS**

<u>Name</u>	<u>Classification</u>	<u>Type</u>	<u>Department</u>	<u>Date</u>
Richardson, John R.	Firefighter 3	Pension	Fire	11/07/08
Hinson, Kevin A.	Paramedic 2	Resignation	Fire	10/22/08
Flaum, Manning X.	Information Systems Advisor 1	Resignation	ITS	11/06/08
Crawford, William B.	Concessions Clerk 1	Resignation	Parks	10/22/08
Bradfield, Susan N.	Naturalist 1	Resignation	Parks	10/23/08
Boskent, Audrey M.	Park Police 1	Resignation	Parks	10/23/08
Bishop, Joseph D.	Police Deputy Chief	Pension	Police	10/31/08
Mehmet, Sattar M.	Police Officer 1	Resignation	Police	11/05/08
Cooper, Paul T.	Police Officer 2	Deceased	Police	10/30/08
Eva, Michael Leigh	Police Officer 2	Pension	Police	10/28/08
Garrette, Freddie E.	Police Officer 2	Pension	Police	11/05/08
Jones Jr., Thomas R.	Police Officer 2	Pension	Police	10/28/08
Kooshian, Andrew A.	Police Officer 2	Resignation	Police	10/27/08
McKee, Richard T.	Police Officer 3	Pension	Police	10/31/08
Cannedy, Marvin G.	Circulation Assistant 1	Resignation	Public Library	10/19/08
McCarthy, Katie S.	Library Associate 1	Resignation	Public Library	10/23/08
Rediker II, Thomas R.	Blaster	Pension	Public Works	11/13/08
Huddleston, Nateshia Y.	Correctional Officer 1	Resignation	Sheriff	10/21/08

**TERMINATIONS/ PENSIONS**

<u>Name</u>	<u>Classification</u>	<u>Type</u>	<u>Department</u>	<u>Date</u>
Hughes, Paul W.	Correctional Officer 1	Resignation	Sheriff	10/21/08
Jackson, Bryan M.	Correctional Officer 1	Dismissal	Sheriff	10/28/08
Turner, Christopher A.	Correctional Officer 1	Resignation	Sheriff	11/07/08
Emmons, Marvin B.	Correctional Officer 2	Pension	Sheriff	10/16/08
McPherson, Andrew	Industrial Tech Master	Deceased	Water Services	10/17/08
Crawford, Shawnita B.	Office Support Rep 3	Dismissal	Water Services	11/03/08

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

**ELIGIBILITY REGISTER REPORT**

<u>Classification</u>	<u>Type</u>	<u>Requesting Department</u>
*Library Associate 1-Teen Services	Open	Library
*Administrative Services Manager-Safety	Open	Juvenile Court
*Equipment Mechanic-Heavy	Open	General Services

\* Process in place prior to Hiring Freeze

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

**DEPARTMENTAL ITEMS**

**COMMUNITY EDUCATION ALLIANCE**

**REQUEST:** **Ms. Corrine B. Jackson, Coordinator, requested approval of Leave from Civil Service for Mr. Brad Redmond, to work in a non-Civil Service Federal Grant program from November 21, 2008 to November 20, 2009.**

Ms. Jackson said that Mr. Redmond is requesting leave from his Civil Service position to work as a family/school services liaison under a non-Civil Service Federal Grant Program. This request is from November 21, 2008 to November 20, 2009.

**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.*

**MAYOR'S OFFICE**

**REQUEST:** **Mayor Karl Dean, represented by Rita Roberts-Turner, recommended the Civil Service Commission grant a day of Administrative Leave for Metro Employees on December 26, 2008.**

Ms. Turner stated the Mayor recognized this has been a lean budget year for Metro employees and that he would like to acknowledge the employees for the many services they provide throughout the year. He is therefore recommending the Commission grant a day of Administrative Leave on Friday, December 26, 2008. Employees who are required to work on December 26th will receive a floater (Administrative Leave) day, which must be taken by June 30, 2009.

**MOTION:** *After some discussion, Commissioner Allen moved for approval of the request as listed. Seconded by Commissioner North 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 for a Waiver of Medical Disqualification - Jason Bonniger, Applicant for Police Officer Trainee**

Mr. Bonniger, applicant for Police Officer Trainee, filed a request for a waiver of his Medical Disqualification. It is noted under Civil Service Rule 7.3 – Applicant Reviews and Appeals, “applicants who do not meet the standards of Army Regulations 40-501, may file a request with the Civil Service Commission for a waiver”.

Mr. Bonniger's personal physician submitted a medical evaluation that was submitted to the Metro Medical Examiner for review. Dr. Goodson submitted a report back to the commission, stating that she did not recommend a waiver for Police applicant Bonniger.

Mr. Bonniger was present before the Commission to discuss his request. Mr. Steve Cain, Human Resources was also available for comment.

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved to deny the request for a medical waiver by Jason Bonniger, Applicant for Police Officer Trainee. Seconded by Commissioner Allen and the Commission approved without objection.*

**( 2: Request approval of Memorandums of Understanding (MOU's):**

- **SEIU – Local 205**
- **Fraternal Order of Police, Andrew Jackson Lodge #5**
- **Nashville Fire Fighters and Fire Service Employees Assoc. Local 140**

Mr. Les Bowron said the SEIU and FOP MOU's are in order and are ready to be considered for approval and signatures by the Commission, having already been signed by the Mayor and the designated parties. Mr. Bowron also said the Firefighters MOU was being withdrawn from the Agenda at this time in order to allow Metro HR and the Union to continue to address two articles that needed further discussion.

He said the MOU's had been in effect from July 1, 2005 until June 2008, and that Metro and representatives of all three Unions had been in “meet and confer” sessions since late spring of 2008. Mr. Bowron anticipates that the MOU between Metro and the Firefighters union will be completed and presented to the Commission early in 2009.

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved for approval of the SEIU and FOP MOU's. Seconded by Commissioner Allen and the Commission approved without objection.*

**( 3: Review of Initial Order - Samuel Tinnin, Fire/Dismissal**

Samuel Tinnin, Fire Fighter, was dismissed from the Metro Fire Department for alleged violation of Civil Service rule 6.7 provisions #1, 4, and 5, which deals with Neglect or Failure to perform official duty, absence without notification or approval, neglect/failure to follow a lawful and reasonable order given by a supervisor. Mr. Tinnin appealed his dismissal to the Civil Service Commission whereas the case was assigned to Administrative Law Judge Margaret Robertson. Mr. Scott Parsley, Attorney, represented Mr. Tinnin and Ms. Cynthia Gross, Metro Attorney, represented the Fire Department.

On November 19, 2008, Judge Robertson entered an Initial Order which concluded that the appellant's appeal is without merit and therefore upheld the Fire Department's decision to dismiss him from employment with Metro Government.

Ms. Cynthia Gross, Metro Attorney, was present before the Commission to discuss the case. Mr. Scott Parsley, Attorney for Mr. Tinnin, was duly notified but did not attend the meeting.

**MOTION:** After some discussion, Commissioner Allen moved for approval to uphold the Initial Order as submitted by Administrative Law Judge Margaret Robertson. Seconded by Commissioner North and the Commission approved without objection.

**( 4: Review of Initial Order - William R. Reed, Police/Dismissal**

William R. Reed, Police Sergeant, was dismissed from the Metro Police Department for alleged violation of General Orders 04-05 Department, Personal Behavior/Conduct, General Order 04-01, Fire Arms and Civil Service rule 6.7 provisions #3, 11 and 20 which deals with deficient or inefficient performance of duties, violation of written rules/policies and violation of safety rules and procedures.

Mr. Reed appealed his dismissal to the Civil Service Commission whereas the case was assigned to Administrative Law Judge Leonard Pogue. Mr. Reed was represented by Attorney Gary Blackburn and John Clemmons. Metro Attorney Kathryn Evans represented the Police Department.

On November 13, 2008, Judge Pogue entered an Initial Order which concluded that the department's decision to terminate him from employment with the Metropolitan Government was correct and shall be upheld by the court.

Ms. Allison Bussell, Metro Attorney and Mr. Gary Blackburn, Attorney for Mr. Reed, were present before the Commission to discuss the case.

**MOTION:** After much discussion, Vice-Chairman Corbitt moved for approval to defer the matter until the next regular meeting of January 13<sup>th</sup>. Seconded by Commissioner Sanders and the Commission approved without objection.

**( 5: Appeal of decision to deny the request for Waiver of State Residency Requirement  
Kevin Webb, Department of Parks and Recreation**

Kevin Webb, Metro Parks, appealed the denial of his request for a State Residency waiver which was addressed during the November Commission meeting. Mr. James Gray, Assistant Director, stated that Mr. Webb is in good standing with the Parks Department and would support the request for the residency waiver.

**MOTION:** After much discussion, Commissioner North moved to rescind her motion from the last Commission meeting on November 9, 2008. Seconded by Commissioner Sanders and the Commission approved without objection.

**MOTION:** After further discussion, Commissioner Sanders moved to grant a one (1) year residency waiver for Mr. Webb to relocate back to Tennessee. Seconded by Commissioner North. Vice-Chairman Corbitt and Commissioner Allen voted against the waiver. Chairman Farmer broke the tie and voted for the waiver. The vote was approved 3 to 2.

**( 6: Election of Chairman and Vice-Chairman for the Civil Service Commission**

The Commission shall have a Chairman and a Vice-Chairman. These officers shall be elected by the Commission at the first (1st) regular meeting in December. The terms of the officers shall be from January through December of each year. Should an officer no longer be able to serve, the Commission shall select from among its membership a replacement to fill the vacant office. The new officer will serve out the remainder of the term.

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved for approval to re-elect William Farmer to serve another term as Chairman. Seconded by Commissioner North and the Commission approved without objection.*

**MOTION:** *After a short discussion, Commissioner Sanders moved for approval to re-elect Steve Corbitt to serve another term as Vice-Chairman. Seconded by Commissioner North and the Commission approved without objection.*

**( 7: Request for Approval of Social Services Departmental Rule**

Ms. Yuri Hancock, Human Resources Coordinator, said the Social Services Department is proposing a new departmental rule which would provide employees an opportunity to work four (4) days a week at ten (10) hours a day in a “Compressed Work Week” format. Participation is voluntary and would depend upon the staffing approval of the Program Manager, Division Director and Executive Director. The Department will continue to have a five day work week with staff work shifts staggered through the week and crossed trained to insure proper service coverage.

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved for approval of the Departmental Rule “Compressed Workweek Schedule”. Seconded by Commissioner North and the Commission approved without objection.*

**( 8: JOB DESCRIPTION REVISION****Historical Commission Executive Director**

Mr. Michael Taylor, Human Resources, said Metro Council passed an ordinance - #BL2008-330, which amends Title 2, Chapter 2.128 of the Metropolitan Codes of Law to broaden the qualifications for the position of Historical Commission Executive Director. The requirements were broadened for the required areas of expertise in performing the duties that are assigned to this classification.

**MOTION:** *After some discussion, Commissioner North moved for approval. Seconded by Commissioner Sanders with the understanding to amend the job description by re-inserting the sentence “Bachelor’s Degree from an accredited college or university in History” back into the Education & Experience section. The Commission approved without objection.*

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

There were no communiqués from the public.

**With nothing further, the regular meeting adjourned at 10:15 a.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**