

# **MINUTES**

## **METROPOLITAN CIVIL SERVICE COMMISSION**

**JANUARY 13, 2009**

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on January 13, 2009 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, D. Billye Sanders and Jo Ann North

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

**Members not present:** C. Michael Allen

### **December 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, Vice-Chairman Corbitt moved for approval. Commissioner North seconded the motion.***

### **December 9, 2008 PUBLIC HEARING MINUTES:**

Chairman Farmer then asked if there were any amendments, corrections or questions of the minutes from the Public Hearing.

***With no corrections to the Public Hearing minutes, Vice-Chairman Corbitt moved for approval. Commissioner North 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>
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#### **GENERAL SERVICES**

Best, Warren T.	Administrative Services Manager	New Hire	12/22/08
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#### **PARKS**

*Binkley Jr., Claude T.	Maintenance & Repair Worker 2	Rollback - Classification	12/01/08
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\*Roll back in class from Maintenance & Repair Worker 3 (TG6) to a Maintenance & Repair Worker 2 (TG4)

#### **POLICE**

Brandimore, Preston A.	Police Lieutenant	Promotion	12/01/08
Carroll, Grant A.	Police Lieutenant	Promotion	12/01/08
Duncan, Stephen F.	Police Lieutenant	Promotion	12/01/08

**APPOINTMENTS**

<b><u>NAME</u></b>	<b><u>CLASSIFICATION</u></b>	<b><u>TYPE</u></b>	<b><u>DATE</u></b>
<b><u>POLICE</u></b>			
Gourdin, Sebastian G.	Police Lieutenant	Promotion	12/01/08
Jones, Dhana K.	Police Lieutenant	Promotion	12/01/08
Ragains Jr., Frank H.	Police Lieutenant	Promotion	12/01/08
Walburn, Kenneth J.	Police Lieutenant	Promotion	12/01/08
Nelson, Armon C.	Police Security Guard 1	New Hire	12/16/08
Taylor, Dwayne L.	Police Security Guard 1	Promotion	12/01/08
Blaisdell, Joshua K.	Police Sergeant	Promotion	12/01/08
Byrd, Scott H.	Police Sergeant	Promotion	12/01/08
Jenkins, Kelvin O.	Police Sergeant	Promotion	12/01/08
Johnson Sr., Keith M.	Police Sergeant	Promotion	12/01/08
Jones, James Lee	Police Sergeant	Promotion	12/01/08
Luther, Sandra L.	Police Sergeant	Promotion	12/01/08
Pepper, John R.	Police Sergeant	Promotion	12/01/08
Roberts, Marti E.	Police Sergeant	Promotion	12/01/08
Schmitz, Taylor Casey	Police Sergeant	Promotion	12/01/08
Steele, Christopher G.	Police Sergeant	Promotion	12/01/08
Suggs, Kenneth Lance	Police Sergeant	Promotion	12/01/08
Thomas, Michael W.	Police Sergeant	Promotion	12/01/08
Vincion, William P.	Police Sergeant	Promotion	12/01/08
Yentes, Mickey J.	Police Sergeant	Promotion	12/01/08

**PUBLIC LIBRARY**

Jones, David M.	Info Systems App Tech 1	Promotion	12/16/08
Wilson, Robert L.	Info Systems App Tech 1	Promotion	12/16/08

**PUBLIC WORKS**

*Thomas, Bryan S.	Maintenance & Repair Worker 1	Vol Reduction In Salary Grade	12/01/08
^Smith, Sharon L.	Professional Specialist	Class Change/Lateral	12/01/08

\*Voluntary reduction in grade from Equipment Operator 3 (TG8) to Maintenance & Repair Worker 1(TG3)

^Class change from Facilities Coordinator (SR11) to Professional Specialist (SR11)

**WATER SERVICES**

*Moore, Randal W.	Engineering Tech 2	Class Change/Lateral	12/27/08
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\*Class Change from Maintenance & Repair Leader 2 (TL9) to Engineering Tech 2 (SR8)

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

**TERMINATIONS/ PENSIONS**

<u>Name</u>	<u>Classification</u>	<u>Type</u>	<u>Department</u>	<u>Date</u>
White, Betty A.	Office Support Rep 3	Resignation	Codes Administration	12/18/08
Kinsolving, Otie C.	Plumbing Inspector 2	Pension	Codes Administration	12/12/08
Vandagriff, Heather H.	Emer Telecommunications Off 1	Resignation	ECC	11/20/08
Beech, Lashonda S.	Emer Telecommunications Off 4	Resignation	ECC	11/22/08
Harris, Melissa A.	Emer Telecommunications Off 4	Resignation	ECC	12/15/08
Quirouette, Rachel A.	Emer Telecommunications Off 4	Resignation	ECC	12/10/08
Reid, Misty S.	Emer Telecommunications Off 4	Pension	ECC	12/02/08
Wynn, Patricia A.	Emer Telecommunications Supv.	Resignation	ECC	12/13/08
Sexton, Ronald J.	Finance Officer 2	Deceased	Finance	12/10/08
Drake, Harold Dennis	Fire Engineer	Pension	Fire	12/07/08
Wayman, Christopher A.	Information Systems Manager	Pension	ITS	11/20/08
Tune, Barbara A.	Administrative Assistant	Resignation	Police	11/30/08
Burdge, John D.	Police Officer 1	Resignation	Police	11/20/08
Martin, Joseph R.	Police Officer 1	Resignation	Police	11/17/08
White, William C.	Police Officer 2	Pension	Police	12/15/08
Putnam, Brad S.	Police Officer 3	Pension	Police	12/15/08
Pyland, Dorothy Clemmons	Police Operations Coordinator 1	Pension	Police	12/15/08
Dioguardi, Michael W.	Police Sergeant	Resignation	Police	11/23/08
Miller, Wayne S.	Police Sergeant	Pension	Police	12/15/08
Cothran, William E.	Technical Specialist 2	Deceased	Police	11/21/08
Hickson, Regina C.	Library Associate 1	Resignation	Public Library	12/07/08
Smith, Alexandra	Library Associate 1	Resignation	Public Library	12/05/08
Jones, James E.	Equipment Operator 2	Pension	Public Works	12/18/08
Bodine III, Irving L..	Correctional Officer 1	Resignation	Sheriff	11/28/08
Encarnacion-Diaz, Avaleir T.	Correctional Officer 1	Resignation	Sheriff	11/19/08
Rodriguez Jr., Felipe	Correctional Officer 1	Resignation	Sheriff	12/02/08
West, Terry L.	Correctional Officer 1	Resignation	Sheriff	11/18/08
Young, Gwendolyn C.	Nutrition Site Coordinator	Pension	Social Services	12/19/08
Hills II, Felix	Customer Service Field Rep 3	Dismissal	Water Services	12/12/08
Russell, Jerry W.	Engineering Tech 3	Pension	Water Services	12/26/08

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

**ELIGIBILITY REGISTER REPORT**

<u>Classification</u>	<u>Type</u>	<u>Requesting Department</u>
Administrative Services Manager-Security IS Applications Tech 1-Library	OPEN DEPT	General Services Public Library

**REGISTERS ABOLISHED**

<u>Date Established</u>	<u>Classification</u>	<u>Register</u>	<u>Number On Register</u>
6/20/2006	Library Administrator-Branch Service	OPEN	20

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

## **DEPARTMENTAL ITEMS**

### **GENERAL SERVICES**

**REQUEST:** Ms. Nancy Whittemore, Director, represented by Erin Hampton, requested approval for Administrative Leave with Pay for James Edens from December 9, 2008 through February 3, 2009.

Ms. Hampton said the request for a disability pension will exceed the number of Leave days allowed (10 working days) by the Civil Service Rules. A determination on the pension request should be made by the Employee Benefit Board by February 3, 2009.

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved for approval of the extension until February 10, 2009. Seconded by Commissioner North and the Commission approved without objection.*

### **POLICE**

**REQUEST:** Chief Ronal Serpas requested approval to Extend the Police Sergeant Promotional List

Chief Serpas asked the Commission to extend the Police Sergeant Promotional list for a period of six months in order to make additional promotions off of the current list. An extension would also give the Police Department time to develop a testing process for the next fiscal year.

**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.*

## **HUMAN RESOURCES**

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

### **( 1: Review Order of Dismissal – Milton Rucker, Parks / Dismissal**

Milton Rucker, Recreation Leader – Parks Department, was dismissed from employment for alleged violation of the Department's zero tolerance Substance Abuse Policy. Mr. Rucker appealed his Dismissal to the Commission and the case was assigned to Administrative Law Judge John Hicks. Mr. Rucker was initially represented by Attorney Mark Brooks and then Michelle Owens. Thomas Cross and Theresa Costonis, Metro Attorneys, represented the Parks Department.

The case was heard as a contested matter before Judge John Hicks. On December 3, 2008 he entered an Order of Dismissal in the matter pursuant to a Settlement Agreement between all parties.

Ms. Theresa Costonis, Metro Attorney and Ms Michelle Owens, Attorney for Mr. Rucker, were both present for the Commission review and supported the Agreed Order to settle the matter.

**MOTION:** *After some discussion, Commissioner Sanders moved for approval of the Order of Dismissal and Settlement Agreement. Seconded by Vice-Chairman Corbitt and the Commission approved without objection.*

**( 2: Review of Initial Order – Debra Bowser, Police / 7 Days Suspension**

Debra Bowser, Police Operations Supervisor – Central Records, was suspended seven (7) days from the Metro Police Department for alleged violation of General Order provisions dealing with failure to follow orders from an authoritative source. (General Order 06-05)

Ms. Bowser appealed her suspension to the Civil Service commission, whereas the case was assigned to Administrative law Judge Ann Johnson. Ms. Bowser was represented by Attorney Fikisha Swader. Cynthia Gross, Metro Attorney represented the Police Department. On November 26, 2008, Judge Johnson entered an Initial Order which concluded that the Department's decision to suspend her without pay from the Metropolitan Government was appropriate and shall be upheld by the court.

Ms. Cynthia Gross, Metro Attorney and Ms. Fikisha Swader, Attorney for Debra Bowser were both properly notified to attend the meeting. Ms. Gross was present for the Review, however, Ms. Swader was not present.

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved for approval of the Initial Order by Administrative Law Judge Ann Johnson. Seconded by Commissioner Sanders and the Commission approved without objection.*

**( 3: Review of Initial Orders – Richard Brantley / John Carpenter, Fire / 2 Weeks Suspension and Written Reprimand**

John Carpenter/Richard Brantley, Fire Fighters, were suspended two (2) weeks without pay from the Metro Fire Department for alleged violation of provisions in Civil Service Rule 6.7 dealing with Violation of safety rules, regulations, procedures, and any failure of good behavior which reflects discredit upon himself, the Department and/or Metro Government. Both parties appealed their suspension to the Civil Service Commission. The case was assigned to Administrative Law Judge Steve Darnell. The appellants were represented by Attorney Dewey Branstetter. Metro Attorney Cynthia Gross represented the Fire Department.

On November 26, 2008, Judge Darnell entered an Initial Order which concluded that the grievant's two week suspension without pay and their reassignment from Station 2 was inappropriate and shall be reversed. The Judge ordered that the grievants shall be made whole and compensated for any wages lost or vacation time used, and that they are to be restored to their positions at Station 2 with the Metropolitan Nashville Fire Department. He did find that Carpenter and Brantley were in violation of Civil Service Rule 6.7 #20, by allowing unauthorized persons to ride in a NFD vehicle. For this conduct, he ordered that Carpenter and Brantley shall receive a written reprimand.

Ms. Cynthia Gross, Metro Attorney and Mr. Dewy Branstetter Attorney for John Carpenter / Richard Brantley were present for the Commission review and **jointly submitted an Agreed Order** for Commission approval.

**MOTION:** *After some discussion, Commissioner Sanders moved for approval of the Agreed Order as jointly submitted by Attorney Branstetter and Metro Attorney Cynthia Gross. Seconded by Commissioner North and the Commission approved without objection.*

( 4: Review of Initial Order – Jeffery Warbritton / Norman Crawford, Fire / 2 Weeks Suspension

Jeffrey Warbritton/Norman Crawford, Fire Fighters were suspended two (2) weeks without pay from the Metro Fire Department for alleged violation of provisions in Civil Service Rule 6.7 dealing with conduct unbecoming and any failure of good behavior which reflects discredit upon himself, the Department and/or Metro Government. Both parties appealed their suspension to the Civil Service Commission. The case was assigned to Administrative Law Judge Steve Darnell. The appellants were represented by Attorney Dewey Branstetter. Ms. Cynthia Gross represented the Fire Department. On November 26, 2008, Judge Darnell entered an Initial Order which concluded that the grievant's two week suspension without pay and their reassignment from Station 2 shall be reversed. The Judge ordered that the grievants shall be made whole and compensated for any wages lost or vacation time used, and that they are to be restored to their positions at Station 2.

Ms. Cynthia Gross, Metro Attorney and Mr. Dewey Branstetter Attorney for Jeffrey Warbritton / Norman Crawford were present for the Commission review and ***jointly submitted an Agreed Order for Commission approval.***

**MOTION:** *After some discussion, Commissioner Sanders moved for approval of the Agreed Order as jointly submitted by Attorney Branstetter and Metro Attorney Cynthia Gross. Seconded by Commissioner North and the Commission approved without objection.*

( 5: 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 dealing 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 and 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 and Allison Bussell 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 appropriate and shall be upheld by the court.

Both parties being duly notified, Ms. Allison Bussell, Metro Attorney was present for the Commission review, however, Attorney Gary Blackburn was not present.

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved for approval of the Initial Order as submitted by Administrative Law Judge Leonard Pogue. Seconded by Commissioner Sanders and the Commission approved without objection. Commissioner North abstained from voting. Chairman Farmer voted to affirm the Initial Order, which provided a total of three votes for approval.*

- (6: Request for Commission Approval of Revisions to Civil Service Rule 6.9 – Employee Grievances and addition to Civil Service Rule 8.16 (Fire Department)– Grievance Procedure

Mr. Steve Cain said that current and proposed revisions had been previously presented / discussed at the Public Hearing on December 9, 2008. As per direction of the Commission, recommended changes have been written as requested and the document is ready for Commission approval.

**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.*

- ( 7: Request approval of Memorandum of Understanding with Nashville Fire Fighters & Fire Service Employees Local 140

Mr. Jim Lynch said the new MOU between Metro Nashville Fire Fighters Local 140 and the Metropolitan Government has been signed by the Mayor, the Union and the Director of Human Resources. He said that basically, the new MOU mirrors the articles and contents from the 2005 MOU.

**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.*

- ( 8: Communiqués from the public on pending hearings

There were none .

With nothing further, the regular meeting adjourned at 8:47a.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