

MINUTES

METROPOLITAN CIVIL SERVICE COMMISSION

FEBRUARY 10, 2009

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on February 10, 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: 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.

Members not present: Chairman William H. Farmer

December 9, 2008 REGULAR MINUTES:

Vice-Chairman Corbitt 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 North moved for approval. Commissioner Sanders seconded the motion.

NOTE: Metro Attorney, Niki Eke, 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>			
Hall, Andrea S.	Plumbing Inspector 1	New Hire	12/29/08

EMERGENCY COMMUNICATION CENTER

Utley, Alisa P.	Emer Telecommunications Supervisor	Promotion	12/27/08
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POLICE

*Corkins Jr., Samuel	Police Officer 2	Class Change	01/18/09
^Richards, Terry E.	Police Operations Assistant 1	Return from Disability Pension	01/16/09

*Class change from Police Officer 1 to Police Officer 2
^Return from Disability Pension to different classification

PUBLIC WORKS

*Moore, Michael E.	Equipment Operator 3	Return from Medical Pension	01/12/09
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*Return from Medical Pension - same classification

SHERIFF

Dichiara II, Benjamin A.	Correctional Officer 1	Re-Employment	01/16/09
Cartwright, Sheri E.	Correctional Officer 2	Promotion	01/09/09

MOTION: *After some discussion, Commissioner Allen 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>
Spain, Frank A.	Plumbing Inspector 2	Pension	Codes Administration	12/23/08
Hamblin, Karen D.	Emer Telecommunications Off 1	Resignation	ECC	01/22/09
Parker, William T.	Fire Captain	Pension	Fire	01/08/09
Stringer, Valerie C.	Fire Captain	Pension	Fire	01/10/09
Hodges, James F.	Bldg Maintenance Lead Mechanic	Pension	General Services	12/26/08
Gause, George L.	Historic Preservationist 1	Resignation	Historical Commission	01/09/09
Johnson, Benjamin Evan	Human Resources Analyst 3	Resignation	Human Resources	01/02/09
Stephens, Kay H.	Office Support Spec 1	Pension	Metropolitan Clerk	12/26/08
Manning, Naomi C.	Museum Coordinator	Pension	Parks	12/30/08
Frierson, Ricko E.	Recreation Leader	Dismissal	Parks	01/09/09
Primm, Alicia L.	Crime Scene Technician 1	Resignation	Police	01/13/09
Walker III, William F.	Finance Manager	Resignation	Police	01/15/09
Castleman, William G.	Police Lieutenant	Pension	Police	01/15/09
Deslauriers, Yannick J.	Police Officer 2	Resignation	Police	12/31/08
Ladd, Gerald W.	Police Officer 2	Pension	Police	12/30/08
Murff, James H.	Police Security Guard 1	Pension	Police	01/07/09
Ashley, Terry W.	Police Sergeant	Pension	Police	12/31/08
Hayes, Kenneth M.	Police Sergeant	Pension	Police	01/31/09
Weedman, Barbara F.	Library Admin	Resignation	Public Library	01/09/09
Gateley, Vicki E.	Correctional Officer Lieutenant	Resignation	Sheriff	12/27/08
Wooten Jr., George B.	Equipment & Supply Clerk 3	Pension	Water Services	12/30/08
Bush, Charles E.	Industrial Tech Master	Pension	Water Services	01/02/09
Hardy, George T.	Meter Repairer 2	Pension	Water Services	12/29/08
Werner, Gina L.	Office Support Rep 3	Resignation	Water Services	12/29/08
McCutcheon, Larry	Water Maintenance Leader 2	Pension	Water Services	01/14/09

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

ELIGIBILITY REGISTERS ESTABLISHED

<u>Classification</u>	<u>Type</u>	<u>Requesting Department</u>
Equipment Operator 3	Dept	Public Works

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

DEPARTMENTAL ITEM**GENERAL SERVICES**

REQUEST: Ms. Nancy Whittemore, Director, represented by Erin Hampton, requested Extended Administrative Leave with Pay for James Edens, until a decision is made by the Employee Benefit Board or thru March 10, 2009.

Ms. Hampton said the Civil Service Commission approved an extension of Administrative Leave with Pay for Mr. Edens on January 13, 2009. The Benefit Board met and reviewed the case regarding his request for Pension. The IOD Committee is now requesting additional information.

Mr. Edens has also been referred to an orthopedic specialist to further review the case and to find the best treatment for the injury.

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 approval of Memorandum of Understanding (MOU) between Metro Government and the Nashville Police Civilians Association

Mr. Les Bowron said an MOU between Metropolitan Government and the Metro Nashville Police Civilians Association was in effect from July 1, 2005 until June 30, 2008. Discussions continued into late fall and through the 2008 holidays with an intended goal of entering into new MOU. As a result of discussions, an agreement was reached and a new MOU was developed with a time line of July 1, 2008 through 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.*

- (2: Review - Motion to Reconsider, William R. Reed, Police / Dismissal

This matter was reviewed by the Commission on January 13, 2009. Having been duly notified, Ms. Allison Bussell, Metro Attorney, represented the Metro Police Department, however, Officer Reed's Attorney, Gary Blackburn, was not present for the Commission review. The Commission entered a final Order that upheld Officer Reed's dismissal. Attorney Blackburn then filed a Motion to reconsider. On January 26, 2009, Metro entered a Response to the Motion to Reconsider. A motion to defer the matter was entered by the Commission.

CASE HISTORY:

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, 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 where the case was assigned to Administrative Law Judge Leonard Pogue. Mr. Reed was represented by Attorney Gary Blackburn and John Clemmons. Metro Attorney Kathy 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.

ACTION: *The matter was deferred until March 10, 2009*

- (3: Memorandum of Understanding (MOU) between the Metro Civil Service Commission and Metro Action Commission – (Notice that MAC voted to terminate MOU)

By letter of January 28, 2009, the Metro Action Commission voted to terminate the MOU between the Civil Service Commission and the Metro Action Commission with an effective date of January 22, 2009. The action is in accordance with Article 5 of the MOU which states: (Either the Metropolitan Action Commission or the Civil Service Commission may terminate this Memorandum of Understanding at any time.) Doug Collier, SEIU, made request that the matter be deferred until SEIU could discuss the matter with MAC. Vice-Chairman Corbitt said he understood the request, however, the matter wasn't debatable. MAC has made the choice to terminate the MOU with the Commission.

ACTION: *No action was necessary. Report only*

- (4: Communiqués from the public on pending hearings

There were no reports made.

With nothing further, the regular meeting adjourned at 8:40a.m.

ATTEST:

APPROVED:

Ms. Dorothy S. Berry
Director of Human Resources
Secretary to the Civil Service Commission

R. Steve Corbitt
Vice-Chairman
Civil Service Commission