

MINUTES

METROPOLITAN CIVIL SERVICE COMMISSION

MARCH 10, 2009

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on March 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: 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.

February 10, 2009 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>			
Sloss, Barbara E.	Customer Service Supervisor	Promotion	01/26/09

EMERGENCY COMMUNICATIONS CENTER

*Clark, Christie G.	IS Applications Analyst 1	Class Change/Lateral	02/19/09
---------------------	---------------------------	----------------------	----------

*Class change from Administrative Services Officer 3 (SR10) to IS Applications Analyst 1 (SR10)

GENERAL SERVICES

Harris, Kevin J.	Radio Tech 2	Promotion	02/09/09
Mcardle, Dorian P.	Radio Tech 2	Promotion	02/09/09

PARKS

*Brown, Ray V.	Maintenance & Repair Worker 1	Demotion	01/16/09
----------------	-------------------------------	----------	----------

*Demotion from M&R Worker 2 (TG4) to an M&R Worker 1 (TG3)

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>SHERIFF</u>			
Hart, Jason H.	Correctional Officer 1	Promotion	02/01/09
Perez, Benino N.	Correctional Officer 1	Re-Employment	02/01/09

WATER SERVICES

*Reece Jr., Milton M.	Treatment Plant Tech 3	Demotion	01/24/09
-----------------------	------------------------	----------	----------

*Demotion from Treatment Plant Shift Supervisor (TS11) to Treatment Plant Tech 3 (TI11)

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>
Hamblin, Karen D.	Emer Telecommunications Officer 1	Resignation	ECC	01/22/09
Johnson, Emilie M.	Emer Telecommunications Officer 1	Resignation	ECC	02/09/09
Lindaman, Charles P.	Emerg Medical Tech 2	Pension	Fire	02/10/09
Young, Mark A.	Fire Engineer	Pension	Fire	01/28/09
Edwards, William H.	Paramedic 2	Pension	Fire	01/27/09
Montgomery, Patricia L.	Info Systems App Analyst 3	Resignation	ITS	01/30/09
Feldmann, Dustin T.	Police Officer 2	Resignation	Police	02/14/09
Ryum, Steven R.	Police Officer 2	Resignation	Police	02/13/09
Hayes, Kenneth M.	Police Sergeant	Pension	Police	01/31/09
Reynolds, Fedrick N.	Office Support Rep 2	Resignation	Public Library	01/31/09
Mangrum, Rachael M.	Maintenance & Repair Worker 2	Dismissal	Public Works	01/30/09
Brummett, Nicole W.	Correctional Officer 2	Resignation	Sheriff	02/02/09
Gant, Jermane D.	Correctional Officer 2	Resignation	Sheriff	02/16/09
Street, Robin E.	Technical Services Coordinator	Pension	Water Services	02/06/09

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- ESTABLISHED

<u>Classification</u>	<u>Type</u>	<u>Requesting Department</u>
Radio Technician 2	Dept	General Services
Library Administrator-Branch Services	Open	Library

REGISTERS ABOLISHED

<u>Date Established</u>	<u>Classification</u>	<u>Number On Register</u>	<u>Register</u>
8/29/2006	Finance Manager	32	Open

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.*

HUMAN RESOURCES

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

- (1: Request approval for a Memorandum of Understanding (MOU) between Metro and Fraternal Order of Police, Andrew Jackson Lodge #5 (FOP) on behalf of Metro Nashville Park Police

Ms. Les Bowron said the MOU between Metro and the FOP was in effect from July 1, 2005 until June 30, 2008. Discussions with the Police Department did not begin until late fall of 2008. The negotiations continued through the holidays, a decision was reached and a new MOU created. Provisions in the MOU will be retroactive to July 1, 2008 and will be in effect 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 of Initial Order – Larry Breeden, General Services/Dismissal

Larry Breeden, Automotive Mechanic Leader, was dismissed from the Metro General Service Department for alleged violation of Civil Service Rule 6.1 dealing with Employee Conduct and CSR 6.7 dealing with Neglect or failure to perform official duty. In addition, appellant Breeden failed a signed return to work agreement which required him to completely abstain from the use of alcohol and other drugs.

Mr. Breeden appealed his dismissal to the Civil Service Commission and the case was assigned to Administrative Law Judge Thomas Stovall. Mr. Breeden represented himself while Metro Attorney Jon Michael represented the General Service Department. On January 28, 2009, Judge Stovall entered an Order to uphold the decision to terminate the employment of Larry Breeden from the Metropolitan General Services Department.

Ms. Cynthia Gross, Metro Attorney was present before the Commission to discuss the case. Mr. Breeden, who had been duly notified, was not able to attend the meeting. Mr. Jim Lynch stated that Mr. Breeden's representative had made a request to defer the matter until the April meeting. The Commission approved the request.

ACTION: *This case review was deferred until the April 14th meeting.*

- (3: Review Initial Order of Dismissal– Shermane Stuart, Fire/Dismissal

Ms. Shermane Stuart, Fire Fighter, was dismissed from the Metro Fire Department for alleged violation of Civil Service Rule 6.7 provision #4, dealing with Absence without notification or approval for leave. Ms. Stuart appealed her dismissal to the Civil Service Commission and the case was assigned to Administrative Law Judge Mattielyn Williams. Appellant Stuart represented herself while Metro Attorney Cynthia Gross represented the Fire Department.

On October 29, 2008, Metro Government filed a Motion to Dismiss the matter as the appeal was untimely filed. Ms. Stuart was provided additional time until December 14, 2008 to respond. As of January 23, 2009, no pleading, voice mail, phone call, fax or any communication was received from the appellant. On January 26, 2009, Judge Williams granted Metro's Motion to Dismiss and entered an Initial Order of Dismissal.

Ms. Cynthia Gross, Metro Attorney was present before the Commission to discuss the case. Ms. Stuart, being duly notified, did not attend the meeting.

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

(4: Review of Initial Order – John Overstreet, Fire/Dismissal

Mr. John Overstreet, Fire Maintenance Worker II, was dismissed from the Metro Fire Department for alleged violation of Civil Service Rule 6.7 provisions #20, 22, 33 dealing with Violations of Safety rules, damage to Metro property caused by negligent acts while on duty, and Conduct Unbecoming of a Metro Employee.

Mr. Overstreet appealed his dismissal to the Civil Service Commission, and the case was assigned to Administrative Law Judge Steve Darnell. Mr. Overstreet was represented by Attorney Dewey Branstetter while Metro Attorney Cynthia Gross represented the Fire Department. On February 5, 2009, Judge Darnell entered an Initial Order which upheld his termination from the Metro Nashville Fire Department.

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

MOTION: *After some discussion, Vice-Chairman Corbitt moved for approval of the Initial Order as submitted by Administrative Law Judge Steve Darnell. Seconded by Commissioner North and the Commission approved without objection.*

(5: Review of Motion to Reconsider – William R. Reed, Police/Dismissal

This matter was addressed by the Commission on January 13, 2009. Having been duly notified, Ms. Allison Bussell, Metro Attorney, represented the Metro Police Department. However, Mr. Reed's Attorney, Gary Blackburn was not present for the Commission's review. On January 19, 2009, Attorney Blackburn submitted a Motion to Reconsider. On January 26, 2009, Metro entered a Response to the Motion to Reconsider.

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 and the case was assigned to Administrative Law Judge Leonard Pogue. Mr. Reed was represented by Attorney Gary Blackburn and John Clemmons, while 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: *Commissioner North moved for approval to hear Attorney Blackburn's motion. Seconded by Commissioner Sanders and the Commission approved without objection.*

MOTION: *After much discussion, Vice-Chairman Corbitt moved to reaffirm the January 13, 2009 decision by the Commission to Uphold the Initial Order as submitted by Administrative Law Judge Leonard Pogue. The motion was seconded by Commissioner Sanders. Commissioner North voted to oppose and Commissioner Allen abstained. The final vote was 2-1-1.*

(6: Request approval of Civil Service Policy 6.7 II – Workplace violence

Mr. Les Bowron, HR Manager, said that the Metro General Services Department contracted with a private firm to conduct a security audit in the wake of recent computer theft issues. The security audit recommended that a work place violence policy for Metro Government be developed and adopted. In response to these recommendations Human Resources staff then developed a proposed policy for the Commission's review and consideration. After much discussion, the Commission asked to discuss the matter further at the next meeting in April.

ACTION: The Commission discussed the need for the policy and the fact there are other rules/policies already in place. They did not approve the policy.

(7: Request approval of Benefit Board Election Plan – Retired Employee Representative May 2009

Mr. Steve Cain said the Human Resources Department has developed a proposed plan to conduct an election for the Employee Benefit Board Retired Representative. The representative shall serve a three year term which begins July 1, 2009.

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

(8: Request approval of Benefit Board Election Plan - Fire Department Representative April 2009

Mr. Steve Cain said the Human Resources Department has developed a proposed plan to conduct an election for the Employee Benefit Board Fire Department Representative. The representative shall serve a three year term which begins July 1, 2009.

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

(9: Communiqués from the public on pending hearings

There were no reports made.

With nothing further, the regular meeting adjourned at 9:55 a.m.

ATTEST:

APPROVED:

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

**Mr. William H. Farmer
Chairman
Civil Service Commission**