

MINUTES

METROPOLITAN CIVIL SERVICE COMMISSION

APRIL 14, 2009

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on April 14, 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, 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

March 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, 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

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>FINANCE</u>			
*Northern, Kimberly M.	Administrative Services Officer 2	Class Change/Lateral	03/01/09
*Class change from Application Tech 2 (SR8) to Administrative Services Officer 2 (SR8)			

HISTORICAL COMMISSION

*Ogren, Yvonne L.	Administrative Assistant	Re-Classification	03/27/09
*Re-Classification from Office Support Spec 2 (SR8) to Administrative Assistant (SR9) due to a position audit			

POLICE

Tilley, Sharon L.	Crime Scene Technician 1	New Hire	03/16/09
*Alsup, Christopher S.	Police Officer 1	Class Change	03/13/09
*Barr, Russell E.	Police Officer 1	Class Change	03/13/09
*Barrett Jr., Robert C.	Police Officer 1	Class Change	03/13/09

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>POLICE</u>			
*Cahill Jr., Larry J.	Police Officer 1	Class Change	03/13/09
*Cason, Jeffrey C.	Police Officer 1	Class Change	03/13/09
*Christian, Todd R.	Police Officer 1	Class Change	03/13/09
*Gaddes, Jason M.	Police Officer 1	Class Change	03/13/09
*Gant III, George T.	Police Officer 1	Class Change	03/13/09
*Hice, Preston D.	Police Officer 1	Class Change	03/13/09
*Hockett, Tevares N.	Police Officer 1	Class Change	03/13/09
*Jackson, John C.	Police Officer 1	Class Change	03/13/09
*Knawa, Daniel J.	Police Officer 1	Class Change	03/13/09
*Koertge, Benjamin C.	Police Officer 1	Class Change	03/13/09
*Langlois, Joshua N.	Police Officer 1	Class Change	03/13/09
*Leurs, Joseph H.	Police Officer 1	Class Change	03/13/09
*Mason, Kristopher S.	Police Officer 1	Class Change	03/13/09
*Neumeyer, Michael J.	Police Officer 1	Class Change	03/13/09
*Parman, Michael E.	Police Officer 1	Class Change	03/13/09
*Peper, Lisa R.	Police Officer 1	Class Change	03/13/09
*Reyes, Anthony S.	Police Officer 1	Class Change	03/13/09
*Shannon Jr., Gary D.	Police Officer 1	Class Change	03/13/09
*White, Quinn D.	Police Officer 1	Class Change	03/13/09
^Wilson, Stephany R.	Police Operations Assistant 1	Return - Medical Pension	03/09/09

*Class change from Police Officer Trainee (PS2) to Police Officer 1 (PS3)

^ Return from medical pension (Police Officer) to lower level classification, salary supplemented

PUBLIC LIBRARY

*Ellis, Jennifer L.	Info Systems App Tech 2	Class Change/Lateral	02/16/09
^Blackman, Andrea D.	Librarian 1	Class Change/Lateral	03/09/09
Price, Larry C.	Library Admin	New Hire	02/23/09

*Class change from Librarian 1 (SR9) to IS App Tech 2 (SR9)

^Class change from Library Associate 3 (SR9) to Librarian 1 (SR9)

PUBLIC WORKS

Szeigis, Martin G.	Special Projects Manager	New Hire	03/01/09
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SHERIFF

*Porch, Joseph N.	Correctional Officer 1	Demotion	03/16/09
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*Demoted from Correctional Officer Sergeant (CO3) to Correctional Officer 1 (CO1)

WATER SERVICES

*Sanchez, Julio	Treatment Plant Tech 1	Class Change/Lateral	03/21/09
^Benson, Everette S.	Water Maintenance Leader 2	Class Change /Lateral	03/07/09
**Wells, Lonnie L.	Water Maintenance Tech 1	Class Change / Lateral	03/07/09
**Young, Alan C.	Water Maintenance Tech 1	Class Change / Lateral	03/07/09

*Class Change from Customer Service Field Rep 3 (SR7) to Treatment Plant Tech 1 (TG8)

^Class Change from Maintenance and Repair Leader 2 (TL9) to Water Maintenance Leader 2 (TL9)

**Class Change from Maintenance and Repair Worker 1 (TG3) to Water Maintenance Tech 1 (TG3)

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

TERMINATIONS/ PENSIONS

<u>Name</u>	<u>Classification</u>	<u>Type</u>	<u>Department</u>	<u>Date</u>
Baggett, Mary C.	Office Support Rep 3	Resignation	Codes	03/16/09
Evans, Sharon Marie	Emer Telecommunications Officer 4	Pension	ECC	03/03/09
Carter, Campbell M.	Fire Captain	Pension	Fire	03/08/09
Parker Jr., Robert L.	Fire Captain	Pension	Fire	02/17/09
Davis, Walter R.	Fire Engineer	Pension	Fire	02/17/09
Terry, Wanda L.	Fire Fighter/Paramedic	Resignation	Fire	02/28/09
Edens, James R.	Master Tech	Pension	General Services	02/25/09
Napier, Gerald M.	Information Systems Oper Analyst 2	Pension	ITS	02/27/09
Smith, Jodie W.	Information Systems Oper Tech 1	Dismissal	ITS	03/06/09
Smith, Gaylon J.	Probation Officer 3	Deceased	Juvenile Court	02/24/09
Chapman, Gary N.	Building & Grounds Electrician	Pension	Parks	02/27/09
Carter, Timothy E.	Program Coordinator	Resignation	Parks	03/13/09
Ford, George D.	Recreation Leader	Resignation	Parks	03/04/09
Watson, Valena J.	Police Identification Spec 2	Pension	Police	03/15/09
Baker, Candace D.	Police Officer 2	Resignation	Police	02/25/09
Cloud Jr., Frederick	Police Officer 2	Pension	Police	02/28/09
Crawford, Eric Dean	Police Officer 2	Resignation	Police	03/03/09
Lecompte, Carolyn F.	Police Officer 2	Pension	Police	03/15/09
Thompson, John A.	Police Officer 2	Pension	Police	03/11/09
Deardorff, Kenneth W.	Maintenance & Repair Leader 2	Pension	Public Works	03/20/09
Hastings, Stephen D.	Maintenance & Repair Worker 1	Deceased	Public Works	03/20/09
Davidson, Daniel E.	Public Works Associate Director	Resignation	Public Works	03/13/09
Owens, Willie L.	Skilled Craft Worker 1	Pension	Public Works	03/06/09
Post, Brandon J.	Correctional Officer 1	Resignation	Sheriff	03/19/09
Flatt, Tony W.	Correctional Officer 2	Pension	Sheriff	03/20/09
Morgan, Stacy L.	Social Worker 3	Resignation	Social Services	02/24/09
Wilson, Billy W.	Equipment Operator 2	Pension	Water Services	03/13/09
Jones, Henry H.	Industrial Tech Master	Pension	Water Services	03/16/09
Moskovitz, Marvin L.	Industrial Tech Master	Pension	Water Services	03/20/09
Russell, Ronald E.	System Services Assistant Manager	Pension	Water Services	02/27/09

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

DEPARTMENTAL ITEM

POLICE

REQUEST: Police Chief Ronal Serpas, represented by Ms. Sue Bibb, requested approval to extend the Police Captain Promotional List

Ms. Bibb said the Police Department needs additional time to assess manpower needs and that the current promotional list is adequate.

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.*

HUMAN RESOURCES

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

(1: Review of Initial Order – Larry Breeden, General Services / Dismissal

Mr. Larry Breeden, Automotive Mechanic Leader, was dismissed from the Metro General Services 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. 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 and Metro Attorney Jon Michael represented the General Services Department.

On January 28, 2009, Judge Stovall entered an Order to Uphold the decision to terminate the employment of Larry Breeden from the General Services Department.

Mr. Jon Michael, Metro Attorney, was present before the Commission to discuss the case. Mr. Ed Hiland, Attorney for Mr. Breeden, was also present before the Commission and requested the review be deferred to May 12th.

ACTION: *This matter was deferred to the next regular meeting on May 12, 2009.*

(2: Review of Initial Order – Charles C. Binkley, Parks / Dismissal

Mr. Charles Binkley, Maintenance and Repair Worker II, was terminated from employment with the Department of Parks and Recreation for alleged violation of the Metro Substance Abuse Policy – CSR 6.7 provisions #7 and #9 dealing with being under the influence and/or possession of illegal or controlled substances as well as provisions #12, #32 and #33 that deals with behavioral issues and conduct unbecoming.

Mr. Binkley appealed his dismissal to the Commission and the case was assigned to Administrative Law Judge John Hicks. Mr. Binkley represented himself while Metro Attorney Theresa Costonis represented Parks and Recreation. The case was heard on December 18, 2008 and on March 12, 2009. Administrative Law Judge Hicks entered an Initial Order to uphold the decision of the department to terminate the employment of Charles Binkley from Metro Government.

Ms. Theresa Costonis, Metro Attorney, was present before the Commission to discuss the case. Mr. Binkley, who was duly notified, was not present or represented at the meeting.

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

(3: Review of Initial Order – Jennifer Vardaman-Lawman, Sheriff's Office /1 Day Suspension

Ms. Jennifer Vardaman-Lawman, Corrections Officer Corporal, was suspended one (1) day from the Davidson County Sheriff's Office for alleged violation of the Sheriff's Office Policy 1-1.312 dealing with Employee Conduct and use of profane language toward a member of the public.

Ms. Vardaman-Lawman appealed her suspension to the Civil Service Commission and the case was assigned to Administrative Law Judge Leonard Pogue. The appellant was represented by Attorney Nanette Gould while Metro Attorney Cindy Gross represented the Sheriff's Office. On February 20, 2009, Judge Pogue entered an Initial Order which concluded that the Department's decision to suspend her without pay from the Sheriff's Office was appropriate and shall be upheld by the court.

Ms. Cynthia Gross, Metro Attorney, was present before the Commission to discuss the case. Attorney Nannett Gould nor Ms. Vardaman-Lawman was present for the review.

MOTION: *After some discussion, Commissioner North moved for approval to Uphold the One (1) Day Suspension as submitted by Administrative Law Judge Pogue. Seconded by Commissioner Sanders and the Commission approved without objection.*

(4: Review of Agreed Order – Steve Regen, Codes Administration / 5 Days Suspension

Mr. Steve Regen, Property Standards Inspector I, was suspended five (5) days from the Department of Codes Administration for alleged violation of CSR 6.7 provision #18 – Excessive Absenteeism and/or tardiness/Abuse of Sick Leave

Mr. Regen appealed his suspension to the Civil Service Commission and the case was assigned to Administrative Law Judge Randall LaFavor. Mr. Regen represented himself, while Metro Attorney Susan Jones represented the Department of Codes Administration. Both parties indicated an interest in mediation and Judge Margaret Robertson was assigned to conduct the process. The parties involved were able to reach mutual agreement and the Administrative Judge was informed that the medication was successful. On March 6, 2009, Judge LaFavor entered an Agreed Order with all parties being in agreement with mediated provisions as stated in the order.

Ms. Susan Jones, Metro Attorney, was present before the Commission to discuss the case. Mr. Regen, who was duly notified, was not present or represented at the meeting.

MOTION: *After some discussion, Vice-Chairman Corbitt moved for approval to uphold the Agreed Order as submitted by Administrative Law Judge Randall LaFavor. Seconded by Commissioner Sanders and the Commission approved without objection.*

- (5: Request for a Public Hearing to propose revisions to Civil Service Rules
(Family Medical Leave Act - in compliance with changes in the Federal Law)

Mr. Les Bowron, HR Manager-Labor Relation, said that on November 17, 2008 the US Department of Labor (DOL) issued a 762 page document explaining and listing new revisions to the FMLA regulations. During the past several months, the HR Department has revised the Metro FMLA Handbook, forms, Supervisor's Guide, form letters and frequently asked questions, to bring Metro into compliance with the DOL's revised regulations. The purpose of the requested public hearing will be to consider amending the Commission's Rules and Policies so as to revise the Metro FMLA Handbook, delete it from Appendix 3 in the Rules, and further explain the DOL amendments.

MOTION: *After some discussion, Vice-Chairman Corbitt moved for approval to schedule a Public Hearing following the next regular meeting on May 12, 2009. Seconded by Commissioner Sanders and the Commission approved without objection.*

- (6: Communiqués from the public on pending hearings

There were no reports made.

With nothing further, the regular meeting adjourned at 9:05 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