

MINUTES

METROPOLITAN CIVIL SERVICE COMMISSION

JUNE 9, 2009

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on June 9, 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: Nicki Eke, Metro Legal Department - Attorney.

May 12, 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 following minutes:

Regular Civil Service Commission meeting on May 12, 2009

With no corrections to the regular minutes, Commissioner Allen moved for approval. Vice-Chairman Corbitt seconded the motion.

Public Hearing meeting on May 12, 2009

With no corrections to the Public Hearing minutes, Commissioner Allen moved for approval. Vice-Chairman Corbitt seconded the motion.

Special Called meeting on May 21, 2009

With no corrections to the Special Called minutes, Commissioner North 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>PARKS</u> | | | |
| Hipps, Sherry D. | Facility Coordinator | Promotion | 05/15/09 |
| *Crittenden, Gayland T. | Maintenance & Repair Worker 1 | Demotion | 05/18/09 |
| *Demotion from Maintenance and Repair Worker 2 (TG4) to Maintenance and Repair Worker 1 (TG3) | | | |
| <u>PUBLIC LIBRARY</u> | | | |
| Cook, Kyle T. | Information Systems App Tech 2 | Class Change/Lateral | 05/01/09 |
| *Class change from Librarian 1 (SR9) to IS Application Tech 2 (SR9) | | | |

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> |
|------------------------|---------------------------------------|-------------|-------------------|-------------|
| Fountain, Jacob D. | Emer Telecommunications Off 1 | Resignation | ECC | 05/15/09 |
| Yates, Laurie A. | Emer Telecommunications Off 1 | Resignation | ECC | 04/27/09 |
| Brock, Nikki | Emer Telecommunications Off 4 | Resignation | ECC | 04/26/09 |
| Niemietz, Caleb A. | Emer Telecommunications Trainee | Resignation | ECC | 05/15/09 |
| Ridley Jr., Donald G. | Fire District Chief | Pension | Fire | 05/15/09 |
| Radcliffe, William C. | Firefighter 3 | Pension | Fire | 05/05/09 |
| Bell, Andrew W. | Equipment Mechanic-Certified | Pension | General Services | 04/24/09 |
| Floyd, Gernell D. | Facility Coordinator | Resignation | Parks | 04/18/09 |
| Watson Jr., Ralph H. | Recreation Leader | Resignation | Parks | 04/22/09 |
| Everett, Linda M. | Specialized Skills Instructor | Deceased | Parks | 04/24/09 |
| Smith, John D. | Planning Tech 2 | Pension | Planning Comm. | 04/17/09 |
| Justice, David A. | Police Officer 2 | Pension | Police | 05/15/09 |
| Roberts, Roy J. | Police Officer 2 | Resignation | Police | 04/24/09 |
| Storment, John L. | Police Officer 2 | Pension | Police | 05/06/09 |
| Smith, Gregory L. | Police Officer 2-Fld Training Officer | Resignation | Police | 04/24/09 |
| Smith, Troy F. | Police Officer 2-Fld Training Officer | Resignation | Police | 04/30/09 |
| Cooper, James H. | Police Operations Coordinator 1 | Pension | Police | 05/15/09 |
| Hartley, David T. | Police Security Guard 1 | Resignation | Police | 05/06/09 |
| Granola, Mark A. | Police Sergeant | Pension | Police | 04/30/09 |
| Mitchell II, Buddy F. | Police Sergeant | Resignation | Police | 05/08/09 |
| Green, Morris | Equipment Operator 3 | Pension | Public Works | 05/01/09 |
| Custer, Christopher N. | Correctional Officer 1 | Resignation | Sheriff | 04/29/09 |
| Williams, Celesta L. | Correctional Officer 1 | Resignation | Sheriff | 05/03/09 |
| Owens, Amanda A. | Engineering Tech 3 | Resignation | Water Services | 05/15/09 |

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> |
|---|-------------|------------------------------|
| Engineer 2-Capital Improvements Project Manager | OPEN | Water Services |

REGISTERS ABOLISHED

| <u>Date Established</u> | <u>Classification</u> | <u>Number On Register</u> | <u>Register</u> |
|-------------------------|-----------------------|---------------------------|-----------------|
| 08/14/2007 | ECC Supervisor | 4 | DEPT |

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.*

DEPARTMENTAL ITEMS

Chairman Farmer gave an overview of provisions in Civil Service Policy 3.11 - Layoff Seniority Provision regarding the layoff and rollback of employees in various Metro Departments.

INFORMATION TECHNOLOGY SERVICES

REQUEST: Mr. Keith Durbin, Director, requested waivers of the Layoff Seniority Provision as follows:

- a. Ms. Melanie Carter, Information Systems Applications Analyst 2
- b. Mr. Terrence Riche, Information Systems Applications Analyst 2
- c. Ms. Melissa Gann, Information Systems Applications Analyst 2
- d. Mr. Trent Arwine, Information Systems Applications Analyst 2

Mr. Durbin stated that Ms. Carter, Mr. Riche, Ms. Gann and Mr. Arwine have specific skill sets that are essential to the efficient operation of the department. He said that each person has a highly technical position, years of experience and works with multiple applications/departments in Metro Government.

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

PLANNING COMMISSION

REQUEST: Mr. Richard Bernhardt, Director, requested a waiver of the Layoff Seniority Provision for Ms. Ann Marie Cheek, Planning Tech 2.

ACTION: *Mr. Bernhardt withdrew the request.*

FINANCE

REQUEST: Mr. Rich Riebeling, Director, represented by Ms. Kim McDoniel, Assistant Finance Director, requested a waiver of the Layoff Seniority Provision for Ms. Ellen K. Fields, Finance Officer 3.

Ms. McDoniel said that Ms. Fields has specialized financial skills and serves as a backup when processing payroll for Metro Government and the Schools System. She has extensive on-the-job training in payroll processing.

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.*

PARKS

REQUEST: Mr. Roy Wilson, Director, represented by Mr. James Gray, requested a waiver of the Layoff Seniority Provision for the following employees:

- a. Ms. Lullette Magalei, Office Support Representative II

Mr. Gray stated that Ms. Magalei has five years of training and experience as an Office Support Rep. with specialized knowledge, skills set and experience as required in the Park Police Division.

b. Mr. Rickey Hoover, Maintenance & Repair Worker III

Mr. Hoover has maintained the Show mobile, which is a mobile sound stage used for various events throughout the county. Transporting this equipment requires long work hours and a special CDL license. He is one of two people who are licensed to work with this type of equipment.

MOTION: *After some discussion, Commission Sanders moved for approval of the request as listed. Seconded by Vice-Chairman Corbitt and the Commission approved with one abstention by Commissioner Allen.*

HUMAN RESOURCES

The Human Resources Department submits the following for the Commission's consideration and appropriate action:

(1: Request consideration and approval of Departmental Rule Revisions – Sheriff's Office

Mr. Jim Kramer said the Sheriff's Department routinely reviews the departmental rules once a year for clean-up or revision. The proposed rule changes have been reviewed by the agency, Metro Legal Department and the Human Resources Department. They have conferred with SEIU and have publicly posted the revisions in accordance with Civil Service Rules.

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

(2: JOB DESCRIPTION REVISIONS

Correctional Officer 2

Mr. Michael Taylor stated that in 2009, the Board of Hospital Management transferred responsibility and funds for FY 2010 to the Sheriff's Office to provide armed security services for inmates who are hospitalized for treatment or critical care at Metro General Hospital. Those employees providing armed/specialized security services are classified as CO2 (Correction Officer 2). Proposed changes to the job description would add two years experience as a security officer.

MOTION: *After some discussion, Commissioner North moved for approval of the revision to Correctional Officer 2 job description. Seconded by Vice-Chairman Corbitt and the Commission approved without objection.*

Fire Assistant Chief

Mr. Michael Taylor said that present job description requirements for the Fire/EMS Bureau Fire Assistant Chief limit it to employees who are currently classified as a Fire District Chief. Revisions would allow those previously classified as Fire District Chief to be included in the applicant pool. Proposed changes are limited to the Fire/EMS Bureau.

DELETE: *"permanent status as a Fire District Chief"*

ADD: *"Must have held permanent status as a Fire District Chief in the Fire/EMS Bureau".*

MOTION: *After some discussion, Commissioner Allen moved for approval of the revision to Fire Assistant Chief. Seconded by Vice-Chairman Corbitt and the Commission approved without objection.*

- (3: Request approval to remove Appendix 3 (Metro FMLA Handbook) from the Civil Service Commission Rules

Mr. Les Bowron, Human Resources Manager – Labor Relations, gave a re-cap of the FMLA Handbook proposal from the Public Hearing held on May 12, 2009. Mr. Bowron said that information will be mailed to HR Coordinators and will also be located on the nashville.gov website

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

- (4: Request for review of the Human Resource Director's decision that the actions of MNPD to not rehire Ms. Deidre Forte, was in compliance with Civil Service rules, and therefore not appropriate for an appeal to the Civil Service Commission.

Ms. Deidre Forte was employed by the Metro Nashville Police Department prior to being approved for a Disability Pension by the Employee Benefit Board. She recently filed a widely circulated letter dated August 2, 2007, that was officially submitted and date stamped in the HR office on April 9, 2009. The letter basically requested an Appeal of Chief Ronal Serpas's decision not to rehire her from a disability re-employment preferred list.

Upon termination of Deidre Forte's disability pension July 16, 2007, she was assisted by Human Resources staff and placed on a disability re-employment preferred eligibility list (CSR 3.13A).

- * This eligibility list was then sent to the Police Department for consideration of her re-employment
- * The Department offered Ms. Forte a position contingent upon a successful background investigation and polygraph exam.
- * The background investigation results indicated that she had withheld information and was untruthful. At the Police Department's request her name was removed from the preferred re-employment list by the Director of Human Resources (CSPolicy 2.6-1)
- * The Human Resources Department then assisted Ms. Forte by placing her name on other eligible lists according to her education and experience qualifications.

The Director of Human Resources had been advised that Chief Ronal Serpas chose not to rehire Ms. Forte based on a truthfulness issue revealed in the background investigation process. The HR Director advised Ms. Forte that the Police Chief's decision in this matter was not eligible for appeal to the Civil Service Commission, however the Civil Service Commission does have the express authority to review any action (CSR 1.11) taken by the Director of Human Resources.

Attorney Michelle Owen was present at the Commission meeting, while Metro Attorney Cynthia Gross represented the Police Department.

MOTION: *After much discussion, Vice-Chairman Corbitt moved to approve the decision of the Human Resources Director, stating that her opinion was valid and there was no basis for the appeal. Seconded by Commissioner North and the Commission approved with Commissioners North and Corbitt voting "Yea", while Commissioners Sanders and Allen voted NO. Chairman Farmer voted "Yea", to break the Tie. Vote 3-2 to approve*

- (5: Report of Departmental Layoff Plans

Mr. Michael Taylor said that a number of departments are currently faced with staff reductions/layoff actions for the next fiscal year. A layoff action is defined as a termination of employment resulting from the lack of funds or work, abolishment of positions, reorganization or rollback in classification/salary. Layoff actions are determined on a departmental basis and do not create any employee rollback rights between departments. He said that Human Resources will continue to work with departments to place employees as vacancies develop. As layoff plans are developed and approved, these reports will be updated and submitted for further review by the commission.

ACTION: *Report only.*

(6: Commission Discussion of Appointment for Acting Director of Human Resources

Chairman Farmer stated that former Human Resources Director, Dorothy Shell-Berry retired from Metropolitan Government on May 29, 2009. A recommendation was submitted by the administration that Mrs. Rita Roberts-Turner be appointed as Acting Director of Human Resources.

MOTION: After some discussion, Commissioner Sanders moved for approval of the request as listed. Seconded by Commissioner North and the Commission approved without objection.

(7: Communiqués from the public on pending hearings

There were no reports made.

With nothing further, the regular meeting adjourned at 10:24 a.m.

ATTEST:

APPROVED:

**Mr. Ron Deardorff, Assistant Director
Human Resources Department**

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