

MINUTES

METROPOLITAN CIVIL SERVICE COMMISSION

SEPTEMBER 8, 2009

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on September 8, 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: Rita Roberts Turner, Director of Human Resources and Nicki Eke, Metro Legal Department - Attorney.

August 11, 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 one correction to the regular minutes, under #2 from page seven, the record should reflect that Commissioner Sanders made the motion to affirm the Initial Order as amended and submitted by Administrative Law Judge Marion Wall and seconded by Commissioner North.

Vice-Chairman Corbitt moved for approval to modify the minutes of August 11th, 2009. Commissioner Sanders seconded the motion.

NOTE: Chairman Farmer, read a memorandum regarding an Announcement of Appeals Process pursuant to Ordinance #BL2006-2050.

EMERGENCY COMMUNICATION CENTER

McWright, Richard G.	Emer Telecomm. Assistant Director	Promotion	08/15/09
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GENERAL SERVICES

*Cyrus, Michael W.	Equipment Mechanic	Department Transfer/Lateral	08/24/09
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*Department Transfer from Water to General Services/Lateral

PARKS

*Franks, Valencia R.	Program Coordinator	Class Change/Lateral	08/08/09
^Dodson, Jonathan B.	Recreation Center Manager	Class Change/Lateral	08/08/09
**Hearn, Lisa R.	Recreation Leader	Rollback - Class	08/08/09

*Class change from Recreation Center Manager (SR9) to Program Coordinator (SR9)

^Class change from Aquatics Coordinator (SR9) to Recreation Center Manager (SR9)

**Rollback In Class from Aquatics Coordinator (SR9) to Recreation Leader (SR7)

POLICE

Vaughn, Jeremy R.	Police Security Guard 1	New Hire	08/01/09
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REGISTERS ABOLISHED

<u>Date Established</u>	<u>Classification</u>	<u>Number On Register</u>	<u>Register</u>
12/05/07	Library Associate 2-Customer Service	05	DEPT
07/14/08	Library Manager 3-Madison Branch	17	OPEN
12/05/07	Library Associate 1-Adult Services	46	OPEN
10/31/08	Equipment Mechanic	17	OPEN
05/14/08	Technical Specialist 1-HVAC	05	OPEN

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

DEPARTMENTAL ITEMS**BEER BOARD**

REQUEST: Ms. Jackie Eslick, Executive Director, requested approval of Leave from Civil Service status from July 1, 2009 thru June 30, 2010.

Jim Lynch, Human Resources, said Ms. Eslick requested a Leave from Civil Service status to serve as the Executive Director of the Metropolitan Nashville Beer Board, which is a non Civil Service position.

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

COMMUNITY EDUCATION ALLIANCE

REQUEST: Ms. Michelle Renfro, requested approval of Leave from Civil Service status effective November 1, 2009 thru October 31, 2010.

It was noted that on August 18, 2009, the Metro Council passed legislation to abolish the Community Education Alliance with an effective date of November 1, 2009. Ms. Renfro, Program Manager 1 at Community Education Alliance, requested leave from Civil Service Status to work in a non-Civil Service capacity. The Metro Council ordinance also abolished all departmental Civil Service positions and created a new department with non Civil Service positions effective November 1, 2009. After considerable discussion, the Commission requested additional information that would need further discussion at the October 13th meeting.

Mr. Thomas Svitek, Chairman of Community Education Alliance, was present before the Commission to support Ms. Renfro's request. Other Community Education Alliance employees present at the meeting were: Jim Polk, Carl Myers, Meg Nugent, and Peggy Drew.

ACTION: *This matter was deferred until the next regular meeting on October 13, 2009.*

HUMAN RESOURCES

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

(1: **Request to Review the Appeal of Layoff Action (Rollback) – Lisa Hearn, Parks and Recreation**

Lisa Hearn was classified as an Aquatics Coordinator, pay grade SR09, and was rolled back to a lower position within her classification series as a Recreation Leader – Aquatics, pay grade SR07. Hearn appealed her layoff action because an employee with less seniority, who held the same classification as she, was laterally moved and not rolled back to a lower classification.

Hearn alleged that the Parks Department violated Civil Service Policy 3.11 in that she has more seniority than the employee who was laterally moved.

The Commission found that while Civil Service Policy 3.11(D) does require the Department to consider a person's previous classification when determining layoffs, the policy does not mandate that the employee be rolled back to that previous classification over someone with more seniority, particularly when the difference in continuous service time is significant. Accordingly, The Commission found that Hearn was qualified for the Recreation Manager position and had more seniority than Jonathan Dodson, who was laterally moved.

Mr. Worrick Robinson, Attorney for Ms. Hearn and Mr. Jon Michael, Metro Attorney, were present before the Commission to discuss and review the appeal. Mr. James Gray, Asst. Director –Parks, was also present before the Commission.

MOTION: After much discussion, Commissioner Allen moved for approval to grant the appeal which rolled back Lisa Hearn into the Recreation Manager Position and that Jonathan Dodson would then roll back in classification in accordance with CS Policy 3.11-Layoff provisions.

Seconded by Commissioner Sanders and the Commission approved without objection.

(2: **Request to Review the Appeal of Layoff Action (Rollback) – Kevin Bledsoe, Parks and Recreation**

Kevin Bledsoe stated that he was classified as a Maintenance and Repair Leader I, TL07, and was rolled back to a Maintenance and Repair Worker II, TG04. He maintained that under CS Policy 3.11 provisions, he should have been rolled back to a Maintenance and Repair Worker III position, rather than an M&R Worker II. The Commission determined that Mr. Bledsoe had more seniority than Ricky Hoover, currently an M&R Worker III, however, due to a previous Commission approval for a seniority waiver, Hoover was protected from being rolled back. The waiver had been approved by the Commission on June 9, 2009, based on Mr. Hoover's certification to drive the Department's Show mobile. Pursuant to the Commission's request for the Parks Department to analyze its options should Mr. Hoover's waiver be rescinded, Human Resources prepared a list of three options for the Parks Department's consideration.

Mr. Bledsoe, Mr. Hoover and Mr. James Gray were present before the Commission to discuss the matter.

MOTION: After much discussion, Commissioner Sanders moved for approval to grant the appeal and implement Option #2. Chairman Farmer read this information into the record as follows: Place Mr. Bledsoe in the M&R Worker III classification, rescind the waiver previously granted Mr. Hoover, and roll him to a M&R Worker II. Mr. Hoover would be required to operate the Show mobile when needed. Parks should evaluate the impact of this option when Mr. Hoover operates the Show mobile. Since the operation of the Show mobile is an occasional function, there could be an out-of-class issue when operating this equipment, if traditionally Metro Parks has limited the operation of the Show mobile to M&R Worker III positions.
Seconded by Commissioner North and the Commission approved without objection.

(3: Request to Review the Appeal of Layoff Action (Rollback) – Matthew McKenzie, Parks and Recreation

Mr. Matthew McKenzie was classified as full-time Recreation Leader – Aquatics and was rolled back to a part-time Recreation Leader – Aquatics position. McKenzie initially maintained that a vacant full time Recreation Leader position was budgeted at the Sportsplex and that he should not be targeted for roll back to a part time position.

Human Resources Director Rita Roberts Turner stated that considering Commission decisions made this morning, there may be a need for the Parks Department to submit an amended layoff plan for review by the Human Resources Department.

ACTION: *The Commission ordered that prior to any further layoff / rollback actions or notices, the Parks Department shall submit an amended Layoff Plan to the Director of Human Resources for approval in accordance with CS Policy 3.11 to be brought back to the Commission's October meeting. The Commission deferred his appeal to the October 2009 meeting so that the Parks Department can accurately determine his classification in light of Lisa Hearn's move.*

(4: Certification of Benefit Board Election Results—Fire Department Representative

Steve Cain stated that an election was announced and conducted for the Fire Department Representative to the Employee Benefit Board in order to fill the incumbent's remaining term which ends June 30, 2012. Human Resources Director Rita Roberts Turner certified the Election process and results which declared Charles Douglas Clariday, Jr. the winner with 315 votes.

ACTION: *Report only*

(5: Updates from the Human Resources Director

Ms. Rita Roberts Turner, HR Director, reported to the Commission that as a result of the Rita White Disciplinary Appeal, the Police Department has clarified and communicated specific duties and responsibilities for Radio Operators when either civilian and/or Police supervisors are present.

ACTION: *Report only*

Note:

Ms. Rita Roberts Turner excused herself from the meeting at this time in order to avoid any possible appearance of a conflict of interest, in that her husband is presently employed with the Metro Police Department and is on the Lieutenant's list.

(6: Request to Extend Police Captain Promotional List

Chief Anderson said a request from Chief Serpas was submitted asking that the current Police Captain Promotional Register be extended for an additional six months. Approval of the request allows the Police Department to consider other eligible candidates before a new list is established. Deputy Chief Steve Anderson said the Police Department will schedule testing at a later date.

MOTION: *After much discussion, Vice-Chairman Corbitt moved for approval to grant the request. Seconded by Commissioner North and the Commission approved without objection.*

(7: Request to Extend Police Lieutenant Promotional List

Chief Anderson said a request from Chief Serpas was submitted asking that the current Police Lieutenant Register be extended for an additional six months. Approval of the request allows the Police Department to consider other eligible candidates before a new list is established. Deputy Chief Steve Anderson said the Police Department will schedule testing at a later date.

MOTION: *After much discussion, Vice-Chairman Corbitt moved for approval to grant the request. Seconded by Commissioner North and the Commission approved without objection.*

(8: Communiqués from the public on pending hearings

There were no communiqués from the public.

With nothing further, the regular meeting adjourned at 10:05 a.m.

ATTEST:

APPROVED:

**Ms. Rita Roberts Turner
Director of Human Resources
Secretary to the Civil Service Commission**

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