

MINUTES

METROPOLITAN CIVIL SERVICE COMMISSION

OCTOBER 13, 2009

The Metropolitan Civil Service Commission met for their regularly scheduled meeting on October 13, 2009 in the Civil Service Conference Room, Suite 163, 222 Building, Third Avenue North, Nashville, Tennessee, at approximately 8:34 a.m.

Commission Members Present: 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.

Other Members Not Present: Chairman William H. Farmer

September 8, 2009 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 from the minutes at the last regular meeting.

With no corrections to the regular minutes, Commissioner Allen moved for approval. Commissioner North seconded the motion.

NOTE: Ms. Nicki 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>FIRE</u>			
Thomas, Allison K.	Fire Assistant Chief	Promotion	09/16/09
Toon, Gordon J.	Fire Assistant Chief	Promotion	09/16/09
Walker, Edith K.	Fire Assistant Chief	Promotion	09/16/09
*Birdwell, David Wayne	Fire Assistant Training Officer	Return from Rollback	09/16/09
Campbell, Randall K.	Fire Captain	Promotion	09/16/09
^Hoover Jr, Charles F.	Fire District Chief	Return from Rollback	09/16/09
Roberts, Bradley G.	Fire Engineer	Promotion	09/16/09

*Return from Rollback from Fire Captain (PS6) to Fire Assistant Training Officer (PS7)

^Return from Rollback from Fire Captain (PS6) to Fire District Chief (PS7)

GENERAL SERVICES

Page, Karl E.	Equipment Mechanic	New Hire	08/24/09
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HISTORICAL COMMISSION

Zeigler, Robin E.	Historic Preservationist 2	New Hire	09/14/09
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APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>INFORMATION TECHNOLOGY SERVICE</u>			
*Farris Sr., David R.	Information Systems Advisor 1	Class Change/Lateral	09/02/09
*Graves, Gene H.	Information Systems Advisor 1	Class Change/Lateral	09/02/09
^Lewis, Gregory C.	Information Systems Advisor 2	Class Change/Lateral	09/02/09
**Roselli, Joseph	Information Systems Div Manager	Class Change/Lateral	09/02/09
*Class Change from IS Manager (SR13) to IS Advisor 1 (SR13)			
^Class Change from IS Division Manager (SR14) to IS Advisor 2 (SR14)			
**Class Change from IS Advisor 2 (SR14) to IS Division Manager (SR14)			

PARKS

*Westfield, Richard D.	Golf Course Manager	Return from Medical Pension	08/28/09
*Return from Pension to same classification			

POLICE

*Cuthbertson, Patrick L.	Police Officer 2	Class Change	09/13/09
*Class change from Police Officer 1 to Police Officer 2			

SOCIAL SERVICES

Johnson, Sonya E.	Program Supervisor	Re-Hire	09/28/09
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WATER SERVICES

*Hodges, Gregory T.	Customer Service Field Rep 2	Demotion	09/26/09
Fussell, Ricky D	Engineer 2	New Hire	09/19/09
*Demotion from Customer Service Field Rep 3 (SR7) to Customer Service Field Rep 2 (SR6)			

MOTION: After some discussion, Commissioner Allen 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>
Bradley, Nicole L.	Emer Telecommunications Off 1	Dismissal	ECC	09/11/09
Guyton, Maesha L.	Emer Telecommunications Off 1	Resignation	ECC	08/27/09
Owen, Helen F.	Emer Telecommunications Off 4	Pension	ECC	08/17/09
Smoot, Barbara C.	Emer Telecommunications Trainee	Pension	ECC	09/04/09
Rucker Jr, Harvey L.	Emergency Medical Tech 2	Pension	Fire	09/05/09
Cotnoir, Ralph E.	Fire Captain	Pension	Fire	08/18/09
Meyer, Karl E.	Fire Fighter 2	Pension	Fire	08/31/09

TERMINATIONS/ PENSIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DEPARTMENT</u>	<u>DATE</u>
Bennett Sr., David Clinton	Firefighter 3	Pension	Fire	08/29/09
Tran, Daniel T.	Paramedic 2	Resignation	Fire	08/24/09
Spray, Howard E.	Automotive Mechanic Leader	Pension	General Services	08/31/09
Pope, Thomas A.	Building Maintenance Mechanic	Resignation	General Services	08/24/09
Moore, Steven B.	Equipment & Supply Clerk 2	Resignation	General Services	09/08/09
Wordlaw, Johnny L.	Equipment Servicer	Resignation	General Services	09/08/09
Sandlin, Bobby D.	Maintenance & Repair District Supv	Pension	Parks	09/17/09
Sharp, James M.	Finance Manager	Resignation	Police	09/15/09
Kinney, Dylan T.	Police Officer 2	Resignation	Police	08/17/09
Kucenas, Adam J.	Police Officer 2	Resignation	Police	08/18/09
Morales Jr, Edwing R.	Police Officer 2	Dismissal	Police	09/15/09
Smith, Earl R.	Police Officer 2	Pension	Police	08/31/09
Anderson, Linda A.	Librarian 1	Pension	Public Library	08/31/09
Smith, Tammy D.	Customer Service Field Rep 1	Pension	Public Works	08/24/09
Thomas, Vernon D.	Equipment Operator 3	Pension	Public Works	09/04/09
Hippensteel, Vernon D.	Signal Tech 3	Pension	Public Works	08/31/09
Flahardy, Sean D.	Correctional Officer 1	Resignation	Sheriff	08/21/09
Haggard, Billy W.	Correctional Officer 1	Dismissal	Sheriff	09/14/09
Kouhail, Ahmed	Correctional Officer 1	Resignation	Sheriff	09/17/09
Kouhail, Coleen	Correctional Officer 1	Resignation	Sheriff	08/24/09
Triplett, James	Correctional Officer 1	Dismissal	Sheriff	09/04/09
Howell, William R.	Correctional Officer 2	Dismissal	Sheriff	09/04/09
Longstreth II, Richard T.	Correctional Officer 2	Resignation	Sheriff	08/29/09
Werner, Brian G.	Finance Officer 2	Resignation	Social Services	09/18/09
Dowell, Deloris Y.	Office Support Rep 1	Pension	Social Services	09/18/09
Gray, Shelly E.	Equipment Operator 3	Pension	Water Services	09/04/09
Russell, Ronald E.	System Services Assistant Manager	Resignation	Water Services	08/19/09
Banniza, Charles E.	Water Maintenance Leader 1	Pension	Water Services	09/10/09
Schuller, Stephen A.	Water Maintenance Leader 2	Pension	Water Services	09/18/09

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

ELIGIBILITY REGISTER REPORT- ESTABLISHED

<u>Classification</u>	<u>Type</u>	<u>Requesting Department</u>
Historic Preservationist 2	OPEN	Historical Commission
Automotive Mechanic	OPEN	General Services
Emergency Telecommunications Supervisor	DEPT	Emergency Comm
Probation Officer Chief	DEPT	Juvenile Court
Library Manager 3-Special Collections	OPEN	Library
Industrial Electronics Technician 1	OPEN	Water

REGISTERS ABOLISHED

<u>Date Established</u>	<u>Classification</u>	<u>Number On Register</u>	<u>Register</u>
09/14/2007	Signal Technician 1	11	OPEN
01/30/2007	Customer Service Field Rep 1-Waste Management	23	OPEN
10/24/2007	Maintenance & Repair Worker 2-Paving/Milling	04	DEPT

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 ITEM

JUVENILE COURT

REQUEST: Judge Betty Adams Green, represented by Ms. Phoebe Johnson, requested approval for the following items:

- A. Approval for Leave from Civil Service effective July 1, 2009 thru June 30, 2010 for:
 - a. L'Tannia H. Williams, Program Manager – Child Support Enforcement
 - b. Margo Cooper, Administrative Assistant - Child Support Enforcement

Ms. Johnson said, The Davidson County Juvenile Court was awarded funding for a Child Support Enforcement Grant again this year. Both Ms. Williams and Ms. Cooper are long term employees who have worked in the grants program in the past.

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

- B. Approval for Out of Class Pay beyond the 100 days limit for Ms. Wendy Thurston, as a Probation Officer 3.

Ms. Thurston has been paid out of class pay as a Probation Officer 3 while her supervisor has been on extended medical leave. The proposed extension if approved, would be until such time Julia Tucker, probation Officer 3 returns from her extended Medical Leave, which should be in the near future.

MOTION: *After some discussion, Commissioner Allen moved for approval to extend Out of Class Pay for Ms. Thurston until January 12, 2010. After further discussion, Commissioner North requested to amend the date to December 31, 2009, which would be within the current calendar year. Seconded by Commissioner Sanders and the Commission approved without objection.*

- C. Approval for Open Range Promotional increase above maximum for Charles Ward, from Probation Officer 3 (SR12) to Chief Probation Officer (SR13).

Ms. Johnson said the court is requesting that Mr. Ward, Probation Officer 3, be appointed to the position of Chief Probation Officer effective October 19, 2009 with an increase of 19%. Mr. Ward has over forty-one (41) years experience and has served in a supervisory capacity for over thirty (30) years. His valuable leadership, supervisory and administrative responsibilities are commensurate with the request for the proposed increase in salary.

MOTION: *After much discussion, Commissioner North moved to approve that the Open Range increase be limited to fifteen (15%). Seconded by Commissioner Allen and the Commission approved without objection.*

HUMAN RESOURCES

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

(1: Report of Approved Departmental Amended Layoff Plan – Parks & Recreation

Mr. Michael Taylor stated that an amended Layoff Plan has been submitted by the Parks Department and had been approved by Director of Human Resources, Rita Roberts-Turner. The plan transfers Ms. Lisa Hearn to a Recreation Center Manger position and restores Mr. Matthew McKenzie to a full time Recreation Leader-Aquatics position. The amended plan also changes Mr. Kevin Bledsoe to a Maintenance & Repair Worker 3, and rescinds the waiver of seniority request for Mr. Ricky Hoover. Mr. Hoover is rolled back to a Maintenance & Repair Worker 2 position.

As a result, the amended plan impacted three (3) additional full-time Civil Service employees who were not facing layoff action under the previous plan. One employee will be rolled back and continue as full time, while two others will be working part-time in a lower position. Four Non-Civil Service employees were also impacted. Two and will be working less hours and two will be laid-off.

Mr. James Gray, Metro Parks, was present before the Commission to discuss the amended plan.

ACTION: Report only

(2: Report of Approved Departmental Layoff Plan – Sheriff's Office

Mr. Michael Taylor reported that the Sheriff's Office submitted a Layoff plan that has been reviewed and approved by the Director of Human Resources. Due to budgetary restrictions, the Sheriff's Office proposed to roll back six employees. One Correctional Officer Lieutenant was rolled to Correctional Sergeant and five who were Correctional Officer Sergeant's were rolled to Correctional Officer 2 positions.

ACTION: Report only

(3: Report of Approved Departmental Layoff Plan – Community Education Alliance

Mr. Mike Taylor reported that effective November 1, 2009, the Community Education Alliance will be abolished by Metro Ordinance BL2009-501. A Layoff Plan was developed and approved by the Director of Human Resources in compliance with Civil Service Policy. This plan results in the layoff of all seven employees. Those employees laid off, will be placed on a layoff list for their classification and are eligible for a recall for a period of two years. The Human Resources Department will be meeting with the employees in the near future and will continue to help place them as vacancies occur.

ACTION: Report only

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

Michele Renfro, Program Manager 1 at Community Education Alliance, requested leave from Civil Service Status to work in a non-Civil Service capacity. On August 18, 2009, the Metro Council passed legislation to abolish the Community Education Alliance with an effective date of November 1, 2009. Provisions in the Metro Council legislation created all the positions in the Community Education Alliance as non-Civil Service effective November 1, 2009.

Mr. Thomas Svitek, Chairman of Community Education Alliance, was present before the Commission to support Ms. Renfro's request as were several other Education Alliance employees. It was pointed out that If such a request were granted, the leave would appear to be a moot point after that date.

MOTION: *After much discussion, Commissioner Allen moved to deny the request for Leave from Civil Service status for Ms. Michelle Renfro. Seconded by Commissioner Sanders and the Commission approved without objection.*

(5): Departmental Layoff / Rollback Plans Update – Report for Commission only

Ms. Jamie Summers provided a report to the Commission and stated approximately fourteen (14) departments faced staff reductions or other layoff actions for this fiscal year. Layoff actions are determined on a departmental basis. A list was presented to the Commission for their review. The report detailed a listing of layoff's, rollbacks and placements per department. There were 29 layoffs (12 placed - 17 not placed) and 55 rollbacks.

ACTION: *Report only*

(6): Request for clarification regarding Back Pay request by Kevin Bledsoe, Parks & Recreation

During the September 8, 2009 meeting, Commissioner Sanders moved for approval to grant his appeal of rollback issue and implement Option #2. Chairman Farmer read the 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.**

Kevin Bledsoe, M&R Worker II, requested compensation for lost wages from July 28, 2009 at \$1.80 per hour which is the difference in pay from an M&R Worker 2 to M&R Worker 3. This request for lost wages was based upon the Commission's affirmative vote on his appeal that was presented during the September 8th meeting.

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

MOTION: *After much discussion, Commissioner North moved for approval to make Mr. Bledsoe whole concerning lost wages from July 28, 2009 thru October 20, 2009. The Commission requested that the Director of Human Resources and Metro Parks meet with Mr. Bledsoe to calculate and determine the amount of back pay. Seconded by Commissioner Allen and the Commission approved without objection.*

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

Mr. Matthew McKenzie was classified as full-time Recreation Leader – Aquatics and was rolled back to a part-time Recreation Leader – Aquatics position. Mr. 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.

A request had been made that Metro Parks submit an amended layoff plan for review by the Human Resources Department. Based on the new layoff plan, and in light of Ms. Lisa Hearn's move, Mr. McKenzie's position reverted to full time and the matter became moot issue. Mr. McKenzie made a request to the Commission that he should be entitled to lost wages due to his reduction from full time to part-time resulting in the lose of ten (10) hours per week.

ACTION: *No action was needed on the appeal of Layoff Action due to the amended Layoff plan submitted from Metro Parks. However, the matter of lost wages was deferred until the next regular meeting so that further information could be provided to the Commission for review.*

(8: Review Appeal of Medical Disqualification – Jeffrey Blevins, Applicant for Police Officer Trainee

Mr. Jeffrey Blevins was disqualified as a Police Officer Trainee applicant due to his failure to pass a required physical examination administered by Medical Examiner Cynthia Perry. Medical Evaluations from two private physicians were provided to support his appeal. Medical Examiner Perry reviewed the independent medical evaluations and other medical records and noted that he did not meet the physical/medical standard of Army Regulations 40-501 / or Metro Driver Safety Standards – Vision (CS Policy 2-12-1).

Ms. LaQuita Cheatham, representing the Metro Medical Examiner, and Mr. Blevins were present before the Commission for discussion.

MOTION: *After some discussion and consideration of the report of the Medical Examiner, Commissioner Sanders moved to deny the Appeal by Mr. Jeffrey Blevins, Police Officer Trainee applicant. Seconded by Commissioner Allen and the Commission approved without objection.*

(9: Review Appeal of Medical Disqualification – Elizabeth Bednarcik, Applicant for Fire EMT – IV

Ms. Elizabeth Bednarcik was disqualified as an applicant for EMT-IV with the Metro Fire Department due to her failure to pass a required physical examination administered by Medical Examiner Cynthia Perry. Ms. Bednarcik maintained that she is currently a Firefighter and has performed similar work as a volunteer Firefighter and EMT-IV.

She has requested to appeal the disqualification and has provided two independent medical evaluations to support her appeal. Metro Medical Examiner Perry has reviewed the independent medical evaluations and other medical records relative to requirements of the position in question.

MOTION: *After some discussion and consideration of the report of the Medical Examiner, Commissioner Sanders moved to deny the Appeal by Ms. Elizabeth Bednarcik, EMT - IV applicant. Seconded by Commissioner Allen and the Commission approved without objection.*

(10: Human Resources Updates / Reports

Human Resources Director Rita Roberts-Turner said there had been a licensing question submitted by a concerned citizen and that the Human Resources Department and the Department of Finance are researching the matter and are in the process of developing a response.

LATE ITEM**(11: Review Appeal of Medical Disqualification - Ricky L. Biggs, Applicant for EMT - 1**

Mr. Ricky L. Biggs was medically disqualified as an applicant for EMT – I with the Metro Fire Department due to his failure to pass a required Physical examination. He requested to appeal the disqualification and has provided an independent medical evaluation to support his appeal. The Medical Examiner has reviewed the independent medical evaluation and other medical records relative to requirements of the position in question.

Ms. LaQuita Cheatham, representing the Metro Medical Examiner, stated that Mr. Biggs has refrained from taking any further medication and would therefore support his appeal. Mr. Biggs was before the Commission to discuss the request.

Ms. Cheatham said that Mr. Biggs will be subject to the annual physical exam for the Fire Department based on NFPA guidelines 1582 within 13-15 months.

MOTION: *After much discussion, Commissioner North moved to approve the Appeal of Mr. Ricky Biggs based upon the medical testimony that was provided by the Medical Examiner's Office. Seconded by Commissioner Allen and the Commission approved without objection.*

(12: Communiqués from the public on pending hearings

None to Report

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

ATTEST:

APPROVED:

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

**R. Steve Corbitt
Vice-Chairman
Civil Service Commission**