



METROPOLITAN CIVIL SERVICE COMMISSION

MINUTES

October 11, 2011

8:30 a.m.

Civil Service Conference
Room

Suite 163, 222 Building
3rd Avenue North
Nashville, Tennessee
37201

MEMBERS PRESENT: William H. Farmer - Chairman;
R. Steve Corbitt – Vice-Chairman; Commissioners C.
Michael Allen, D. Billye Sanders and Jo Ann North.

OTHER MEMBERS: Rita Roberts-Turner - HR Director,
Nicki Eke - Metro Legal Department Attorney.

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 from the minutes of the last [Regular Meeting of September 13, 2011](#).

Vice-Chairman Corbitt moved for approval of the amended minutes and seconded by Commissioner North. There were no objections from the Commission.

Appeals Process: Chairman Farmer read the memorandum pertaining to the Metropolitan Code of Laws 2.68.030 – pursuant to Ordinance BL2006-2050

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APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>BEER BOARD</u>			
Spray, James W.	Beer Permit Inspector 1	Re-Hire	09/26/11

CODES ADMINISTRATION

Stromatt, Lisa A.	Office Support Rep 3	Re-Hire	09/12/11
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FIRE

*Bowden IV, Harold C.	Paramedic 1	Class Change/Lateral	09/16/11
*Class change from EMT 2 (PS4) to Paramedic 1 (PS4)			

GENERAL SERVICES

Binkley, Charles E.	Building Maintenance Lead Mechanic	Promotion	08/22/11
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INFORMATION TECHNOLOGY SERVICE

Brown, Amy S.	Information Systems Advisor 1	Promotion	09/03/11
Kennedy, Brian J.	Information Systems Advisor 1	Promotion	09/17/11

PARKS

Gregory, Adrean E.	Facility Coordinator	Promotion	09/06/11
Dixon, William J.	Maintenance & Repair Worker 2	New Hire	08/19/11
Royalty, Brian S.	Maintenance & Repair Worker 2	New Hire	08/22/11
*Adkins III, Golden G.	Recreation Leader	Return from Rollback	09/01/11
**Shoemaker, Willie J.	Recreation Leader	Return from Rollback	09/01/11
^Gray, James A.	Special Projects Manager	Roll-Back Increment	09/01/11

*Return from rollback to original classification

**Return to full time Position from part time status

^Roll-Back in salary

POLICE

Ferrari, Amy L.	Police Operations Analyst 1	Promotion	09/01/11
Black, Walker T.	Police Operations Assistant 1	New Hire	10/01/11
Bradley, Courtney D.	Police Operations Assistant 1	New Hire	09/16/11
Brown, Suzanne M.	Police Operations Assistant 1	New Hire	09/01/11
Johnson, Regina E.	Police Operations Assistant 1	Re-Hire	09/16/11
Berry, David C.	Technical Specialist 1	New Hire	09/01/11

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>PUBLIC LIBRARY</u>			
Arntz, Sarah E.	Circulation Assistant 1	New Hire	09/19/11
Brooks, Barbara A.	Circulation Assistant 1	New Hire	09/05/11
Farmer, Emily C.	Info Systems App Analyst 1	Re-Hire	09/12/11
Staub, James E.	Info Systems App Analyst 3	Promotion	09/19/11
Jones, Travis	Office Support Rep 1	New Hire	09/19/11
Hull, Brian K.	Program Manager 1	Promotion	09/19/11
<u>PUBLIC WORKS</u>			
Beaty, David R.	Equipment Operator 3	Promotion	09/19/11
McKay Jr., Danny E.	Equipment Operator 3	Promotion	09/19/11
Phillips, Antwan L.	Equipment Operator 3	Promotion	09/19/11
Schuler, Amy J.	Finance Officer 2	New Hire	09/05/11
Carter, Tony E.	Maintenance & Repair Worker 1	New Hire	08/22/11
Groves II, Thomas E.	Maintenance & Repair Worker 1	New Hire	09/19/11
Tate, Dominique D.	Maintenance & Repair Worker 1	New Hire	09/19/11
Moore, James E.	Maintenance & Repair Worker 2	Promotion	08/22/11
Street, John P.	Maintenance & Repair Worker 2	Promotion	08/22/11
<u>SOCIAL SERVICES</u>			
Deckard, Genie M.	Homemaker	New Hire	09/12/11
Simmons, Mary C.	Homemaker	Re-Hire	09/12/11
<u>WATER SERVICES</u>			
Parker, James B.	Water Maintenance Tech 1	New Hire	09/06/11
Phelps Jr., Harold L.	Water Maintenance Tech 1	Re-Hire	09/06/11
Tindzley, Michael R.	Water Maintenance Tech 1	New Hire	09/06/11
*Samuel B. Heggie Jr.	Treatment Plant Tech 3	Return - Medical Pension	09/17/11
*Robert I. Smith	Technical Specialist 1	Return - Medical Pension	09/21/11

*Returned from Medical Pension to same classification
 *Returned from Medical Pension to same classification

MOTION: After the Commission discussed the matter, Chairman Farmer requested a motion be made. Commissioner Allen moved to accept the appointments as listed with a second by Commissioner Sanders. The Commission approved without objection.

TERMINATIONS/ PENSIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DEPARTMENT</u>	<u>DATE</u>
Hill, Pamela Jo	Emerg. Telecommunications Off 1	Dismissal	ECC	09/01/11
Moore, Gary W.	Fire Captain	Pension	Fire	09/06/11
Williams, Otto K.	Fire Captain	Pension	Fire	08/17/11
Mahan, John E.	Fire Engineer	Pension	Fire	09/14/11
Vance, Randall A.	Fire Engineer	Pension	Fire	08/30/11
Diggs, Dean M.	Fire Fighter/Paramedic	Resignation	Fire	09/15/11
Wilson, Stephen E.	Paramedic 2	Pension	Fire	09/02/11
Flaum, Manning X.	Computer Operator 2	Resignation	ITS	09/16/11
Wells, James R.	Administrative Services Manager	Pension	Juvenile Court	09/02/11
Swing, Marilyn S.	Metropolitan Clerk	Pension	Metropolitan Clerk	08/31/11
Witt, Mary A.	Concessions Clerk 1	Resignation	Parks	08/28/11
Vanlandingham, Linda K.	Office Support Spec 1	Pension	Parks	08/31/11
Small, Julia J.	Specialized Skills Instructor	Pension	Parks	08/17/11
Palms, Ladonna	Office Support Spec 2	Dismissal	Police	08/24/11
Brock, Ronnie G.	Police Officer 2	Dismissal	Police	08/31/11
Gallagher, Michael P.	Police Officer 2	Pension	Police	08/31/11
Gann, Michael J.	Police Officer 2	Pension	Police	08/29/11
Deford Brock ,Sherry A.	Police Operations Assistant 1	Resignation	Police	09/06/11
McGraph, Keith F.	Police Sergeant	Pension	Police	08/31/11
Wyatt, Jason M.	Professional Spec	Resignation	Police	08/26/11
Clark Jr., David A.	Correctional Officer 1	Resignation	Sheriff	09/07/11
Gibson, Ashley N.	Correctional Officer 1	Resignation	Sheriff	08/25/11
Harrington, Ashley E.	Correctional Officer 1	Resignation	Sheriff	09/12/11
Nessen, Rebecca M.	Correctional Officer 1	Resignation	Sheriff	08/22/11
Temple II, Roger K.	Correctional Officer 1	Dismissal	Sheriff	09/08/11
Jones, Timothy L.	Correctional Officer 2	Resignation	Sheriff	09/12/11
Newton, Sara H.	Correctional Officer Lieutenant	Resignation	Sheriff	08/26/11
Deckard, David W.	Trans Licensing Inspector 2	Resignation	Transp. Licensing Comm.	09/02/11
Watts, Roosevelt	Building Maintenance Leader	Pension	Water Services	09/02/11
Roseberry, Jada M.	Office Support Rep 3	Resignation	Water Services	09/02/11

MOTION: Commissioner Allen moved to accept the Termination / Pension report for the dates / reasons stated with a second by Commissioner Sanders. The Commission approved without objection.

ELIGIBILITY REGISTER REPORT

<u>CLASSIFICATION</u>	<u>DEPT</u>	<u>ON LIST</u>	<u>TYPE</u>	<u>DATE</u>	<u>ESTABLISH/ABOLISH</u>
Homemaker	Social Services	29	Open	09/09/11	E
Equipment Operator 3	Public Works	11	Dept	09/09/11	E
Research Analyst 2 - Police Crime Analyst	Police	50	Open	09/12/11	
Police Officer Trainee	Police	150	Open	09/06/11	E A
IS Advisor 1 - Network Security	ITS	1	Dept	09/14/11	E
Public Information Representative	Library	123	Open	09/16/11	E
Transportation Licensing Inspector 2	Transportation	53	Open	09/16/11	A
Beer Inspector 1	Beer Board	87	Open	09/20/11	E
IS Communications Analyst 2	ITS	1	Dept	09/20/11	E
Building Maintenance Mechanic	Library	2	Dept	09/21/11	E
Equipment Operator 1	Public Works	3	Dept	09/22/11	E
Program Manager 1	Library	1	Dept	09/22/11	E
IS Application Analyst 3	Library	1	Dept	09/22/11	E
Administrative Assistant - Procurement	Library	1	Dept	09/22/11	E

ELIGIBILITY REGISTER REPORT

<u>CLASSIFICATION</u>	<u>DEPT</u>	<u>ON LIST</u>	<u>TYPE</u>	<u>DATE</u>	<u>ESTABLISH/ABOLISH</u>
Police Captain	Police	21	Dept	10/11/11	E
E-911 Dispatcher	ECC	54	Open	09/07/11	E
Engineering Technician 2 - Property Services	Water	31	Open	09/28/11	E
Police Operations Supervisor	Police	5	Dept	09/28/11	E
Paramedic 1	Fire	71	Open	09/23/11	E
Emergency Medical Technician 1	Fire	259	Open	09/23/11	E
Correctional Officer Lieutenant	Sheriff	4	Dept	09/29/11	E
Equipment Inventory Assistant	General Services	72	Open	09/06/11	E

MOTION: *Commissioner Allen moved to accept the Eligibility Register Report for the dates / reasons stated with a second by Commissioner Sanders. The Commission approved without objection.*

DEPARTMENTAL ITEMS

HISTORICAL COMMISSION

REQUEST: Director Tim Walker, represented by Robin Zeigler, requested approval of the following Job Description revisions:

- Historical Preservationist I
- Historical Preservationist II

Ms. Zeigler said revisions to Historical Preservationist I and II brings them in line with industry standards by clarifying the required experience and the degree to successfully perform each job. The education revision also changes the FLSA status of the Historical Preservationist 1 from non-exempt to exempt. This is based on the Department of Labor’s professional exemption criteria.

MOTION: *After the Commission discussed the matter, Chairman Farmer requested a motion be made. Commissioner North moved to accept the job description revisions as submitted with a second by Vice-Chairman Corbitt. The Commission approved without objection.*

FIRE

REQUEST: Chief Stephen Halford, represented by Deputy Chief David Birdwell, requested approval of an Administrative Leave Extension for Roy Tanksley, Jr.

Chief Deputy David Birdwell said Chief Halford is requesting additional paid Administrative Leave for Mr. Tanksley pending a fitness for duty exam. The Fire Department approved five (5) paid work days but any time beyond the five (5) days would have to be approved by the Commission. The anticipated date to resolve the matter is October 31, 2011.

MOTION: *After the Commission discussed the matter, Chairman Farmer requested a motion be made. Vice-Chairman Corbitt moved for approval with a second by Commissioner North. The Commission approved without objection.*

WATER SERVICES

REQUEST: Director Scott Potter, represented by HR Manager Ivan Davis, requested approval to Extend Out-Of-Class Pay in excess of the 100 day limit.

The Water Department's current court-ordered process for all promotions and lateral transfers that rose from the Grant vs. Metro lawsuit affected the department's ability to fill promotional opportunities in a timely manner. The 6th Circuit Court of Appeals set aside the rulings of the lower court and the imposed injunctive relief. Although a mandate has not been issued at this time, Metro Legal has advised both Water and Human Resources to delay promotional activity pending the final Order. CS rule 5.9 limits out-of-class assignments to 100 days in a calendar year. Any employee exceeding that number must be approved by the Commission.

Due to retirements and other operational issues, a limited number of employees are qualified to work out-of-class on critical projects / assignments. Those employees have either reached the 100 day limit or are within a short period of reaching the maximum limit. The hold on promotions and the out-of-class limit results in delays and the department's ability to adequately staff work crews. The requested extension of the 100 day limit extends until December 31, 2011.

MOTION: After the Commission discussed the matter, Chairman Farmer requested a motion be made. Commissioner North moved for approval with a second by Commissioner Sanders. The Commission approved without objection.

HUMAN RESOURCES ITEMS

(1: Consideration of Request for a Medical Waiver from the following Police Officer Trainee Applicants:

Chairman Farmer said privacy regarding medical information discussed during the meetings should be considered and continued at the meetings. In order to provide additional privacy for the public, televised meeting, applicants were referred to by their assigned lettering.

Dr. Celia Goodson, Medical Examiner with Metro Government, attended the meeting to review and discuss each medical record. She provided an explanation / recommendation for approving or denying the Police Officer Trainee applicants as follows:

Applicant A - JM

Applicant A came before the Commission in September but due to the lack of a medical document the matter was deferred until his physician could provide a letter verify his condition. Dr. Celia Goodson reiterated the applicant's restrictions and why she did not originally recommend this person for the position of Police Officer Trainee. She referred to the '**Standards of Medical Fitness**' **AR 40-501**, stating the applicant was not recommend because of a possible recurrence of a pulmonary condition that would require treatment with anticoagulant therapy "indefinitely." Use of the anticoagulant poses a safety risk in this occupation. Dr. Goodson stands by her first recommendation for a medical denial. **Applicant A** provided an additional letter to the Commission from his doctor dated August 26, 2008. It supports the most recent letter showing he has not had any issues since being diagnosed with the medical condition in three years.

1st MOTION: After much consideration, Commissioner Allen moved to deny the Medical Waiver with a second from Vice-Chairman Corbitt. Commissioners North and Sanders objected. The vote was 2 to 2

2nd MOTION: After the first motion failed, Chairman Farmer asked for another motion to be made. Commissioner North then moved to approve the Medical Waiver with a second from Commissioner Sanders. Vice-Chairman Corbitt and Commissioner Allen objected and tied the vote 2 to 2. Chairman Farmer then broke the tie by voting in favor of the Medical Waiver and therefore made the vote 3 to 2.

Applicant B - CG

Dr. Celia Goodson originally reviewed the individual's restrictions and said the person was disqualified as a Police Officer Trainee applicant due to failure to pass a required physical examination. She referred to the "**Standards of Medical Fitness**" AR 40-501 2-19 under **hypertension**. After meeting with his physician, **Applicant B** modified his diet and received medication. Both helped reduce his blood pressure significantly. Dr. Goodson was satisfied with the results and recommended approval.

MOTION: After much consideration, Commissioner Allen moved to approve the Medical Waiver with a second from Vice-Chairman Corbitt. The Commission agreed and approved without objection.

(2: Review Initial Order – Laurie Fleming, Police / Dismissal

Ms. Laurie Fleming was given a one day suspension and terminated from her position at the Police Department effective May 5, 2010 for violations pertaining to General Order 09-03, Department and Personal Appearance, VII Personal Behavior, (E) Honesty & Truthfulness; General Order 09-03 Department and Personal Appearance, VII. Personal Behavior, (F) – Responsibility and Civil Service Rules 6.7 (11) Violation of any written rules, policies or procedures of the department in which the employee is employed and (12) Violation of any of the rules or regulations of the Metropolitan Civil Service Commission. Ms. Fleming appealed her termination to the Commission on May 20, 2010 through her attorney, Mr. Adam W. Parrish. The case was assigned to Administrative Law Judge Tom Stovall on June 2, 2010. Notice of Substitution was submitted on March 3, 2011 by Metro Attorney Jennifer Cavanaugh who appeared for Metro Government to represent the Police Department.

The case was heard on June 13, 2011, by Judge Tom Stovall. On September 20, 2011, Judge Stovall entered an Initial Order Overturning the Appointing Authority's decision to terminate and reinstated grievant to her former position with a three (3) day suspension.

Metro Attorney Jennifer Cavanaugh was present before the Commission to discuss the case. Mr. Adam Parrish, Attorney for Ms. Fleming was not available due to a court matter and requested a deferral.

ACTION: The matter was deferred until the next regular meeting in November.

(3: Review Initial Order of Jolanda Waldin-Lawrence, Sheriff / Suspension

Ms. Jolanda Walden-Lawrence was dismissed from her position at the Sheriff's Office effective April 7, 2010 for alleged violation of DCSSO's policies pertaining to 1-1.602 Computer Security and Acceptable Computer Use; 1-1.360 Staff-Inmate Relations and Civil Service Rules 6.7 (11) Violation of any written rules, policies or procedures of the department in which the employee is employed. Ms. Lawrence appealed her dismissal to the Commission on April 9, 2010 and the case was assigned to Administrative Law Judge Lynn England. Metro Attorney Jennifer Cavanaugh represented the Davidson County Sheriff's Office.

The case was heard on April 26, 2011, by Judge Lynn England. On August 31, 2011, Judge England entered in an Initial Order to Uphold the Appointing Authority's decision to terminate the Grievant.

MOTION: *After the Commission discussed the matter, Chairman Farmer requested a motion be made. Commissioner North moved to uphold the “Initial Order” from Administrative Law Judge Lynn England with a second by Vice-Chairman Corbitt. The Commission approved without objection.*

(4: Civil Service Policy 4.6 - Eligibility to Earn Sick and Vacation Leave

HR Assistant Director Jim Kramer presented a policy revision to clarify and document current practices under Civil Service rule 4.2. which states “*an employee whose services are being terminated, either voluntarily or involuntarily, shall not accumulate any additional sick leave or vacation days.*” The updated policy articulates when leave accrual ceases. Secondly, it documented Metro Government’s practice to allow employees to return to work and regain their sick leave provided they return within one year. Revisions will clarify the practice and provide additional consideration for those who were separated from Metro’s employment for reasons generally outside of their control (layoff and IOD pension).

The substantive revision to the policy will be listed as “Separation of Employment” and will read as follows:

“Personnel who are terminating their employment, either voluntarily or involuntarily, will cease to accrue leave effective their last day physically at work. Employees running out their accrued leave will not continue to accrue leave.”

“Former employees who are rehired within one year of their termination date will be credited with their unused accrued sick leave balance from their separation of employment; those recalled from a layoff list or rehired from an IOD disability pension will be credited for their unused sick leave regardless of the duration of their separation of employment.”

MOTION: *After the Commission discussed the matter, Chairman Farmer requested a motion be made. Commissioner North moved for approval with a second by Commissioner Sanders. The Commission approved without objection.*

(5: Human Resources Updates

There were no reports.

(6: Communiqués from the public on pending hearings

There were no reports.

With no further discussion, the regular meeting adjourned at 9:06 a.m.

ATTEST:

APPROVED:

**Ms. Rita Roberts-Turner. Director
Secretary to the Commission**

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