



METROPOLITAN CIVIL SERVICE COMMISSION

MINUTES

February 11, 2014

8:30 a.m.

Howard Office Building
Sonny West Room

700 2nd Avenue South and
Lindsley Avenue
Nashville, Tennessee 37210

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

OTHER MEMBERS PRESENT: Veronica T. Frazier, 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 **January 14, 2014**.

Seeing there were no corrections, Vice-Chairman Corbitt moved for approval and a second was made by Commissioner North. There were no objections from the Commission and the regular minutes were approved.

Appeals Process: Nicki Eke 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>CODES ADMINISTRATION</u>			
Rich, W. B.	Administrative Services Officer 4	Re-Hire	12/23/13

EMERGENCY COMMUNICATION CENTER

Calhoun, Wesley J.	Emer Telecommunications Officer 1	New Hire	01/27/14
Easley, Daniel L.	Emer Telecommunications Officer 1	New Hire	01/27/14
Hancock, Christopher N.	Emer Telecommunications Officer 1	New Hire	01/27/14
Plancic, Jasmin	Emer Telecommunications Officer 1	New Hire	01/27/14
Wilson, Craig D.	Emer Telecommunications Officer 1	New Hire	01/27/14
Dalton, Danny L.	Emer Telecommunications Supervisor	Promotion	12/28/13

FINANCE

Brown, Charles R.	Finance Manager	Promotion	01/20/14
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FIRE

*Brinegar, David W.	Fire Fighter 1	Class Change	01/01/14
*Conatser, Joshua M.	Fire Fighter 1	Class Change	01/01/14
*Evans, Zachary P.	Fire Fighter 1	Class Change	01/01/14
*Mullins, Joshua A.	Fire Fighter 1	Class Change	01/01/14
*Reasonover, Robert S.	Fire Fighter 1	Class Change	01/01/14
*Reed, Jesse C.	Fire Fighter 1	Class Change	01/01/14
Clouse, Ricky D.	Fire Maintenance Worker 1	New Hire	01/01/14

*Class change from Fire Recruit to Fire Fighter 1

INFORMATION TECHNOLOGY SERVICE

Gregory, William K.	Info Systems Comm. Analyst 3	New Hire	01/18/14
Brown, Brian G.	Information Systems Advisor 1	New Hire	01/18/14
Sparkman, William L.	Information Systems Advisor 2	New Hire	01/27/14

PARKS

Benson, Robert L.	Information Systems Oper Analyst 3	Promotion	01/17/14
Abbott, Martin W.	Maintenance & Repair Worker 3	Promotion	12/20/13
Thompson, Lloyd	Maintenance & Repair Worker 3	New Hire	01/03/14
Wilkening, Kathryn	Specialized Skills Supervisor	New Hire	01/03/14

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>POLICE</u>			
Bibb, Amanda S.	Administrative Services Officer 3	New Hire	01/16/14
Chambers, Bridget C.	Crime Lab Forensic Scientist 3	New Hire	01/01/14
Mack, Rachel C.	Crime Lab Forensic Technician	New Hire	01/16/14
*Cheng, Po Sheng	Police Officer 2	Demotion	12/30/13
^Petre Jr, James A.	Police Operations Assistant 3	Return - Service Pension	01/13/14
Phillips, Natoshia M.	Police Operations Coordinator 1	Promotion	01/01/14
**Corman, Rickie V.	Police Security Guard 1	Return - IOD. Pension	01/01/14
Phillips IV, Henry C.	Police Security Guard 1	Promotion	01/16/14

*Demotion from Sergeant (PS6) to Police Officer 2 (PS4)

^Return from Service Pension to same classification

**Return from Pension to supplemented classification

PUBLIC LIBRARY

Ocando, Carla J. H.	Circulation Supervisor	New Hire	01/20/14
Miguel, Alfreda M.	Library Associate 1	Promotion	12/23/13
Berg, Heidi M.	Library Manager 3	Promotion	01/06/14
Smith, Angela S.	Office Support Manager	Promotion	01/20/14
*Ellison, Laura A.	Program Specialist 2	Transition - Civil Service	01/20/14

*Transition to Civil Service from a grant funded position

PUBLIC WORKS

Tienda, Rafael	Carpenter 1	Promotion	01/20/14
Basham, Brandon J.	Equipment Operator 1	Promotion	12/23/13
*Jordan, Roy A.	Equipment Operator 1	Dept. Transfer/Promotion	01/20/14
Mitchell, Michael M.	Equipment Operator 1	Promotion	12/23/13
Bessire, Frank A.	Equipment Operator 2	Promotion	01/20/14
^Snyder, Jerry W.	Equipment Operator 2	Dept. Transfer/Promotion	01/20/14
Frost, Steve A.	Equipment Operator 3	New Hire	01/06/14
McMurray, Joseph R.	Equipment Operator 3	Promotion	01/20/14
O'Guin, Jeffrey S.	Equipment Operator 3	New Hire	01/21/14
**Wright, Gerald L.	Equipment Operator 3	Dept. Transfer/Promotion	01/20/14
Ragland, Marty L.	Maintenance & Repair District Supv.	Promotion	12/23/13
Burns, Jon D.	Maintenance & Repair Leader 2	Promotion	01/20/14
Ribaudo-Waidler, Michael L.	Maintenance & Repair Leader 2	Promotion	01/20/14
Hitt, James W.	Maintenance & Repair Worker 1	New Hire	01/06/14
Rollins, Randall E.	Maintenance & Repair Worker 1	New Hire	01/21/14
Gibbs, Eric C.	Signal Tech 1	Re-Hire	01/06/14

*Department Transfer from Parks (M&R Worker 2, TG4) to Public Works (Equipment Operator 1, TG5)

^Department Transfer from Parks (M&R Worker 3, TG6) to Equipment Operator 2, TG7)

**Department Transfer from Parks (M&R Worker 3, TG6) to Equipment Operator 3, TG8)

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>SHERIFF</u>			
Frawley, Lucas J.	Correctional Officer 2	Promotion	01/12/14
Jenkins, Caleb N.	Correctional Officer 2	Promotion	01/12/14
Webb, Tony V.	Correctional Officer 2	Promotion	01/12/14

WATER SERVICES

Waddell, Christopher H.	Application Tech 3	Promotion	01/18/14
Honeysucker, John W.	Finance Officer 2	New Hire	01/04/14
Coffey, Debra L.	Office Support Specialist 2	Promotion	01/18/14
Diehl, Chad A.	Office Support Specialist 2	Promotion	01/18/14
Minton, Kimberly D.	Office Support Specialist 2	Promotion	01/18/14
Doss, Glen K.	Treatment Plant Manager	Promotion	01/04/14
Grant Jr, Claude P.	Treatment Plant Manager	Promotion	01/04/14
Hughes, Julie V.	Treatment Plant Tech 1	New Hire	01/04/14
Warren, Kortney M.	Treatment Plant Tech 1	New Hire	01/04/14

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

TERMINATIONS/ PENSIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DEPARTMENT</u>	<u>DATE</u>
Hartley, Kristin S.	Emer Telecomm. Officer 2	Resignation	ECC	01/03/14
Severance, Crystal T.	Emer Telecomm. Officer 4	Resignation	ECC	01/11/14
Malone, Michael Byram	Fire Fighter 2	Deceased	Fire	01/17/14
Saud, Thomas A.	Equipment Servicer	Resignation	General Services	01/14/14
Widman, Paul D.	Parks & Rec. Asst. Director	Resignation	Parks	01/16/14
Fisher, Dezmond J.	Recreation Leader	Dismissed	Parks	12/26/13
Tindall, Robert L.	Police Lieutenant	Pension	Police	01/07/14
Greene, Verrick E.	Police Officer 1	Resignation	Police	12/27/13
Brown, Schyuler Z.	Police Officer 2	Resignation	Police	12/31/13
Crotts, Kevin R.	Police Officer 2	Resignation	Police	01/05/14
Dickall, Kyle J.	Police Officer 2	Resignation	Police	01/15/14
Smith, Nicholas C.	Police Officer 2	Resignation	Police	12/20/13
Webb, Mark S.	Police Officer 2	Pension	Police	12/31/13
Cathey, James T.	Police Security Guard 2	Pension	Police	12/31/13
Nayyar, Sushil K.	Circulation Assistant 2	Pension	Public Library	12/31/13
Singer, Michael J.	Custodian 1	Resignation	Public Library	12/20/13
Allen, Robert E.	Equipment Operator 2	Resignation	Public Works	01/17/14
Graves, Charles D.	Maintenance & Repair Worker 1	Deceased	Public Works	12/19/13
Jumper, Walter N.	Maintenance & Repair Worker 1	Resignation	Public Works	01/17/14
McRae, Shane P.	Maintenance & Repair Worker 1	Resignation	Public Works	01/13/14
Ragland, Keith A.	Maintenance & Repair Worker 1	Resignation	Public Works	12/31/13
Hodges, Billy R.	Sanitation Worker	Pension	Public Works	12/31/13
Carr, Vincent L.	Correctional Officer 1	Pension	Sheriff	01/16/14
Curran, Bryan W.	Correctional Officer 1	Resignation	Sheriff	01/07/14
Parmele Jr., Don E.	Correctional Officer Lt.	Pension	Sheriff	01/12/14
Smith, Rhonda C.	Homemaker	Dismissal	Social Services	01/17/14
Grady, Robert E.	Customer Service Field Rep 2	Resignation	Water Services	01/03/14
Hsu, Gong-Yu	Engineer 2	Resignation	Water Services	12/31/13
Davis, Calvin	Indust Mechanic 1	Resignation	Water Services	01/03/14
Summers, Douglas M.	Treatment Plant Shift Operator	Pension	Water Services	12/20/13

MOTION: After some discussion, Vice-Chairman Corbitt moved to accept the Termination/Pension report for dates and reasons stated. Seconded by Commissioner North and 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>
Program Specialist 2	Library	5	Open	01/06/14	E
Office Support Manger	Library	65	Open	01/06/14	E
IS Operations Analyst 3	Parks	1	Dept.	01/03/14	E
Circulation Supervisor	Library	33	Open	01/06/14	E
Specialized Skills Supervisor	Parks	27	Open	01/06/14	E
Treatment Plant Manager	Water	6	Open	01/07/14	E
Carpenter 1	Public Works	10	Open	01/08/14	E
Administrative Services Officer 3	Police	50	Open	01/08/14	E
Fire Maintenance Worker 1	Fire	61	Open	01/09/14	E
IS Communications Analyst 3	ITS	19	Open	01/10/14	E
Information Systems Advisor 1	ITS	20	Open	01/10/14	E
Maintenance & Repair Leader 1	Parks	14	Open	01/10/14	A
Engineering Technician 3	Water	30	Open	01/15/14	E
Crime Lab Technician	Police	171	Open	01/15/14	E
Finance Manager - Purchasing	Finance	3	Dept.	01/15/14	E
Emergency Comm. Asst. Director	ECC	3	Dept.	01/15/14	E
Correctional Officer I	Sheriff's Office	154	Open	01/16/14	E
Human Resources Analyst 1	Human Resources	340	Open	01/21/14	A
Librarian 1	Library	96	Open	01/22/14	E
Human Resources Manager	ITS	1	Dept.	01/23/14	E
Finance Administrator	Library	55	Open	01/23/14	E
Compliance Inspector 2	Water	11	Dept.	01/24/14	E
IS Applications Technician 2	Police	48	Open	01/27/14	E
Library Performing Artist 2	Library	1	Dept.	01/27/14	E
Information Systems Advisor 2	ITS	7	Open	01/27/14	E
Equipment Inventory Assistant 1	General Services	122	Open	01/27/14	E
Recreation Leader	Parks	103	Open	01/28/14	A
Application Technician 2	General Services	49	Open	01/28/14	E

MOTION: After some discussion, Vice-Chairman Corbitt moved to approve the register report. Seconded by Commissioner North and the Commission approved without objection.

DEPARTMENTAL ITEMS

INFORMATION TECHNOLOGY SYSTEMS

(1: Open Range Increase for Allan Que, Information Systems Advisor 2 - SR14

Mr. Que manages an extremely sophisticated security infrastructure that protects both wired and wireless networks for all departments and agencies of the Metropolitan Government. He is required to keep up with state of the art technologies and maintain a broad understanding of each of the major IT compliance requirements which includes Criminal Justice Information (CJIS), HIPAA, and HITECH Compliance for Protected Health Information and the Children's Internet Protection Act (CIPA).

He must also deal with Web Application Penetration Tester and Reverse Engineering Malware which is necessary for him to work with on a daily basis. Mr. Que began working for Metro Government on July 1, 2005 and has been at the base rate within his current position since October 17, 2007.

MOTION: Commissioner North made a motion to approve the request as listed above. Second by Commissioner Sanders and the Commission approved without objection.

POLICE

(2: Chief Steve Anderson requests reconsideration of a Police Applicant Medical Waiver.

This matter was brought before the Commission in September 2013 regarding approval of a Waiver for a Police Officer Trainee applicant that had color vision issues but was permitted to wear contacts for correction during testing. The waiver had been granted at that time. The Metro Police Department presented a request at the December 2013 Civil Service meeting to reconsider the waiver that had been previously granted to the applicant in September. Due to the lack of Civil Service Commission attendees, the matter was then deferred until the January 11, 2014 meeting. It was at that meeting the applicant's attorney, Mr. Dominick Leonardo, requested the meeting be deferred until February until he was able to review all necessary information.

At the February meeting, both Metro Legal Attorney Jennifer Cavanaugh and Attorney Leonardo presented arguments to the Commission in support of their respective positions regarding Mr. ZV's situation of color correcting lenses.

1st MOTION: Vice-Chairman Corbitt made a motion to rescind the motion relating to the medical waiver to Mr. ZV at the September 10, 2013 Civil Service meeting.

- *Ms. Eke inquired for clarity of the record whether Vice-Chairman Corbitt's motion is to rescind the wavier granted Mr. ZV. Vice-Chairman Corbitt agreed to restate the motion.*

2nd MOTION: Vice-Chairman Corbitt restated his motion and moved to rescind the Motion that was granted for a medical waiver to Mr. ZV during the September 10, 2013 Civil Service Commission meeting. Commissioner Sanders seconded the motion with the provision that Mr. ZV be allowed to finish the academy pending his appeal, if he appeals to chancery.

- *Chairman Farmer said he did not believe the Commission has the authority to do that. Commissioner Sanders then asked counsel for clarification.*
- *Ms. Eke stated if the Commission's motion is going to be to rescind a waiver that was granted to an applicant, that waiver is what allowed them to enter the academy. So, if the Commission is rescinding it, the Commission is saying that the applicant should not have been in the academy. She then said she was not aware that the Commission has the authority to mandate that. Chairman Farmer said it seemed it has the impact to disqualify him from the academy.*
- *Attorney Leonardo said the Commission could defer this matter for one meeting and then could vote to rescind. At that point, Mr. ZV is out of the academy. He noted it was one way the Commission could address Commissioner Sander's issue. Chairman Farmer told Commission Sanders she could not have the provision added into the motion she was seconding. Commissioner Sanders then stated that was to be her second on the motion but decided that she was not going to second it. Chairman Farmer then noted there is no second and asked if there was going to be a second and a motion. No one spoke up so the motion died for lack of a second.*

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- *Chairman Farmer then asked again if there was another motion to be made.*

3rd MOTION: *Commissioner Sanders then moved to make a motion and to defer this matter for one month. Commissioner North seconded and the Commission approved with one objection from Vice-Chairman Corbitt. The vote was 3 to 1.*

HUMAN RESOURCES

Human Resources Director Veronica T. Frazier, submits the following for the Commission's consideration and appropriate action:

(3: Review Petition for Reconsideration of Final Order - Robert Howse, Police / Grievance

On December 20, 2013, Mr. Howse filed a Petition for Reconsideration of the Final Order that was issued by the Civil Service Commission on December 10, 2013. The Final Order upheld the Administrative Law Judge Ann Johnson's Initial Order to deny the grievant. Metro Attorney Jason Bobo provided a response to Mr. Howse Petition for Reconsideration of the Final Order.

CASE HISTORY:

Robert Howse is a Police Operations Coordinator with the Metro Police Department working 2nd shift at the Vehicle Impound Lot. He submitted an EEOC investigation request that lead to an investigation. He cited that he was being treated unfairly due to several forms of discriminatory behavior with possible acts of retaliation. His grievance advanced within the departmental process through the Metropolitan Police Department. Mr. Howse then appealed the denial of his grievance to the Civil Service Commission where the case was assigned to Administrative Law Judge Joyce Carter-Ball. Metro Attorney Jason Bobo represented Metropolitan Government and Mr. Howse represented himself.

Mr. Howse made an appeal to the Commission on March 6, 2012 and the case was assigned to Administrative law Judge Joyce Carter-Ball. Metro Attorney Jason Bobo represented Metropolitan Government. Mr. Howse represented himself. The hearing was to be heard on August 28, 2012 but was continued by request of Metro Legal Attorney Jason Bobo until October 24, 2012. A Motion to Dismiss was submitted on October 19, 2012 but was denied and rescheduled for January 10, 2013. Grievant Robert Howse arrived forty-five (45) minutes late for the hearing after Metro Counsel made an oral motion requesting the Grievant be held in default. On January 22, 2013 Grievant Robert Howse submitted a Petition of Reconsideration of the Initial Order. Administrative Law Judge Joyce Carter-Ball gave consideration and set aside the Initial Order dated February 5, 2013. The hearing was rescheduled and heard on May 23, 2013. **On July 31, 2013, Judge Carter-Ball entered an Initial Order upholding the appointing authority's decision to deny the grievant.**

During the Civil Service meeting of November 12, 2013, the initial Order from Administrative law Judge Joyce carter-Ball was to be heard by the Commission. Both Metro Attorney Jason Bobo and Mr. Howse were present before the Commission. Inasmuch as Metro Legal was ready to discuss the matter, Mr. Howse stated that he had been on vacation and was only informed recently that he was to attend the meeting. He asked to defer the matter until he could obtain legal counsel to assist him with his case. The Commission stated to Mr. Howse by deferring the review, he was to bring an attorney with him at the meeting on December 10, 2013.

It was during the December 10th meeting Mr. Howse returned to review his case but without legal counsel. He stated to the Commission that he had obtained some legal instruction and would be representing himself. Metro Attorney Jason Bobo was also so present to discuss the case.

Both Metro Attorney Jason Bobo and Mr. Howse were present before the Commission during the February meeting to review and discuss the Petition of Reconsideration of the Final Order.

MOTION: *After hearing discussions of this matter from both sides and after reviewing all information on the case, Commissioner North moved to deny the Petition of Reconsideration of the Final Order. Seconded by Vice-Chairman Corbitt and the Commission approved without objection.*

(4: Human Resources Updates

Ms. Frazier said Deloitte is assisting Human Resource and will hear back from the consultants next week with preliminary results. Also, there is staff currently working on updates for the Civil Service rules and policies. The department will be bringing some before the Commission to review within the next few months.

(5: Communiqués from the public on pending hearings

ACTION: *None*

Deals work

With nothing further, the regular meeting adjourned at 9:57 a.m.

ATTEST:

APPROVED:

**Veronica T. Frazier, Director
Secretary to the Commission**

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