



METROPOLITAN CIVIL SERVICE COMMISSION

MINUTES

March 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 **February 11, 2014**.

AMENDMENT TO MINUTES: On page six (6) – second paragraph of the February Minutes, Commissioner Sanders said she had made a motion during the January meeting to reconsider granting Mr. ZV's waiver. It was seconded by Vice-Chairman Corbitt and the Commission approved without objection. This statement was added to the February minutes.

Commissioner Sanders then approved the minutes with the changes that were previously stated regarding that action that was taken at the January meeting. Second by Commissioner Allen and the Commission approved without objection.

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>EMERGENCY COMMUNICATION CENTER</u>			
Milliken, Angela R.	Emer Telecomm Assistant Director	Promotion	02/01/14
Madgett, Ryan J.	Emer Telecommunications Officer 1	New Hire	01/27/14
Seres Jr, Frank N.	Emer Telecommunications Officer 1	New Hire	01/27/14
Williams, Warren G.	Emer Telecommunications Officer 1	New Hire	01/27/14

FINANCE

*Henderson, Janwynella	Finance Manager	Transition - Civil Service	02/17/14
*Transition to Civil Service from Emergency/Temporary Status			

GENERAL SERVICES

Patton, Shorntai M.	Application Tech 2	Promotion	01/20/14
Brown, Daniel W.	Equipment Inventory Assistant 1	New Hire	02/03/14

HUMAN RESOURCES

Hickey, Christina H.	Human Resources Administrator	Promotion	02/17/14
*Essary, Dirk W.	Training Coordinator	Vol Reduction In Salary Grade	01/24/14
*Voluntary Reduction from Human Resources Manager (SR14) to Training Coordinator (SR13)			

INFORMATION TECHNOLOGY SERVICE

Reese, Ayanna G.	Computer Operator 3	Promotion	02/15/14
Maddox, Cynthia A.	Human Resources Manager	Promotion	02/01/14

PARKS

*Gupton, Chase E.	Maintenance & Repair Worker 1	Vol Reduction In Salary Grade	01/31/14
Boner, Allen L.	Maintenance & Repair Worker 3	Promotion	02/14/14
Woodhouse, Perre L.	Maintenance & Repair Worker 3	Promotion	01/31/14
Vollbrecht, Vera Ellen	Nature Center Manager	Re-Employment	02/18/14
*Voluntary Reduction In Grade from M & R Worker 3 (TG6) to M & R Worker 1 (TG3)			

POLICE

Ramapurath, George J.	Info Systems App Tech 2	Promotion	02/01/14
Dotson, Angelika H.	Police Operations Assistant 1	New Hire	02/16/14
Houchin, Jennifer L.	Police Operations Coordinator 1	Promotion	02/01/14
Winston, Yawana L.	Police Operations Coordinator 1	Promotion	02/16/14
Taylor, James F.	Police Security Guard 2	Promotion	02/16/14

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>PUBLIC LIBRARY</u>			
*Derkach, Evanna J.	Circulation Assistant 1	Transition - Civil Service	02/17/14
Martin, Emily L.	Circulation Assistant 1	New Hire	02/17/14
Welch, Cassandra N.	Circulation Assistant 1	New Hire	02/17/14
^Morris, Mary A.	Finance Administrator	Dept. Transfer / Transition - Civil Service	02/03/14
Jensen, Lindsay A.	Librarian 1	Promotion	02/03/14
Starkey, Callie A.	Librarian 1	Promotion	02/03/14
Piper, Mary J.	Library Manager 2	Promotion	02/17/14
Bailey, Mary T.	Library Performing Artist 2	Promotion	02/03/14

*Transition – Civil Service from Part Time Status

^Department Transfer from Finance (Finance Officer 3, Part Time) to Library (Finance Admin)

PUBLIC WORKS

Hannah, James R.	Equipment Operator 2	New Hire	02/03/14
Plumb, Jeffrey A.	Equipment Operator 2	New Hire	02/03/14
Stockam, Nicholas A.	Equipment Operator 3	New Hire	02/18/14
Wilson, Michael E.	Equipment Operator 3	New Hire	02/18/14
Duke Jr, Danny C.	Information Systems Oper Analyst 3	Dept. Transfer / Lateral	02/15/14
Dixon Jr, Danny H.	Maintenance & Repair Worker 1	New Hire	02/18/14
Hooper, Daniel W.	Maintenance & Repair Worker 1	New Hire	02/03/14
Thomas, Dalton B.	Maintenance & Repair Worker 1	New Hire	02/03/14
Threet, Matthew L.	Maintenance & Repair Worker 1	New Hire	02/03/14
White, Joshua J.	Maintenance & Repair Worker 1	New Hire	02/18/14

*Department Transfer from ITS to Public Works

WATER SERVICES

Ayala, Julian T.	Customer Service Field Rep 2	New Hire	02/01/14
Canfield, Mark E.	Customer Service Field Rep 2	New Hire	02/01/14
Moore, Mark K.	Customer Service Field Rep 2	New Hire	02/15/14
McNeal, William T.	Engineer 3	Re-Hire	02/01/14
Averill, Gerard E.	Engineering Tech 3	New Hire	02/01/14
*Bessire, Maurice E.	Industrial Mechanic 1	Dept. Transfer / Promotion	01/18/14
Moshier, James D.	Office Support Spec 2	New Hire	02/01/14
Garner, Michael A.	Treatment Plant Tech 1	New Hire	02/15/14

*Department Transfer from Public Works (Sanitation Worker, TG5) to Water (Industrial Mechanic 1, TG11)

MOTION: After some discussion, Commissioner Allen 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>
Felts, Amanda E.	Emer Telecommunications Off 3	Resignation	ECC	02/05/14
Turner, Zetha Yvonne	Emer Telecommunications Off 4	Pension	ECC	01/28/14
Baggett, James D.	Emerg Medical Tech 2	Resignation	Fire	02/07/14
Lampkin, Richard W.	Fire Captain	Pension	Fire	01/31/14
Neely Jr, Ronald Eugene	Fire Engineer	Pension	Fire	02/09/14
Mitchell, Joel H.	Fire Fighter 2	Dismissal	Fire	02/13/14
Clinard, Ronald Scott	Paramedic 2	Resignation	Fire	01/21/14
Stewart, Robert J.	Paramedic 2	Resignation	Fire	01/31/14
Hudson, Ray K.	Equipment Mechanic	Resignation	General Services	02/05/14
Galvin, Bridget Mary	Office Support Spec 2	Pension	General Services	02/05/14
Laury, Ronnie R.	Radio Tech 3	Resignation	General Services	01/24/14
Kramer, Jim J.	Human Resources Asst. Director	Resignation	Human Resources	01/31/14
Troia, Vincent M.	Public Info Rep	Resignation	Human Resources	01/31/14
Austin, James A.	Information Sys Oper Analyst 2	Resignation	ITS	02/02/14
Determann, Joanne R.	Information Sys Oper Analyst 3	Resignation	ITS	01/27/14
Woo, Jame	Information Systems Advisor 1	Resignation	ITS	02/10/14
Anderson, Beverly A.	Custodian 1	Pension	Parks	02/13/14
Dupree, James K.	Maintenance & Repair Worker 2	Resignation	Parks	01/30/14
Frank, Niki S.	Program Coordinator	Resignation	Parks	01/30/14
Brantley, Janet R.	Administrative Assistant	Pension	Police	01/24/14
Martin, Randy D.	Police Officer 2	Pension	Police	02/14/14
Matthews, Scott C.	Police Officer 2	Resignation	Police	01/31/14
McEachron, Charles T.	Police Officer 2	Resignation	Police	01/17/14
Stauffer, Timothy M.	Police Officer 2	Resignation	Police	01/31/14
Norward, Wanda P.	Police Operations Coordinator 1	Pension	Police	01/24/14
Phillips, Natoshia M.	Police Operations Coordinator 1	Resignation	Police	02/06/14
Keith, Marvin E.	Police Sergeant	Pension	Police	02/14/14
McClanahan, James N.	Program Coordinator	Resignation	Public Library	02/10/14
Shannon Jr, Charles L.	Customer Service Field Rep 1	Resignation	Public Works	02/02/14
Johnson, Robert L.	Maintenance & Repair Worker 1	Resignation	Public Works	01/31/14
Metzger, Richard A.	Maintenance & Repair Worker 1	Resignation	Public Works	01/28/14
Norris, April T.	Homemaker	Resignation	Social Services	02/12/14
Demonbreun, Leon	Equipment Operator 3	Deceased	Water Services	01/24/14

MOTION: After some discussion, Commissioner Allen 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>
Computer Operator 2	Police	139	Open	01/29/14	A
Crime Lab Evidence Receiving Supv.	Police	4	Dept	01/30/14	E
Library Manager	Library	15	Open	02/03/14	A
Probation Officer 2	Juvenile Ct	219	Open	02/04/14	A
Archives Assistant 3	Library	92	Open	02/06/14	A
Sanitation Worker	Public Works	250	Open	02/04/14	E
Maintenance & Repair Worker 1	Public Works	39	Open	02/04/14	E
Police Security Guard 2	Police	8	Dept	02/07/14	E
Circulation Assistant 1	Library	221	Open	02/10/14	E
Human Resources Administrator	Human Resources	2	Dept	02/13/14	E
Finance Manger	Finance	64	Open	02/14/14	E

ELIGIBILITY REGISTER REPORT

<u>CLASSIFICATION</u>	<u>DEPT</u>	<u>ON LIST</u>	<u>TYPE</u>	<u>DATE</u>	<u>ESTABLISH/ABOLISH</u>
Engineer In Training	Public Works	49	Open	02/19/14	E
Computer Operator 3	ITS	1	Dept	02/19/14	E
Zoning Examiner	Codes	49	Open	02/24/14	A
Library Page	Library	130	Open	02/25/14	E
Administrative Assistant	Police	1	Dept	02/25/14	E
Maintenance & Repair Leader 1	Parks	17	Open	02/27/14	E

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

DEPARTMENTAL ITEM**POLICE****(1: Chief Steve Anderson requests reconsideration of a Police Applicant Medical Waiver.**

This matter was brought before the Commission at the September 2013 meeting for approval of a Medical Waiver for Police Officer Trainee applicant ZV who had color vision issues and was permitted to wear contacts for correction during testing. The waiver was granted at that meeting. The Metro Police Department made a request at the December 2013 Civil Service meeting to reconsider the waiver that was granted to the applicant in September. Due to the lack of Civil Service Commission attendees at the December meeting, the matter was then deferred until the January 11, 2014 meeting. It was at the January meeting that the Commission voted to reconsider granting the waiver. During discussion Attorney Dominick Leonardo requested the meeting be deferred to February until he was able to review all necessary information regarding his client. Commissioner Sanders moved to give Attorney Leonard an opportunity to file a response.

During the February meeting, a motion to defer this matter for one month was approved by the Commission.

Both Metro Legal Attorney Jennifer Cavanaugh and Attorney Leonardo continued with their discussions of the case before the Commission in support of their respective positions regarding the applicant's situation of the color correcting lenses and whether to rescind or uphold the waiver.

1st MOTION: Commissioner Sanders moved that the Police Dept. give Mr. ZV his credentials and rescind the waiver. Commissioner Allen seconded and the Commission voted with two objections from Vice-Chairman Corbitt and Commissioner North. The vote was then tied. Chairman Farmer responded by objecting to break the tie. The vote was 3 to 2 against.

2nd MOTION: Vice-Chairman Corbitt then moved to rescind the waiver. Second by Commissioner Allen. Vice-Chairman Corbitt called for a question. Commission North voted no. Commissioner Sanders abstained. The vote was 2 to 1 for rescinding the waiver.

HUMAN RESOURCES

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

(2: **Review of POT Medical Waivers for the following:**

Applicant – BS

Mr. BS was disqualified as a Police Officer Trainee applicant due to his failure to pass a required physical examination administered by Dr. Celia Goodson. She refers to the Standards of Medical Fitness AR40-501, 2-29 Spine and Sacroiliac joints. Previously, Dr. Celia Goodson began working on this case and had provided some medical history on this applicant. Dr. Goodson had noted that while in the Navy, the applicant underwent surgical repair of the disc. After recovery, the applicant was released to full duty with no restrictions to participate in any military duties. It is not expected to pose a safety risk in the performance of the duties of a Police Officer Trainee or Police Officer. The new Medical Examiner, Dr. Susan Warner, reviewed and recommended approval of the waiver. Applicant BS was present before the Commission to discuss his case.

MOTION: *Vice-Chairman Corbitt made a motion to approve the request as listed above. Second by Commissioner North and the Commission approved without objection.*

NOTE: Chairman Farmer made a request and said in granting medical waivers, the department that is involved and disagrees with granting that waiver, will let the Commission know within the fifteen (15) day period. All the commissioners agreed.

MOTION: Commissioner North moved that if the department disagrees with the granting of a medical waiver, they are to let the Commission know within fifteen (15) days. Second by Commissioner Allen and the commission approved without objection.

LATE ITEM

Applicant – TE

Mr. TE was disqualified as a Police Officer trainee applicant due to his failure to pass a required physical examination administered by Medical Examiner Susan Warner. She refers to the Standards of Medical Fitness AR 40-501, 2-31 Tumors and malignant diseases. In review of the history of the POT's medical issues has not had any relapse since 2007 and was approved by Dr. Warner to continue with the Police training. She did not see any issues that would prevent this person from successfully becoming a Police Officer Trainee or Police Officer. Applicant BS was present before the Commission to discuss his case.

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

(3: **Request for Waiver of State Residency Requirement**

Ms. Bridget Evans who is a resident of Bowling Green, Kentucky, has worked for the Police Department as a civilian employee since April 1, 2013. Ms. Evans stated she recently learned to be an employee of Metropolitan Government you must reside in Tennessee. She stated had she had not been told that upon accepting the job she would have to relocate to Tennessee. During the discussion, she stated she was not able to make this change and considers the matter a hardship due to caring of a family member. Ms. Evans believes if the Police Department had explained the situation to her prior to taking the job, she would have not accepted the position.

HR Analyst Seth Waltenbaugh said this matter came about when the Commission had received a residency request from another employee that chose not to move out of the State of Tennessee. That matter was rescinded. Mr. Waltenbaugh said that he had contacted Benefits to see who had an out of state address. Only 15 employees had extenuating circumstances. He said this situation only appeared when he contacted each department to ask if they had an employee that resided out of state.

1st MOTION: *Commissioner Allen moved to make the exception to allow Ms. Evans to live outside of Tennessee. Due to a lack of a second the motion failed.*

2nd MOTION: *Vice-Chairman Corbitt moved to deny the waiver request. Seconded by Commissioner North. Commissioners Allen and Sanders opposed. The vote was tied 2 to 2. Chairman Farmer abstained and proposed the commission look at the 6 months provision and suggest a motion that Ms. Evans be given six (6) months to state a hardship or move into the State of Tennessee. It failed for lack of a second motion.*

3rd MOTION: *Vice-Chairman Corbitt moved to approve a six (6) month extension beginning today and comply with the residency requirements so that Ms. Evans can relocate within the State of Tennessee. Second by Commissioner North and the Commission approved without any objection.*

NOTE: Chairman Farmer read the rule to Ms. Evans and what is expected for her to comply.

(4: Review Agreed Order of Dismissal of Melissa Norton, Sheriff / Termination

Melissa Norton was terminated from her position with the Sheriff's Office on July 8, 2013 for violation of the DCSO policies and Metropolitan Civil Service rules. DCSO Policy (A) #1-1.312, "Employee Conduct", #4 Failure to establish and maintain effective working relationships; (B) #10 Failure to comply with reasonable standards of conduct in a manner that reflects poorly upon the employee, the DCSO, or the Metropolitan Government and/or violates the public trust; (C) #32 – Degrading, harassing, or cursing any person; (D) #34 – Using abusive or profane language in the workplace or toward a member of the public; (E)#35 – Using or threatening to use violence or unauthorized force against any person and Civil Service Rules, Chapter 6, Section 6.7 – (F)#11 – Violation of any written rules, policies or procedures of the department in which the employee is employed; (G) #24 Using abusive or profane language so as to create a disturbance in the work place or when directed towards a member of the public; #28 (H) The use or threat of violence or intimidation when directed toward another person; (I) #32 – Any failure of good behavior which reflects discredit upon himself, the department and/or the Metropolitan Government; and (J) #33 – Conduct unbecoming an employee of the Metropolitan Government.

Ms. Norton appealed her termination to the Commission and the case was assigned to Administrative Law Judge Anthony Adgent. Metro Attorney Joshua Lee represented Metropolitan Government. Ms. Norton represented herself.

The case was initially set for October 14, 2013 and again on January 3, 2014. On January 2, 2014, by request of Ms. Norton, an Agreed Order of Dismissal was sent to by Metro Legal Department for her signature agreeing to dismiss the case. It was not until February 10, 2014 that Administrative Law Judge Anthony Adgent issued the agreed order.

MOTION: *After hearing discussions of this matter and reviewing all information on the case, Commissioner North moved to affirm the Final Order. Seconded by Commissioner Allen and the Commission approved without objection.*

(5: Request approval to conduct Benefit Board Election – Gen. Government

Seth Waltenbaugh stated the Human Resources Department is requesting approval to conduct an election for the position of General Government Representative to the Employee Benefit Board. The request in accordance with provisions in the Metropolitan Charter, Section 13.03 – Composition and Selection of Board. The individual elected will serve a three year term in the position that is currently held by incumbent Edna Jones. Schedules and postings are ready for consideration. The term of the new representative will begin on July 1, 2014.

MOTION: *After some discussion, Commissioner North moved to approve the above as submitted. Seconded by Commissioner Allen and the Commission approved without objection.*

(6: Human Resources Updates

HR Director Veronica Frazier said the department has been reviewing rules and policies that will need to be updated and are expected to be brought to the Commission soon. This will also include the Catastrophic Injury policy that was implemented approximately six months ago.

Ms. Frazier went on to say as for the Pay Plan Study, Deloitte is currently assisting Human Resources with obtaining information from other municipalities. Consultants will be coming to HR to give a comprehensive look at the information they have gathered. The Pay Plan will be done in two phases with issues of pay and housekeeping as it relates to specific classifications and job descriptions. Chairman Farmer asked if the Commission will get the compensation plan first. Ms. Frazier yes and will be presented at the next Civil Service meeting on April 8, 2014.

(7: Communiqués from the public on pending hearings

ACTION: *None*

With nothing further, the regular meeting adjourned at 9:50 a.m.

ATTEST:

APPROVED:

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

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