



METROPOLITAN CIVIL SERVICE COMMISSION

MINUTES

January 10, 2012

8:30 a.m.

CS Conference Room

Suite 163, 222 Bldg. 3rd
Avenue North

Nashville, Tennessee

MEMBERS: R. Steve Corbitt; C. Michael Allen; D. Billye Sanders and Jo Ann North.

MEMBERS NOT PRESENT: William H. Farmer

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

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 of the last **Regular Meeting of December 13, 2011.**

There were no corrections to the Regular Meeting of December 13, 2011. Commissioner North moved for approval and it was seconded by Commissioner Allen. There were no objections from the Commission.

Appeals Process: Ms. 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 COMMUNICATIONS CENTER</u>			
Brockway, Maureen B.	Emerg Telecommunications Officer 1	New Hire	05/24/11
Flurry, Adam S.	Emerg Telecommunications Officer 1	New Hire	05/24/11
Mason, Lashondra D.	Emerg Telecommunications Officer 1	New Hire	05/24/11
Van Meter, Vandaly J.	Emerg Telecommunications Officer 1	New Hire	05/24/11
Whitson, Margaret A.	Emerg Telecommunications Officer 1	New Hire	05/16/11
Wright, Jacquelyn E.	Emerg Telecommunications Officer 1	New Hire	05/24/11

FIRE

Dunnivant, Steven R.	Emerg Medical Tech 1	New Hire	12/01/11
McCullough, Lisa M.	Emerg Medical Tech 1	New Hire	12/01/11
*Vivrette, Shane N.	Emerg Medical Tech 1	Dept Transfer/Promotion	12/01/11
^Cisneros Jr., Herman L.	Emerg Medical Tech 2	Class Change/Lateral	12/01/11
**Harris, Michelle N.	Fire Fighter 1	Re-Employment/Class Change	12/16/11
**Lawrence, Edwin M.	Fire Fighter 1	Re-Employment/Class Change	12/16/11
^^Donnell II, Walter F.	Paramedic 1	New Hire/Class Change	12/01/11
Duke, Buford C.	Paramedic 1	New Hire	12/01/11
Mundy, Michael W.	Paramedic 1	New Hire	12/01/11
Rowell, Terrance B.	Paramedic 1	New Hire	12/01/11

*Department Transfer from Public Works (Equipment Operator 3, TG8) to Fire (EMT, PS3)

^Class change from Fire Fighter 2 (PS4) to EMT 2 (PS4)

**Reemployment as Fire Recruit and class change to Fire Fighter 1 with successful completion of fire certification

^^New Hire as EMT 1 and class change to Paramedic 1 with successful completion of certification

GENERAL SERVICES

Moore, Remick F.	Administrative Service Officer 4	New Hire	12/12/11
Douglas Jr., Robert W.	Application Tech 3	Promotion	11/28/11
Emberton, Amber V.	Application Tech 3	Promotion	11/28/11

HUMAN RESOURCES

Whitfield, Antonia Louise	Professional Specialist	Promotion	12/01/11
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PARKS

Crawley-Morrow, Darlene L.	Application Tech 2	Promotion	11/25/11
Collier, Michael W.	Maintenance & Repair Worker 3	Promotion	12/09/11
Wiser, Christie C.	Naturalist 3	Promotion	11/25/11

POLICE

O'Neill, Kevin M	Information Systems Advisor 2	Re-Hire	12/01/11
Cardwell Jr., James F.	Police Lieutenant	Promotion	12/16/11
Gilder, Christopher J.	Police Lieutenant	Promotion	12/16/11
Mundt, David L.	Police Lieutenant	Promotion	12/16/11

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>POLICE</u>			
Proctor, Jason Douglas	Police Lieutenant	Promotion	12/16/11
Watkins IV, Curtis V.	Police Lieutenant	Promotion	12/16/11
Wheeler, James R.	Police Lieutenant	Promotion	12/16/11
*Amundson, Will H.	Police Officer 1	Class Change	12/02/11
*Baujan Jr., Michael E.	Police Officer 1	Class Change	12/02/11
*Breece, Jaren C.	Police Officer 1	Class Change	12/02/11
*Brooks, Stanley W.	Police Officer 1	Class Change	12/02/11
*Cantrell Jr., Johnny R.	Police Officer 1	Class Change	12/02/11
*Cayton, Kelly J.	Police Officer 1	Class Change	12/02/11
*Cuthbert, Bryon W.	Police Officer 1	Class Change	12/02/11
*Davidson, Garet M.	Police Officer 1	Class Change	12/02/11
*Denham, David W.	Police Officer 1	Class Change	12/02/11
*Dugre, Brian L.	Police Officer 1	Class Change	12/02/11
*Epley, David R.	Police Officer 1	Class Change	12/02/11
*Feeney, Colin K.	Police Officer 1	Class Change	12/02/11
*Griffin, Jamel L.	Police Officer 1	Class Change	12/02/11
*Holden, Christopher M.	Police Officer 1	Class Change	12/02/11
*Kemp, Nathan K.	Police Officer 1	Class Change	12/02/11
*Matthews, Scott C.	Police Officer 1	Class Change	12/02/11
*McElwee, Roy A II	Police Officer 1	Class Change	12/02/11
*Mulholland IV, James J.	Police Officer 1	Class Change	12/02/11
*Palte, Brent M.	Police Officer 1	Class Change	12/02/11
*Popp, Steven A.	Police Officer 1	Class Change	12/02/11
*Ramos III, Alejandro T.	Police Officer 1	Class Change	12/02/11
*Riley, Erin K.	Police Officer 1	Class Change	12/02/11
*Rummage, James C.	Police Officer 1	Class Change	12/02/11
*Sanderson, Kyle J.	Police Officer 1	Class Change	12/02/11
*Scarborough, Barry L.	Police Officer 1	Class Change	12/02/11
*Seufer, Christopher M.	Police Officer 1	Class Change	12/02/11
*Snyder, Joseph D.	Police Officer 1	Class Change	12/02/11
*Spencer, Michael A.	Police Officer 1	Class Change	12/02/11
*Stanley, Brian K.	Police Officer 1	Class Change	12/02/11
*Stromatt, Corey D.	Police Officer 1	Class Change	12/02/11
Stephens, Condra D.	Police Operations Assistant 1	Rehire	12/16/11

*Class change from Police Trainee (PS2) to Police Officer 1 (PS3)

PUBLIC LIBRARY

Bischoff, Deborah L.	Librarian 2	Promotion	12/12/11
Morse, Sara L.	Librarian 2	Promotion	12/12/11

PUBLIC WORKS

*Rainey, Thomas J.	Equipment Operator 2	Vol Reduction in Salary Grade	12/05/11
Majors Jr., Donald A.	Maintenance & Repair Leader 1	Promotion	11/14/11
Mitchell, Antonio M.	Maintenance & Repair Worker 1	New Hire	12/12/11
Morgan, Chase L.	Maintenance & Repair Worker 1	New Hire	12/12/11

*Voluntary reduction in grade from Equipment Operator 3 (TG8) to Equipment Operator 2 (TG7)

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>SHERIFF</u>			
Skemp VI, Samuel C.	Correctional Officer 1	Re-Employment	12/13/11
*Ganaway, Tametha R.	Correctional Officer 2	Vol Reduction in Salary Grade	12/11/11

*Voluntary reduction in grade from Correctional Officer Sergeant (CO3) to Correctional Officer 2 (CO2)

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

TERMINATIONS/ PENSIONS

<u>Name</u>	<u>Classification</u>	<u>Type</u>	<u>Department</u>	<u>Date</u>
Hansford, Ann B.	Emerg Telecomm Officer 1	Resignation	ECC	12/04/11
Lekki, Laura B.	Emerg Telecomm Officer 1	Resignation	ECC	12/07/11
Franklin, James N.	Emerg Telecomm Officer 2	Resignation	ECC	11/28/11
Bogle, Raymond D.	Fire Engineer	Pension	Fire	12/15/11
McCormack, Bobby G.	Fire Engineer	Pension	Fire	12/11/11
Martinez II, Mario J.	Fire Fighter 1	Resignation	Fire	12/02/11
Hale Jr., Gary R.	Fire Fighter 2	Dismissal	Fire	12/19/11
Eldridge, Raina Kelly	Paramedic 2	Resignation	Fire	12/01/11
Kennedy, Kevin Jay	Paramedic 2	Dismissal	Fire	12/12/11
Daugherty, Deana N.	Computer Operator 2	Resignation	ITS	12/20/11
Hathaway, Christopher	Custodian 1	Resignation	Parks	12/12/11
Buntin, Michael E.	Recreation Leader	Pension	Parks	11/30/11
Burk, Barry L.	Police Officer 2	Pension	Police	12/09/11
Curtis, Melvin J.	Police Officer 2	Pension	Police	12/08/11
King, Richard C.	Police Officer 2	Resignation	Police	11/30/11
Stricklin, Jeremy W.	Police Officer 2	Pension	Police	12/14/11
Daniel, Ashley M.	Professional Spec	Resignation	Police	11/30/11
Whelan, John R.	Librarian 1	Pension	Public Library	11/30/11
Hargrove, Stephen F.	Property Guard 2	Pension	Public Library	12/03/11
Robertson, Michael D.	Equipment Operator 3	Pension	Public Works	12/23/11
Upchurch, Terry R.	Maintenance & Repair Worker 2	Resignation	Public Works	11/30/11
Hales, Wade T.	Correctional Officer 1	Pension	Sheriff	12/15/11
Cathey, Yolanda R.	Correctional Officer 2	Resignation	Sheriff	12/09/11
Finch, Adrian T.	Correctional Officer 2	Resignation	Sheriff	12/20/11
Merritt, Aaron S.	Correctional Officer 2	Resignation	Sheriff	12/15/11
Wilson Jr., James W.	Correctional Officer 2	Resignation	Sheriff	12/05/11
Beasley, Willie L.	Homemaker	Pension	Social Services	12/23/11
Brown, John H.	Engineering Tech 1	Pension	Water Services	12/21/11
O'Neill, Thomas Lee	Info Systems App Analyst 1	Resignation	Water Services	12/16/11

MOTION: *After some discussion, Commissioner North moved to accept the Termination/Pension report for the dates and reasons stated. Seconded by Commissioner Allen 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>
Administrative Services Officer 4 - Design/Construction	General Services	18	Open	12/05/11	E
Water Services Security Manager	Water Services	1	Dept	12/16/11	E
Administrative Services Officer 4	Codes	1	Dept	12/27/11	E
Compliance Inspector 3 - Code & Permit Enforcement	Public Works	2	Dept	12/21/11	E
Administrative Services Officer 3	Police	3	Dept	12/28/11	E
IS Applications Analyst 2	ITS	15	Open	12/28/11	E
Administrative Services Officer 4	Police	1	Dept	12/28/11	A
Transportation and License Inspector 2	Transportation	53	Open	12/30/11	E
Human Resources Analyst 1 - Payroll	Police	1	Dept	01/04/12	E
Human Resources Analyst 1 - School Crossing	Police	1	Dept	01/04/12	E

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

DEPARTMENTAL ITEM

WATER SERVICES

(1): **Director Scott Potter requests approval for Administrative Leave in excess of five (5) days for Mr. Ethan Thompson, Water Maintenance Technician 2.**

HR Manager Ivan Davis said Mr. Ethan Thompson was instructed to attend an Employee Assistance Program (EAP) on November 11, 2011 and was placed on Administrative Leave with pay. On December 9, 2011, EAP contacted Water Services to say that Mr. Thompson had failed to comply with the referral. Water Services then notified Mr. Thompson in writing of pending disciplinary actions and was placed on Administrative Leave without pay. The extension is through December 22, 2011 retroactive. The departmental hearing is set for January 10, 2012.

MOTION: *After some discussion, Commissioner North moved to approve the Administrative Leave. Seconded by Commissioner Sanders and the Commission approved without objection.*

HUMAN RESOURCES

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

(2: **Review of Initial Order of Tanya D. Mayhew, Sheriff's Office / Dismissal**

Tanya D. Mayhew was dismissed from her position as a Correctional Officer I at the Sheriff's Office effective March 23, 2010 for alleged violation under **Davidson County Sheriff's Office Policy 1-1.309 Attendance, Benefits and Leave; CS Rules, Section 6.7 – #11 Violation of any written rules, policies or procedures of the department in which the employee is employed.** Ms. Mayhew appealed her dismissal to the Commission and the case was assigned to Administrative Law Judge Rob Wilson. Metro Attorney Jennifer Cavanaugh represented Metropolitan Government during the hearing. Attorney George Thompson represented Ms. Mayhew.

The hearing was set to be heard on July 23, 2011 but was continued on several occasions and finally heard on September 1, 2011 by Judge Wilson. After reviewing the case, Judge Wilson based his conclusion upon the facts presented at the hearing and prior disciplinary history. He entered an **Initial Order on November 21, 2011 ordering the Appellant's termination be Upheld.**

Ms. Jennifer Cavanaugh, Metro Attorney and Mr. George Thompson, Attorney for Tanya Mayhew was present before the Commission to discuss the case.

MOTION: After much discussion on the matter of FMLA usage, Commissioner Sanders moved to remand the Initial Order back to Administrative Law Judge Rob Wilson for clarification of the following: (1) what date the employee's FMLA date commenced under Federal Law and (2) does an employer have the authority to prohibit secondary employment while an employee is on FMLA leave. Seconded by Commissioner North and the Commission approved without objection.

(3: **Review of Initial Order of Wade Hales, Sheriff's Office / 5 Days Suspension / Demotion**

Lieutenant Wade Hales was demoted and suspended five (5) days from his position at the Sheriff's Office effective September 22, 2010 for violation of DCSO's policies 1-4.455 / CS Rules #11 (*Violation of any written rules, policies or procedures of the department in which the employee is employed*) - *Use of Force, and DCSO's 1-1.312 Employee Conduct / CS Rules #35 Using or threatening to use violence or unauthorized force against any person; #36 Unnecessary or excessive use of force*).

Lieutenant Hales appealed his dismissal to the Commission and the case was assigned to Administrative Law Judge Mary M. Collier. Metro Attorney Jon Michael represented Metropolitan Government during the hearing. Attorney Bob Lynch represented Mr. Hales.

The case was heard on June 16, 2011 and June 17, 2011 by Judge Collier. After the hearing, a transcript was ordered and proposed Findings of Fact and Conclusions of Law followed. On November 18, 2011, Judge Collier entered an **Initial Order Upholding the Five (5) Days Suspension and Demotion of Mr. Hales.** On December 8, 2011, Administrative Law Judge Mary Collier entered an order granting permission for Attorney Bob Lynch to withdraw as counsel for Mr. Hales effective December 1, 2011.

Metro Attorney Jon Michael was present before the Commission to discuss the case. Also present was Mr. Hales who stated he received a letter requesting his presence to appear before the Commission and discuss his case. During the conversation, Mr. Hales mentioned he had retained Attorney Ashley Preston to represent him if the matter were to go to Chancery Court. When asked why Ms. Preston could not attend the meeting today, Mr. Hales said she was in court. The Commission then asked if he preferred to defer the matter until the next month in order for his attorney could attend. He said yes.

MOTION: After much discussion, Commissioner North moved to defer the matter for the One (1) month in order that Mr. Hales’s attorney could attend the meeting. Seconded by Commissioner Sanders and the Commission approved without objection.

(4: **Review of Initial Order of James Hamlet, Police / 12 Days Suspension & Dismissal**

Officer James Hamlet was suspended 12 days and then dismissed from his position at the Police Department effective November 29, 2010 for alleged violation of (1) General Order 06-05 violations: Department and Personal Appearance; Section VII, Personal Behavior (E) Honesty & Truthfulness; (A) Adherence to Policy & Rules; (2) General Order 05-08, Police Vehicle Policy & Procedures; Section IX - Vehicular Operation; (L) (AVL) Automatic Vehicle Locator & Daily Activity Sheets; (3) General Order 99-09 Secondary Employment, VII Control Provisions and (4) CS Rules, Section 6.7 – Grounds for Disciplinary Action (11) and (13). Officer Hamlet appealed his dismissal to the Commission and the case was assigned to Administrative Law Judge Lynn England. Metro Attorney Jennifer Cavanaugh represented Metropolitan Government during the hearing. Attorney Jeff Cherry represented Officer Hamlet.

The hearing was set and heard on August 4, 2011 by Judge England. The matter came ready for a decision on October 4, 2011 when parties filed the Findings of Fact and Conclusions of Law. After carefully reviewing the case, Judge England entered an Initial Order on October 24, 2011 overturning his termination and reinstating him to his position with back pay and benefits, minus a twelve (12) day suspension. The twelve day suspension is for the following violations: a six (6) day suspension for violation of MNPD Gen. Order 99-09 “Secondary Employment” (VII) and a six (6) day suspension for violation of MNPD Gen. Order 05-08, Police Vehicle Policy and Procedure, IS. Control Provisions – Vehicular Operation: L. AVL and Daily Activity Sheets.

MOTION: After some discussion, Commissioner Allen moved for approval to uphold the Order as submitted by Administrative Law Judge Lynn England. Seconded by Commissioner North and the Commission approved without objection.

(5: **Report on Benefit Board Election Results – Police Employee Representative**

Seth Waltenbaugh said the election was conducted on December 7, 2011 which was in accordance with the provisions listed in the Metropolitan Charter, Section 13.03. Human Resources Director Rita Roberts-Turner certified the election results. The results were:

<u>Candidate</u>	<u>Votes Received</u>
Jeffrey Howe	39
James H. Johnson	132

Mr. James H. Johnson was declared the winner of this election and will serve a three-year term as Police Employee Representative.

MOTION: This was for a report only.

(6: **Human Resources Updates**

There were no updates to report this month

(7: **Communiqués from the public on pending hearings**

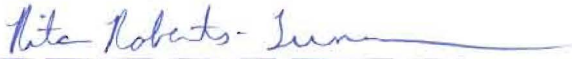
No reports were made.

Item #2 was delayed until the end of the meeting in order that Attorney George Thompson could attend and discuss the Mayhew case. There was a short recess at 9:20 a.m. The meeting resumed at 9:25 a.m.

With nothing further, the regular meeting adjourned at 10:20 a.m.

ATTEST:

APPROVED:



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



**R. Steve Corbett, Vice-Chairman
Civil Service Commission**