



# METROPOLITAN CIVIL SERVICE COMMISSION

## MINUTES

February 14, 2012

8:30 a.m.

CS Conference Room

Suite 163, 222 Bldg.

3<sup>rd</sup> Avenue North

Nashville, Tennessee

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

**OTHER MEMBERS:** Rita Roberts-Turner, 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 10, 2012.**

There were no corrections to the Regular Meeting. Vice-Chairman Corbitt moved for approval and it was seconded by Commissioner Allen. 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>CODES ADMINISTRATION</u>			
Nethery West, Karen	Administrative Services Officer 4	Promotion	12/26/11

FINANCE

*Spence, Jerry W.	Technical Specialist 1	Department Transfer	01/17/12
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\*Department Transfer from General Services to Finance, same classification

GENERAL SERVICES

*Bridges, Kevin L.	Office Support Spec 2	Re-Classification	01/09/12
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\*Reclassification due to a position audit by Human Resources from Equipment Inventory Assistant (SR7) to Office Support Specialist 2 (SR8)

INFORMATION TECHNOLOGY SERVICE

Cain, David P.	Info Systems App Analyst 2	New Hire	01/23/12
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PARKS

Forte, Kevin Van	Facilities Manager	Promotion	01/20/12
Personett Jr., Loren R.	Facilities Manager	Promotion	01/20/12
Campbell IV, Howell H.	Maintenance & Repair Worker 1	New Hire	01/01/12

POLICE

Sampedro, Julian M.	Admin Services Officer 3	Promotion	01/16/12
Johnson, Ecarterenia M.	Human Resources Analyst 1	Promotion	01/01/12
Orsbon, Angela D.	Human Resources Analyst 1	Promotion	01/01/12
Herndon, Colleen Marie	Information Systems Advisor 1	Promotion	01/16/12
*Flaherty IV, Raymond F.	Police Officer 2	Class Change	01/29/12
*Gilpin, John K.	Police Officer 2	Class Change	01/29/12
*Harris, Brian J.	Police Officer 2	Class Change	01/29/12
*Paiva, Luke D.	Police Officer 2	Class Change	01/29/12
Davis, Mylinda R.	Police Operations Assistant 1	New Hire	01/01/12
Lindsey, Jessica D.	Police Operations Assistant 1	New Hire	01/16/12
Perkins, Taylor S.	Police Operations Assistant 1	New Hire	01/16/12
Ray, Brandon S.	Police Operations Assistant 1	New Hire	01/01/12
Williams, Kenya D.	Police Operations Coordinator 1	New Hire	01/16/12
^Cater, Clarissa A.	Police Operations Coordinator 2	Class Change/Lateral	01/01/12
Barnes, Matthew B.	Police Sergeant	Promotion	01/01/12
Brooks, Anthony L.	Police Sergeant	Promotion	01/01/12
Gossett, Troy E.	Police Sergeant	Promotion	01/01/12

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>POLICE</u>			
Hampton, Ryan M.	Police Sergeant	Promotion	01/1/12
Howlett, Matthew S.	Police Sergeant	Promotion	01/1/12
Hull, Scott F.	Police Sergeant	Promotion	01/1/12
Kent, Michael D.	Police Sergeant	Promotion	01/1/12
Layne, David J.	Police Sergeant	Promotion	01/1/12
Marklein, Jonathan L.	Police Sergeant	Promotion	01/1/12
McGill Jr., James A.	Police Sergeant	Promotion	01/1/12
Peterson, Robert Sherman	Police Sergeant	Promotion	01/1/12
Reed, Marty	Police Sergeant	Promotion	01/1/12
Sears, Matthew P.	Police Sergeant	Promotion	01/1/12
Straube, Michael M.	Police Sergeant	Promotion	01/1/12
Taylor, Noble	Police Sergeant	Promotion	01/1/12
Wells, Mark C.	Police Sergeant	Promotion	01/1/12

\*Class Change from Police Officer 1 to Police Officer 2

^Class Change from Police Operations Analyst 1 (SR8) Police Operations Coordinator 2 (SR8)

PUBLIC WORKS

Robinson, William H.	Compliance Inspector 3	Promotion	12/26/11
Runyon, Christopher T.	Compliance Inspector 3	Promotion	12/26/11
Cleghon, Jonathan M.	Engineer 3	Promotion	01/23/12
*Hodges, Dwayne A.	Equipment Operator 2	Promotion/Department Transfer	01/23/12
^Ragland Jr., Marty L.	Equipment Operator 2	Promotion/Department Transfer	01/23/12
**Bryant, William T.	Equipment Operator 3	Promotion/Department Transfer	01/23/12
**Covington, Harold W.	Equipment Operator 3	Promotion/Department Transfer	01/23/12
Goddard, Calvin A.	Equipment Operator 3	New Hire	01/23/12
Grempler, Kristofer K.	Equipment Operator 3	Promotion	01/23/12
***Loyd, Joseph A.	Equipment Operator 3	Class Change/Lateral	01/23/12
**Morris, Christopher R.	Equipment Operator 3	Promotion/Department Transfer	01/23/12
**Ratliff, Jason S.	Equipment Operator 3	Promotion/Department Transfer	01/26/12
^Loyd, Joshua A.	Maintenance & Repair Worker 1	Vol Reduction In Salary Grade	12/26/11
Smith, Jenna E.	Special Projects Manager	Promotion	01/09/12

\*Department Transfer from General Services (Equipment Operator 1, TG5) to Public Works (Equipment Operator 2, TG7)

^Department Transfer from Water (Water Maintenance Tech 2, TG4) to Public Works (Equipment Operator 2, TG7)

\*\*Department Transfer from Parks (Maintenance and Repair Worker 3, TG6) to Public Works (Equipment Operator 3, TG8)

\*\*\*Class Change from Sanitation Leader (TI6) to Equipment Operator 3 (TG8)

^^Voluntary reduction in grade from Sanitation Worker (TG5) to Maintenance and Repair Worker 1 (TG3)

SHERIFF

Barnes, Thomas E.	Correctional Officer 1	New Hire	01/17/12
Burns, Carmelita L.	Correctional Officer 1	New Hire	01/17/12
*Cruse, Ronald W.	Correctional Officer 1	Demotion	12/16/11
Cundiff, Matthew G.	Correctional Officer 1	New Hire	01/17/12
Fisher, Curtis M.	Correctional Officer 1	New Hire	01/17/12

**APPOINTMENTS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>SHERIFF</u></b>			
Green, Edward D.	Correctional Officer 1	New Hire	01/17/12
Jones, Jeremy S.	Correctional Officer 1	New Hire	01/17/12
Myatt, Chadwick W.	Correctional Officer 1	New Hire	01/17/12
Porter, Reinell A.	Correctional Officer 1	New Hire	01/17/12
Slone, Matthew G.	Correctional Officer 1	New Hire	01/17/12
Warren, Rashawn T.	Correctional Officer 1	New Hire	01/17/12
White, Steven A.	Correctional Officer 1	New Hire	01/17/12
Wilkes, Anthony T.	Correctional Officer 1	New Hire	01/17/12
Williams, Brandon L.	Correctional Officer 1	New Hire	01/17/12
Brown, Neil Preston	Correctional Officer 2	Promotion	01/15/12
Cantrell, Blake Steven	Correctional Officer 2	Promotion	01/15/12
Cash, Daniel J.	Correctional Officer 2	Promotion	01/15/12
Evans, Joshua R.	Correctional Officer 2	Promotion	01/15/12
Gilmer, Robert G.	Correctional Officer 2	Promotion	01/15/12
Hicks, Angela R.	Correctional Officer 2	Promotion	01/15/12
Mays, Montaez L.	Correctional Officer 2	Promotion	01/15/12
Morrison, Richard E.	Correctional Officer 2	Promotion	01/15/12
Robinson, Cekarlto D.	Correctional Officer 2	Promotion	01/15/12
Shaver, Dorne J.	Correctional Officer 2	Promotion	01/15/12
Stewart Jr., John W Thomas	Correctional Officer 2	Promotion	01/15/12
Sykes, Frank Daniel	Correctional Officer 2	Promotion	01/15/12

\*Demotion from Correctional Officer 2 to Correctional Officer 1

**SOCIAL SERVICES**

Hunt, Tammy Carol Duncan	Office Support Manager	Promotion	01/23/12
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**TRANSPORTATION LICENSING COMMISSION**

Morris, Howard H.	Trans Licensing Inspector 2	New Hire	01/09/12
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**WATER SERVICES**

Jobe Jr., Mose A.	Water Services Security Manager	Promotion	12/24/11
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***MOTION: After some discussion, Commissioner North moved for approval of the appointments as listed. Seconded by Vice-Chairman Corbitt 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 Vice-Chairman Corbitt 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	
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 Vice-Chairman Corbitt and the Commission approved without objection.*

## DEPARTMENTAL ITEMS

### PUBLIC WORKS

(1: Director Billy Lynch requests approval for an Open Range Increase for the following:

**A. Donna Ryman**

Director Lynch stated Ms. Ryman's work load has increased since consolidation of the Solid Waste Division and Operations Division of Public Works. She has assumed additional duties that were previously carried out by other employees. Ms. Ryman continues to acquire training and familiarizes herself with the operations that are efficient to performing the new tasks.

**B. Yvonne Foote**

Ms. Foote received additional duties that are related to management of Public Works Waste Tire Grant through Tennessee Department of Environment & Conservation (TDEC). As her public relations role expands, she is in contact with waste tire handlers, retailers and TDEC to resolve billing and tracking issues.

**MOTION:** *After some discussion, Commissioner Sanders moved to approve the above request for Ms. Ryman and Ms. Foote. Seconded by North and the Commission approved without objection.*

### WATER SERVICES

(2: Request to Designate Two Positions as "Exempt-Overtime Eligible"

John Kennedy stated there are two positions classified as Technical Specialist 1. He stated that Water Services began using this classification after Human Resources reviewed it and determined the position would be exempt. Since that review, circumstances have changed and the employees, out of necessity, are working an excessive amount of overtime to perform non-exempt duties. The primary objectives for the two positions are to plan, organize work, supervise and direct crews to ensure Storm water field activities are scheduled and that employees have the tools / resources to safely perform their duties.

When the two incumbents are working overtime, they are performing non-management related duties and operating equipment to demolish damaged homes from the 2010 flood. They have accrued a significant amount of comp-time and cannot use it due to the department's demands of performing regular duties. Due to the city's hiring freeze over the past several years, there are fewer people to do the work and more overtime is being required.

The request is to designate the positions as exempt overtime eligible and backdate to January 1, 2012.

**MOTION:** *After some discussion, Commissioner North moved to approve the above request. 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:

(3: Consideration of Request for a **Medical Waiver** for **Paramedic – Fire Department**

Applicant A - AH

Dr. Celia Goodson discussed the applicant's medical issues and why she is not recommending this person for the position of Paramedic. She referred to Chapter 6 – Medical Evaluation of Candidates and the NFPA 1582 '**Standards on Comprehensive Medical Program for Fire Departments**' stating if the medical waiver is granted for abnormal pulmonary function testing, she would recommend obtaining a cardiology evaluation with exercise stress testing to establish exercise / endurance as well as echocardiogram to further evaluate chest x-ray finding of "heart size upper normal" and tachycardia observed on the physical exam. She also noted that employees of the EMS division who are transferred to the fire suppression division will require a medical evaluation prior to the transfer. With the increased pulmonary function of physical endurance, Dr. Goodson said although there is agility testing done for Fire Fighting, she didn't think there was any done in the EMS Division.

**Applicant A** was present before the Commission to give additional information regarding his medical issue as needed. He said he met with his pulmonary specialist, several tests were performed and there was no indication of any issues. Oxygen levels remained in normal limits and he never experienced shortness of breath. He said that dieting and exercise is helping him to lose weight to correct the problem. He is presently working in EMS as a Paramedic in Shelby County (Memphis, TN).

**MOTION:** *A request was made by Chairman Farmer for a motion. Commissioner Sanders moved to defer the decision until March in order to get additional testing recommended by Dr. Goodson. There was a second from Commissioner North and the Commission approved without objection.*

(4: Consideration of Request for a **Medical Waiver** for **Police Officer Trainee**

Applicant A – SAM

Dr. Celia Goodson discussed the applicant's medical issues and why she recommended this person for the position of Police Officer Trainee. She referred to the '**Standards of Medical Fitness**' **AR 40-501, 2-12 Eyes C. Cornea**. She stated the refractive surgery performed with an Excimer Laser, including but not limited to Laser Assisted in Keratomileusis (known as LASIK) does not meet the standard if at least a six months recovery period has not passed. The applicant underwent Lasik surgery on December 2, 2011. Although six months have not yet passed, the visual acuity in both eyes has been stable and improved to 20/15. The condition should not limit her being able to safely perform the duties of a police officer trainee or police officer. **Applicant A** was present before the Commission to give additional information regarding her medical issue as needed.

**MOTION:** *A request was made by Chairman Farmer for a motion. Commissioner North moved to approve the Medical Waiver with a second from Commissioner Sanders and the Commission approved without objection.*

(5: Consideration of Request for a [Medical Waiver](#) for [Police Officer Trainee](#)Applicant B – APP

Dr. Celia Goodson discussed the applicant's medical issues and why she recommended this person for the position of Police Officer Trainee. She referred to the "**Standards of Medical Fitness**" AR 40-501, 2-23-Lungs, chest wall, pleura and mediastinum stating the applicant has asthma (493) including reactive airway disease, exercise-induced bronchospasm or asthmatic bronchitis and does not meet the standard. However, she said the medical record review shows while the applicant has used bronchodilator therapy in the past, he does not have a history of poorly controlled asthma. The condition should not present a safely risk in the performance of duties of a police officer trainee or police officer. **Applicant B** was present before the Commission to give additional information regarding his medical issue as needed.

**MOTION:** A request was made by Chairman Farmer for a motion. Commissioner North moved to approve the Medical Waiver with a second from Commissioner Allen and the Commission approved without objection

## LATE ITEM (1c)

(6: Consideration of Request for a [Medical Waiver](#) for [Police Officer Trainee](#)Applicant C – JBD

Dr. Celia Goodson discussed the applicant's medical issues and why she recommended this person for the position of Police Officer Trainee. She referred to the "**Standards of Medical Fitness**" AR 40-501, 2-29 – Spine and sacrosiliac joints stating the applicant required treatment from lumbar pain of a herniated disc in 2010. However, during military service in 2011 he participated in intense physical training exceeding what is expected in the police training academy. Since military training, he hasn't experienced any back pain and has not encountered any limited performance. Dr. Goodson does not expect the condition will limit him safely performing the duties of a police officer trainee or police officer. **Applicant C** was present before the Commission to give additional information regarding his medical issue as needed.

**MOTION:** A request was made by Chairman Farmer for a motion. Commissioner Sanders moved to approve the Medical Waiver with a second from Commissioner North and the Commission approved without objection

## LATE ITEM (1d)

(7: Consideration of Request for a [Medical Waiver](#) for [Police Officer Trainee](#)Applicant D - RSF

Dr. Celia Goodson discussed the applicant's medical issues and why she recommended this person for the position of Police Officer Trainee. She referred to the "**Standards of Medical Fitness**" AR 40-501, 2-27 – Learning, psychiatric and behavioral disorders. Dr. Goodson stated the applicant participated in an alcohol treatment program in 1993 and has a 19 year history of sobriety. Recent psychological evaluation indicates that he is psychologically an appropriate candidate for police officer training. His long history of control and recent psychological evaluation indicate this history would not be expected to pose a safety risk in his performing the duties of a police officer trainee or police officer. **Applicant D** was present before the Commission to give additional information regarding his medical issue as needed.

**MOTION:** A request was made by Chairman Farmer for a motion. Commissioner North moved to approve the Medical Waiver with a second from Commissioner Allen and the Commission approved without objection.



**LATE ITEM (1e)**

(7: **Consideration of Request for a Medical Waiver for Police Officer Trainee**

**Applicant E - TJW**

Dr. Celia Goodson discussed the applicant's medical issues and why she recommended this person for the position of Police Officer Trainee. She referred to the "**Standards of Medical Fitness**" **AR 40-501, 2-19 – Vascular system (hypertensive vascular disease) and AR40-501, 2-23-Lungs, chest wall, pleura and mediastinum (Asthma)**. Dr. Goodson said the medical record shows hypertension to be well controlled with current medicines and Asthma is well controlled with only occasional bronchodilator therapy. The current pulmonary function testing is within normal limits. The diagnosis is not expected to negatively impact the applicant's ability to safely perform the duties of a police officer trainee or police officer.

**Applicant E** resides out of town and was not able to be present before the Commission to give additional information.

**ACTION:** *This matter was deferred until the meeting in March.*

**LATE ITEM (1f)**

(8: **Consideration of Request for a Medical Waiver for Police Officer Trainee**

**Applicant F - JMF**

Dr. Celia Goodson discussed the applicant's medical issues and why she recommended this person for the position of Police Officer Trainee. She referred to the "**Standards of Medical Fitness**" **AR 40-501, 2 19 – Vascular system (hypertensive vascular disease)**. Dr. Goodson said the medical record shows the hypertension to be controlled and the applicant receives appropriate medical management for his hypertension. Although the applicant is still taking medication, the condition should not limit his safely performing the duties of a police officer trainee or police officer. **Applicant F** was present before the Commission to give additional information.

**MOTION:** *A request was made by Chairman Farmer for a motion. Commissioner Allen moved to approve the Medical Waiver with a second from Commissioner North. The Commission approved with one objection from Vice-Chairman Corbitt.*

**LATE ITEM (1g)**

(9: **Consideration of Request for a Medical Waiver for Police Officer Trainee**

**Applicant G - RWS**

Dr. Celia Goodson discussed the applicant's medical issues and why she recommended this person for the position of Police Officer Trainee. She referred to the "**Standards of Medical Fitness**" **AR 40-501, 2-8 – Endocrine & metabolic disorders**. Dr. Goodson stated the medical record shows diabetes mellitus to be well controlled. The applicant has appropriate knowledge of the disease process and is willing to participate in necessary lifestyle modifications to maintain good control. The condition should not limit him safely performing the duties of a police officer trainee or police officer. **Applicant G** was present before the Commission to give additional information.

**MOTION:** *A request was made by Chairman Farmer for a motion. Commissioner Allen moved to approve the Medical Waiver with a second from Commissioner North. The Commission approved without objection.*

**(10: Review of Order to Dismiss Appeal – Anita Hicks, ECC / FMLA Grievance**

On September 14, 2011, Anita Hicks submitted a request for FMLA regarding the serious health condition of two of her children. The letter enclosed two certifications of Health Care for the provider to complete, sign and return to Metro. Based upon the medical certifications from both children, it was determined the request did not meet the requirements for FMLA.

On October 22, 2011, Ms. Hicks made an appeal to Chief Phillips citing the physician did not provide the necessary information to explain the seriousness of the infections. By October 25, 2011, Director Duane Phillips provided a letter citing the medical definitions that constitutes a "Serious Health Condition" and denied the request for FMLA. Ms. Hicks appealed her grievance to the Civil Service Commission on October 30, 2011 and the case was assigned to Administrative Law Judge Lynn England. Metro Attorney Jennifer Cavanaugh represented the Emergency Communications Center. Ms. Hicks represented herself.

A pre-hearing telephone conference was conducted by Judge England on December 16, 2011 and both parties agreed to hear this matter on January 11, 2012. On Wednesday, December 21, 2011, a call was placed to Assistant Director Jim Kramer by Scotty Davison of SEIU stating Ms. Hicks was dropping her appeal and that the issue had been resolved. Ms. Hicks submitted an email to the Human Resources Department stating her intention to withdraw the underlying appeal. Judge England issued an "Order of Dismissal" on January 13, 2012, pursuant to the request of the appellant.

Metro Attorney Jennifer Cavanaugh was present before the Commission to discuss the case. Ms. Hicks was not present.

**MOTION:** A request was made by Chairman Farmer for a motion. Vice-Chairman Corbitt moved to Uphold the Order of Dismissal of the Appeal as submitted by Judge England with a second from Commissioner North. The Commission approved without objection.

**(11: Review of Initial Order of Neil M. Cook, Police / 8 Days Suspension**

On the evening of April 26, 2010, Mr. Cook was in an argument with his wife, Sherry Cook, over his daughter's behavior. Mrs. Cook, who was cleaning their home, went into her stepdaughter's bathroom and accidentally knocked over a shelf causing items to fall. Mr. Cook then came up the stairs, got upset and punched a hole in the wall beside the bathroom door. Mrs. Cook called 911 and Smyrna police were dispatched to the residence. After taking a statement from Mrs. Cook, Mr. Cook was arrested.

On November 29, 2010, the disciplinary board issued a 313 Form from the Metro Nashville Police Department stating Mr. Cook had conducted himself in a manner contrary to regulatory provisions. On February 28, 2011, Chief Steve Anderson issued a charge letter citing CS Rule 6.7 #11 (violation of any written rules, policies, or procedures of the department in which the employee is employed). A Hearing at the Metro Police Department was scheduled for March 21, 2011 at 9:30 a.m. Mr. Cook was suspended for eight (8) days.

Mr. Cook appealed the suspension to the Civil Service Commission on March 21, 2011 and the case was assigned to Administrative Law Judge Joyce Carter-Ball. Metro Attorney Jennifer Cavanaugh represented the Metropolitan Government. Attorney Eric Hurbert represented Mr. Neil at the hearing.

The case was heard on August 30, 2011 by Administrative Law Judge Joyce Carter-Ball. After reviewing the facts of the case, Judge Carter-Ball entered an Initial Order on December 2, 2011 ordering the Grievant's eight day (8) suspension be REVERSED.

Metro Attorney Jennifer Cavanaugh was present before the Commission to discuss the case. Mr. Cook, and Robert Weaver of the FOP were present before the Commission to request a deferral in order to retain new council. Mr. Cook stated he was no longer represented by Mr. Hurbert and was searching for another attorney to represent him in this matter.

**MOTION:** After consideration, Commissioner North moved to defer the matter for one month only and to have council at the next regular meeting in March ready to proceed without a continuance request. A second was made by Commissioner Allen and the Commission approved without objection.

**(12: Review of Initial Order Wade Hales, Sheriff / 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 demotion / suspension 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.

The Civil Service Commission met on January 10, 2012. Mr. Hales represented himself and Metro Attorney Jon Michael represented the Sheriff's Office. During discussion, Mr. Hales stated he had recently obtained Ms. Ashley Preston as his new legal counsel and asked to defer so she could review the record and attend the next meeting. Mr. Michael did not object to the request and the Commission deferred the matter.

On February 14<sup>th</sup>, 2012, the Commission met again to review Mr. Hales Initial Order. Attorney Ashley Preston and Mr. Hales, who were both duly notified to attend the meeting, were not present. Metro Attorney Jon Michael was in attendance to discuss the case.

**MOTION:** A request was made by Chairman Farmer for a motion. Vice-Chairman Corbitt moved to modify the Initial Order as submitted by Administrative Law Judge Mary M. Collier by increasing the initial suspension from five (5) days to fifteen (15) days and to uphold the Demotion imposed by the Sheriff's Office. There was a second from Commissioner Sanders and the Commission approved without objection.

**(13: Review of Initial Order of Richard S. Feinstein, Police / Forty-Two Days Suspension / Dismissal**

Richard S. Feinstein was dismissed from his position at the Police Department effective August 23, 2010 for violation of Department General Orders: (1) 09-03 Section (E), Honesty & Truthfulness; (2) 06-05 Section (S), Failure to Cooperate/Withholding Information; (3) 09-03, Section (T), Failure to Report Misconduct; and Section (C), Conduct Unbecoming an Employee of the Department; Violation of Civil Service Rules: Section 6.7 - #11 Violation of written rules, policies or procedures of the department of which the employee is employed; #13 – Dishonesty; #32 – Failure of good behavior which reflects discredit upon himself, the department and/or Metropolitan Government; #33 – Conduct unbecoming an employee of Metropolitan Government.

Officer Feinstein appealed his 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 Worrick Robinson represented Mr. Feinstein.

The case was set to be heard on March 9 & 10, 2011 but was rescheduled to be heard on May 12, 2011 by Judge Rob Wilson. On August 19, 2011, proposed Orders from both attorneys were submitted for review. Attorneys for both sides agreed to hold the record open until October 7, 2011 for any additional submissions.

On November 21, 2011, Judge Wilson entered an **Initial Order Reversing Mr. Feinstein's termination for violating General Order 09-03 (VII)(E), Honesty & Truthfulness; 09-03(VIII)(T),-Failure to Report Misconduct; and 06-05(VIII)(S),-Failure to Cooperate/Withholding Information. The appellant should be Reinstated to his former position with full back pay and benefits, minus a ten (10) day suspension for violation of General Order - 09-03(VII)(c), Conduct Unbecoming an Employee of the Department.**

Metro Attorney Jennifer Cavanaugh and Attorney Worrick Robinson were present before the Commission to discuss the case.

**MOTION:** *A request was made by Chairman Farmer for a motion. Vice-Chairman Corbitt moved to overturn the Initial Order as submitted by Administrative Law Judge Rob Wilson and reinstate the original discipline of Termination that was imposed by the Police Department. There was a second from Commissioner Sanders. Commissioners North and Allen made an objection and voted no to the motion. Chairman Farmer broke the tie by affirming the motion to overturn the Initial Order. The vote was 3 to 2.*

**(14: Civil Service Policy 3.0 "Employee Assistance Program"**

HR Assistant Director Jim Kramer said the policy establishes the purpose and the scope of Metro's Employee Assistance Program. The policy will help communicate information to employees about a resource that is unfamiliar but will be beneficial to them. For supervisors and managers, it provides the guidelines for the use of Critical Incident Stress Debriefings and mandatory referrals.

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

**(15: Selection Process – Appointment of Permanent Human Resources Director**

Chairman Farmer stated there is a process being developed to fill the position of Human Resources Director. Ms. Roberts-Turner has been acting as Interim Director and has expressed an intent to apply for the position. Sonny Lyons, Randy Lovett, and Michael Safley have been assigned to a committee to suggest a recruitment process for the position. Their suggestions will be considered by the Civil Service Commission in the March meeting .

**ACTION:** *None. This was for a report only.*

**(16: Human Resources Updates**

Director Roberts-Turner said the Mayhew case that was remanded back by the Commission to the Administrative Law Judge is presently being reviewed by the Judge. The attorneys have been informed of an opportunity to provide additional briefs to the Judge regarding specific questions raised by Commissioner Sanders and approved by the Commission. The Administrative Law Judge has indicated that he expects to have a decision within thirty days.

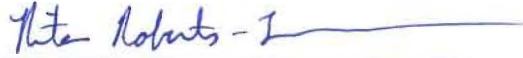
**(17: Communiqués from the public on pending hearings**

*No reports were made.*

With nothing further, the regular meeting adjourned at 10:28 a.m.

**ATTEST:**

**APPROVED:**



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



William H. Farmer, Chairman  
Civil Service Commission