



# METROPOLITAN CIVIL SERVICE COMMISSION

## MINUTES

April 10, 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 March 13, 2012.**

There were no corrections to the Regular Meeting. Commissioner North 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.

**APPOINTMENTS**  
**TERMINATIONS / PENSIONS**  
**ELIGIBILITY REGISTER REPORT**  
**HUMAN RESOURCE ITEMS**

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APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>FINANCE</u>			
*Lane, Michelle A.	Finance Manager	Re-Classification	03/27/12
*Roberts, Jeffery W.	Finance Manager	Re-Classification	03/27/12
Gleason, Bryan C.	Finance Officer 3	Promotion	03/19/12

\*Reclassification from Finance Administrative (SR13) to Finance Manager (SR14) due to a position audit performed by Human Resources.

FIRE

Fonseca, Manuel A.	Fire Assistant Chief	Promotion	03/01/12
Henderson, Timothy D.	Fire Assistant Chief	Promotion	03/01/12
Walker Jr., David L.	Fire Assistant Chief	Promotion	03/01/12
Byers, Barry D.	Fire Captain	Promotion	03/16/12
Cane, Alan R.	Fire Captain	Promotion	03/01/12
Cothran, Louise S.	Fire Captain	Promotion	03/01/12
Graham Jr., Winston C.	Fire Captain	Promotion	03/16/12
Kelly, Michael W.	Fire Captain	Promotion	03/16/12
McPherson Jr., Samuel L.	Fire Captain	Promotion	03/16/12
Nelms III, William K.	Fire Captain	Promotion	03/16/12
Ramsey, William L.	Fire Captain	Promotion	03/16/12
Rucker, Stacey L.	Fire Captain	Promotion	03/16/12
Sain, Jon T.	Fire Captain	Promotion	03/01/12
Sapp, Melissa A.	Fire Captain	Promotion	03/16/12
Wingett III, Hugh Henry	Fire Captain	Promotion	03/16/12
Graves, Douglas L.	Fire District Chief	Promotion	03/01/12
Jones, Bryan W.	Fire District Chief	Promotion	03/01/12
Martin, Yolanda Delores	Fire District Chief	Promotion	03/01/12
Trovillion, Kent D.	Fire District Chief	Promotion	03/01/12
Bradford, Timothy J.	Fire Engineer	Promotion	03/16/12
Brinn, David W.	Fire Engineer	Promotion	03/16/12
Brown Jr., Jerry W.	Fire Engineer	Promotion	03/16/12
Brown, Anthony W.	Fire Engineer	Promotion	03/16/12
Castleman, Benjamin R.	Fire Engineer	Promotion	03/16/12
Claibourne, John C.	Fire Engineer	Promotion	03/16/12
Dickson, Jason C.	Fire Engineer	Promotion	03/16/12
Farr II, Robert W.	Fire Engineer	Promotion	03/16/12
Higgins, Brian J.	Fire Engineer	Promotion	03/16/12
Jordan, Jonathan D.	Fire Engineer	Promotion	03/16/12
Merrill, William Paul	Fire Engineer	Promotion	03/16/12
Smith, Timothy G.	Fire Engineer	Promotion	03/16/12
Steele, Rasheem R.	Fire Engineer	Promotion	03/16/12
Tant, Joshua W.	Fire Engineer	Promotion	03/16/12
*Brackman, Henry D.	Fire Fighter 2	Class Change/Lateral	02/16/12
*Perry, Daryl W.	Fire Fighter 2	Class Change/Lateral	02/16/12
*Wall, Matthew R.	Fire Fighter 2	Class Change/Lateral	02/16/12
*Young, Matthew P.	Fire Fighter 2	Class Change/Lateral	02/16/12
^McCallister Jr., Michelangelo	Fire Inspector 1	Class Change/Lateral	03/01/12
**Perry, Chasity Dawn	Fire Inspector 1	Class Change/Lateral	03/01/12
Whisenant, David W.	Fire Marshal-Assistant	Promotion	03/01/12

\*Class Change from EMT 2 (PS4) to Fire Fighter 2 (PS4)

^Class Change from Fire Fighter 2 (PS4) to Fire Inspector 1 (PS4)

\*\*Class Change from EMT 2 (PS4) to Fire Inspector 1 (PS4)

**APPOINTMENTS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>GENERAL SERVICES</u></b>			
Barlow, Robert E.	Information Systems Advisor 2	New Hire	03/05/12
<b><u>INTERNAL AUDIT</u></b>			
Henry, Herman G.	Internal Auditor 1	New Hire	02/29/12
<b><u>PARKS</u></b>			
Bell, John	Custodian 1	Re-Hire	03/12/12
Adfield, Misty L.	Facility Coordinator	Promotion	02/24/12
*Lockett, Phillip B.	Maintenance & Repair Worker 1	Transition - Civil Service	02/24/12
Baugh Jr., Sterling	Maintenance & Repair Worker 2	Promotion	02/24/12
Hicks, David L.	Maintenance & Repair Worker 3	New Hire	03/16/12

\*Transition to CS Status from Seasonal Status

**POLICE**

Kenderdine, Cheryl F.	Administrative Specialist	Promotion	03/01/12
*Sawyers, Tonya R.	Administrative Services Officer 1	Class Change/Lateral	03/01/12
^Stevenson, Jonthany D.	Human Resources Assistant 1	Class Change/Lateral	03/01/12
Jinnette, Mandy D.	Office Support Specialist 2	Promotion	03/01/12
Sylvester, Monica M.	Office Support Specialist 2	New Hire	03/01/12
**Nelson, Armon C.	Police Operations Assistant 3	Class Change/Lateral	03/01/12

\*Class Change from Police Operations Assistant 3 (SR6) to Administrative Services Officer 1 (SR6)

^Class Change from Administrative Services Officer 1 (SR6) to HR Assistant 1 (SR6)

\*\*Class Change from Police Security Guard 1 (SR6) to Police Operations Assistant 3 (SR6)

**PUBLIC LIBRARY**

Farley, Robert T	Circulation Assistant 1	Re-Hire	03/19/12
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**PUBLIC WORKS**

Forrest, Eric D	Equipment Operator 1	New Hire	03/05/12
Lewis, Todd P	Equipment Operator 1	New Hire	03/19/12
Lane, John D	Equipment Operator 2	Promotion	03/19/12
Gunter, Enoch E.	Equipment Operator 3	Promotion	03/05/12
Jones, Johnny W.	Equipment Operator 3	Promotion	03/19/12
*Troup, Terri R	Finance Specialist	Class Change/Lateral	03/19/12
Clouse, Gary L	Maintenance & Repair Worker 1	New Hire	03/19/12
McGlother, Ronnie D	Maintenance & Repair Worker 1	New Hire	03/19/12
Patterson, Patrick K	Maintenance & Repair Worker 1	New Hire	03/19/12
Wall, Nicholas H	Maintenance & Repair Worker 1	New Hire	03/05/12
Ingram, Vickie A.	Program Specialist 3	Promotion	03/19/12
Baker, Brian T.	Signal Maintenance Supervisor	Promotion	03/05/12

\*Class Change from Technical Specialist 1 (SR11) to Finance Specialist (SR11)

**APPOINTMENTS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>SOCIAL SERVICES</u></b>			
*McKissick, Vicki L	Program Supervisor	Transition - Civil Service/ Department Transfer	03/05/12

Department Transfer from State Trial Courts (Case Officer) to Social Services (Program Supervisor)

**WATER SERVICES**

*McGinnis, Dustin S	Office Support Rep 1	Class Change/Department Transfer	03/05/12
Hudgins, Lester T.	Industrial Mechanic 1	New Hire	03/12/12
Vanatta, Mario A.	Industrial Mechanic 1	New Hire	03/12/12
Greer, Tammy M.	Office Support Spec 1	New Hire	03/12/12
Crutcher, Korey L.	Treatment Plant Tech 1	Re-Hire	02/27/12

\*Department Transfer from Library (Circulation Assistant 1, SR5) to Water

***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>
Novotny, Patricia W.	Finance Manager	Pension	Election Commission	02/29/12
Chambliss, Stephanie L.	Emer Telecommunications Officer 1	Resignation	ECC	03/05/12
Holva, Sean T.	Emer Telecommunications Officer 1	Resignation	ECC	03/05/12
Van Meter, Vandalyn J.	Emer Telecommunications Officer 1	Resignation	ECC	02/28/12
Long, Christopher Brian	Info Systems App. Analyst 3	Resignation	ECC	02/23/12
Davis, Jeremy Michael	Emergency Medical Tech 2	Pension	Fire	03/15/12
Parker, David P.	Fire Captain	Pension	Fire	02/24/12
Blankenship, David G.	Fire District Chief	Pension	Fire	02/22/12
Bolton, Howard E.	Fire Engineer	Pension	Fire	02/20/12
King, Edward E.	Fire Engineer	Pension	Fire	02/29/12
Smotherman, William R.	Fire Marshal - Assistant	Pension	Fire	02/29/12
Sawyer, William E.	Firefighter 3	Pension	Fire	02/22/12
Sweigart, James L.	Equipment Mechanic	Resignation	General Services	02/22/12
Kennedy, Brian J.	Information Systems Advisor 1	Resignation	ITS	03/16/12
Patterson, James W.	Warrant Officer 1	Pension	Juvenile Court	03/09/12
Young, Matthew V.	Maintenance & Repair Worker 1	Dismissal	Parks	02/29/12
Sawyers, Kennetha	Exec. Administrator Police/Fire	Pension	Police	03/15/12
Banks Jr., Charlie A.	Police Officer 2	Resignation	Police	02/20/12
Carter, Larry A.	Police Officer 2	Pension	Police	02/29/12
Danner Jr., Arthur W.	Police Officer 2	Pension	Police	02/29/12
Gant III, George T.	Police Officer 2	Resignation	Police	02/17/12
Johnson, Charles E.	Police Officer 2	Resignation	Police	03/02/12
Maynard, Dustin K.	Police Officer 2	Deceased	Police	03/13/12
Reed, Jay B.	Police Officer 2	Resignation	Police	02/22/12
Stone, William K.	Police Officer 2	Pension	Police	03/05/12
Wilson, Stephany R.	Police Operations Assistant 2	Pension	Police	02/28/12

**TERMINATIONS/ PENSIONS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DEPARTMENT</u>	<u>DATE</u>
Lee, Mary E.	Police Sergeant	Pension	Police	03/15/12
Shapiro, Nathaniel E.	Police Sergeant	Resignation	Police	03/15/12
London, Ronnie L.	Equipment Operator 2	Pension	Public Works	02/17/12
Trenary, Larry I.	Equipment Operator 3	Pension	Public Works	03/15/12
Willey, William A.	Equipment Operator 3	Pension	Public Works	03/02/12
Trout Jr., Joe T.	Maintenance & Repair Leader 1	Resignation	Public Works	03/02/12
Collier, Frankie E.	Maintenance & Repair Worker 1	Pension	Public Works	03/09/12
Cross, Clarissa Y.	Correctional Officer 1	Resignation	Sheriff	03/18/12
Guth, Matthew T.	Correctional Officer 1	Resignation	Sheriff	03/01/12
Hicks, Quantas Winfred	Correctional Officer 1	Dismissal	Sheriff	02/24/12
McCutchen, Jody D.	Correctional Officer 1	Dismissal	Sheriff	02/17/12
Metzger, Keith G.	Correctional Officer 1	Resignation	Sheriff	02/17/12
Albritton, Gregory E.	Correctional Officer 2	Resignation	Sheriff	02/23/12
Hayes, Kathryn A.	Correctional Officer 2	Resignation	Sheriff	03/05/12
Morrison, Richard E.	Correctional Officer 2	Resignation	Sheriff	02/17/12
Hicks Jr., Edgar Freeman	Homemaker	Pension	Social Services	02/28/12
Simmons, Mary C.	Homemaker	Resignation	Social Services	02/24/12
Raines, Billy R.	Indust. Maintenance Supervisor 2	Deceased	Water Services	02/20/12
Perry, Robert W.	Industrial Mechanic 1	Pension	Water Services	03/02/12

**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>
Property Guard 2	Library	126	Open	03/02/12	E
Information Systems Advisor	General Services	29	Open	03/01/12	E
Planning Technician 1	Planning	195	Open	03/09/12	A
Administrative Services Officer 3	Planning	154	Open	03/09/12	A
Maintenance and Repair Worker 3-Tree	Parks	1	Open	03/12/12	E
Library Associate 2	Library	120	Open	03/12/12	E
Library Associate 1	Library	135	Open	03/20/12	E
Finance Officer 3	Finance	1	Dept	03/27/12	E
Program Specialist 3	Public Works	1	Dept	03/27/12	E
Police Oper. Coordinator 2-Chief's Office	Police	6	Dept	03/28/12	E
Maintenance & Repair Worker 3-Grounds	Parks	68	Open	02/08/12	E
Maintenance & Repair District Supervisor	Public Works	8	Dept	03/29/12	E

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

**HUMAN RESOURCES**

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

- (1: **Ms. Rita Roberts-Turner, Director, requests approval of Leave from Civil Service status for Ms. Alisha Carrethers / Human Resources Analyst 3, to work in a part-time capacity from May 1, 2012 to April 30, 2013.**

Assistant Director Jim Kramer said Ms. Carrethers continues to work part-time for the Human Resources department. The proposed leave would be effective May 1, 2012 to April 30, 2013.

**MOTION:** *A request was made by Chairman Farmer for a motion. Commissioner Allen moved for approval as submitted with a second from Commissioner North. The Commission approved without objection.*

- (2: **Review of Order to Dismiss Appeal – Syretha Sessions, Sheriff's Office 1 Day Suspension**

Ms. Sessions was suspended one (1) day from her position in the Sheriff's Office on November 17, 2011 for the following: DCSO Police 1-1.309 Attendance, Benefits and Leave; 1-1.312 Employee Conduct #24 being absent without approval for leave and CS rules, Section 6.7 #11 – violation of any written rules, policies or procedures of the department in which the employee is employed. Ms. Sessions appealed the suspension on December 1, 2011. Metro Attorney Jennifer Cavanaugh represented the Sheriff's Office. The case was assigned to Administrative Law Judge Joyce Carter-Ball.

At the pre-hearing, all parties agreed to set the hearing on March 16, 2012 at the Administrative Procedures Division - William R. Snodgrass Tower. On March 7, 2012, the Human Resources Department received an email from Ms. Sessions requesting her appeal for a disciplinary infraction be withdrawn. The email was then forwarded to Administrative Law Judge Joyce Carter-Ball. On March 16, 2012, an Order of Withdrawal was granted, the appeal was dismissed and the filed was closed by Judge Carter-Ball.

Jennifer Cavanaugh, Metro Attorney, was present before the Commission to discuss the case. Ms. Sessions was duly notified but did not attend the meeting.

**MOTION:** *A request was made by Vice-Chairman Corbitt for a motion. Vice-Chairman Corbitt moved for approval of the Order to Dismiss the Appeal as submitted by Administrative Law Judge Joyce Carter-Ball with a second from Commissioner Allen. The Commission approved without objection.*

- (3: **Review Order of Civil Service Commission's Remanded Order on Tanya Mayhew, Sheriff's Office / Termination**

The above matter was discussed before the Commission on January 10, 2012. A motion was made by Commissioner Sanders to remand the case back to Administrative Law Judge Wilson for further clarification regarding an FMLA matter. In the Remanded Order signed by Vice-Chairman Corbitt on January 19, 2012, two questions were proffered: (1) an analysis of the date that the employee's FMLA leave commenced (that is whether the employee's FMLA leave commenced on the date that it was provisionally approved by payroll, the date when written approval was provided to the employee, or some other date), and (2) whether an employer has the authority to prohibit secondary employment of an employee who is on FMLA leave. Judge Wilson reviewed those questions and submitted an Order explaining his findings on March 15, 2012.

On March 22, 2012, Metro Attorney Jennifer Cavanaugh submitted a "Motion to Clarify" regarding the "Order on Remand" back to Administrative Law Judge Rob Wilson. The motion was to seek clarification of his decision based upon the termination from the Initial Order date November 21, 2011. Judge Wilson responded to Metro Government's "Motion to Clarify" on March 26, 2012 by issuing an Order affirming the original Initial Order upholding the termination.

Metro Attorney Jennifer Cavanaugh, Attorney George H. Thompson and Ms. Mayhew were present before the Commission to discuss the case.

**MOTION:** *A request was made by Chairman Farmer for a motion. Commissioner Sanders moved to Overturn Administrative Law Judge Rob Wilson's Initial Order. She stated that Ms. Mayhew was not aware that her FMLA had been approved and therefore she was not in violation of the policy 1-1.309 that required seeking approval while on family and medical leave. There was a second from Commissioner Allen. The Commission approved with one objection from Vice-Chairman Corbitt. The vote was 3 to 1.*

**(4: Review Initial Order of Paula Jones, Police / Dismissal**

Officer Paula Jones was suspended for one (1) day and terminated from her position at the Police Department on November 5, 2009 for alleged violation of Police Department policies. She was charged with the following: General Order 06-05 "Department and Personal Appearance" Personal Behavior – (E) Honesty & Truthfulness, (V) False or Inaccurate Reports, (H) Absent Without Leave (AWOL); Civil Service Rules, Section 6.7 (11) Violation of any written Rule, Policies or Procedures of the Department in which the employee is employed; Civil Service Rules, Section 6.7 (13) Dishonesty; Civil Service Rules, Section 6.7 (18) Excessive absenteeism and / or excessive tardiness and / or abuse of sick leave.

Officer Jones appealed her suspension and termination to the Commission and the case was assigned to Administrative Law Judge Joyce Carter-Ball. Metro Attorney Jennifer Cavanaugh represented Metropolitan Government during the hearing. Officer Jones was initially represented by Attorney Worrick Robinson. However, his office was unable to locate Ms. Jones after September 15, 2011. Ms. Vakesha Hood-Schneider was retained as Ms. Jones attorney in October 2011.

The case was heard on November 30, 2011. **On February 21, 2012 Judge Carter-Ball entered an Initial Order upholding the 1 day suspension and termination.**

**MOTION:** *A request was made by Chairman Farmer for a motion. Commissioner Sanders moved to affirm the Initial Order submitted by Administrative Law Judge Joyce Carter-Ball. There was a second from Commissioner Allen. The Commission approved without objection.*

**(5: Review Initial Order of Kelly Coltrin, General Services / 5 Days Suspension**

On April 1, 2011, Mr. Kelly Coltrin, Garage Manager of the Heavy Vehicle Shop, was suspended five (5) days from his position in the General Services Department - Office of Fleet Operations for the following violations: Civil Service Rules, Chapter 6, Section 6.7 #2 – Deficient or Inefficient Performance of Duties; #3 – Insubordination toward a Supervisor; and #20 – Violation of Safety Rules, Regulations or Procedures.

Mr. Coltrin made his appeal to the Civil Service Commission on May 2, 2011. Information was then forwarded to the State of Tennessee at the Administrative Procedures Division. Administrative Law Judge Randall LaFever was assigned to hear the case. Mr. Coltrin was represented through his attorney Michelle Owens and Metro Attorney Jennifer Cavanaugh represented the Department of General Services. At the pre-hearing, both attorneys agreed to have the case heard on November 22, 2011. Based upon the findings, conclusions and analysis, consideration of the testimony, and evidence submitted, Judge LaFever issued an Initial Order Upholding the five (5) day suspension on February 17, 2012.

Ms. Jennifer Cavanaugh was present before the Commission to discuss the case. Attorney Michelle Owens contacted the Human Resources Department to say that neither she nor Mr. Coltrin would be attending the meeting.

***MOTION: After some consideration, a request was made by Chairman Farmer for a motion. Vice-Chairman Corbitt moved to uphold the Initial Order as submitted by Administrative Law Judge Randall LaFavor. A second was made by Commissioner North. The Commission approved without Objection with Commissioner Allen abstaining.***

**(6: Review of Petition for Reconsideration of Final Order Neil M. Cook, Police – 8 Days Suspension**

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; 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. Cook during the hearing process.

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.

On February 14, 2012, Mr. Cook requested a continuance to retain new counsel that would represent him during the Commission meeting. That request was granted with a stipulation to be prepared and no further continuances. By March 13, 2012, Mr. Cook and his attorney, Worrick Robinson were available to discuss his case before the Commission. The Commission took the information that was presented into consideration and rendered a Final Order upholding the Administrative Law Judge's decision to reverse the eight (8) day suspension.

The Metro Government filed a Petition for Reconsideration on March 15, 2012.

Ms. Jennifer Cavanaugh was present before the Commission to discuss the case. Attorney Worrick Robinson, who represented Mr. Cook, was also present at the meeting.

***1<sup>st</sup> MOTION: A request was made by Chairman Farmer for a motion on whether to allow reconsideration. Commissioner North moved to reconsider the decision of the last Civil Service Order that was made Final on February 14, 2012. A second was made by Vice-Chairman Corbitt. The Commission approved with one objection from Commissioner Allen. Vote was 3-1.***

***2<sup>nd</sup> MOTION: After much consideration of the matter, Chairman Farmer made a request for a motion. Commissioner Allen moved to uphold the Administrative Law Judge's decision to reverse the eight-day suspension imposed by the Police Department. A second was made by Commissioner North. The Commission approved with one objection from Commissioner Sanders. Vice-Chairman Corbitt abstained. The vote was 2-1.***



**(7: Review Petition of Reconsideration of Final Order on Robert Feinstein, Police / 42 Days Suspension and Termination**

The above matter was discussed before the Commission on February 14, 2012. A Final Order was issued to reverse Administrative Law Judge Rob Wilson's Initial Order and to uphold the Police Department's original decision of termination and a 42 day suspension for Mr. Feinstein. The Proposed Findings of Fact and Conclusions of Law submitted by Metropolitan Government were to be adopted and considered FINAL.

Attorney Worrick Robinson hereby requests a Petition of Reconsideration on behalf of his client Robert Feinstein that makes a request to reconsider the findings from the February 14, 2012 Final Order. A brief from opposing council has been attached for review. Metropolitan Government has also submitted a response regarding the appellant's Petition for Reconsideration.

**MOTION:** *A request was made by Chairman Farmer for a motion on whether to allow reconsideration. Vice-Chairman Corbitt moved to deny the Petition of Reconsideration of the Final Order submitted by Attorney Worrick Robinson for Grievant Robert Feinstein. A second was made by Commissioner Sanders. Commissioners North and Allen objected. Chairman Farmer voted to break the tie and denied reconsideration. The vote was 3 to 2.*

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

Mr. Sonny Lyons said the committee is in the second phase of the recruitment process and beginning the process of ranking the candidates into the outstanding, well-qualified and qualified categories. Advertisements were placed in the Tennessean and the Tennesse Tribune. Approximately 75 applications have been received for the position with 12 being disqualified. All applications will be reviewed and checked for appropriate documentation. Mr. Lyons also noted the interview panel would be comprised of five people assuring diversity across gender and race.

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

**(9: Human Resources Updates**

Director Roberts-Turner provided a copy of Resolution RS2012-200 to the Commission and stated that the Metro Council requested an "equal opportunity interviewing policy" whereby a criminal background check is not requested upon application except where required by state or federal law, or in the interest of public safety. It pertains to the fair consideration of job applicants previously convicted of a crime.

Chairman Farmer said he wasn't sure what prompted this request, but asked to defer any action on changing Civil Service policies until the Commission has heard from the Police Department.

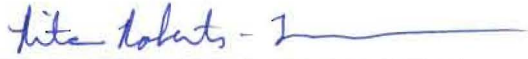
**(10: Communiqués from the public on pending hearings**

*No reports were made.*

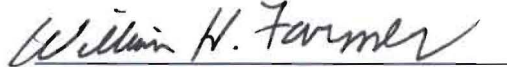
With nothing further, the regular meeting adjourned at 10:41 a.m.

ATTEST:

APPROVED:



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



William H. Farmer, Chairman  
Civil Service Commission