



METROPOLITAN CIVIL SERVICE COMMISSION

MINUTES

May 8, 2012

8:30 a.m.

CS Conference Room

Suite 163, 222 Bldg.

3rd 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 **April 10, 2012**.

There were no corrections to the Regular Meeting. Commissioner North moved for approval and it was seconded by Vice-Chairman Corbitt. 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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CIVIL SERVICE COMMISSION

05/08/12

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>EMERGENCY COMMUNICATION CENTER</u>			
Gillette, Bernita A.	Emergency Telecommunications Officer 1	New Hire	04/16/12
Prime, Brianca M.	Emergency Telecommunications Officer 1	New Hire	04/16/12
Roberts, Lamai K.	Emergency Telecommunications Officer 1	New Hire	04/16/12
Robertson, Latasha D.	Emergency Telecommunications Officer 1	Re-Hire	04/16/12
<u>FINANCE</u>			
Spore, Mike P.	Finance Admin	Promotion	04/23/12
<u>FIRE</u>			
Reasonover, Kenneth Michael	Fire Engineer	Promotion	03/16/12
<u>INFORMATION TECHNOLOGY SERVICE</u>			
Reese, Ayanna G.	Computer Operator 2	New Hire	03/31/12
Trice, Jerome W.	Information Systems Operator Analyst 2	New Hire	04/09/12
<u>JUVENILE COURT</u>			
Duncan, Mike D.	Probation Officer 2	Promotion	04/16/12
Elsberry, Johnny L.	Probation Officer 2	Promotion	04/16/12
<u>PARKS</u>			
Moore, Robin N.	Application Tech 1	Promotion	04/13/12
Draper Jr., David E.	Maintenance & Repair Worker 1	New Hire	04/16/12
Flowers, Mark A.	Maintenance & Repair Worker 2	New Hire	04/06/12
*Foster Jr., Randall L.	Maintenance & Repair Worker 2	Transition - Civil Service	04/06/12
Sylvis, Benjamin J.	Maintenance & Repair Worker 2	New Hire	04/06/12
White, James M.	Maintenance & Repair Worker 2	New Hire	04/13/12
Ernst, Michael D.	Maintenance & Repair Worker 3	New Hire	04/06/12
Johnson, Jamie D.	Maintenance & Repair Worker 3	New Hire	04/20/12
*Transition to Civil Service from Seasonal Status			
<u>POLICE</u>			
Lander, Larry W.	Info Systems App Analyst 2	Promotion	04/01/12
Lawrence, Shenika N.	Police Operations Coordinator 2	Promotion	04/16/12
Blue-Washington, Bonita M.	Police Sergeant	Promotion	04/01/12
Fisher, Michael A.	Police Sergeant	Promotion	04/01/12
Ford Luther, Morgan L.	Police Sergeant	Promotion	04/01/12
Hinshaw, Matthew T.	Police Sergeant	Promotion	04/16/12
Johnson III, Robert Anthony	Police Sergeant	Promotion	04/01/12
King, James E.	Police Sergeant	Promotion	04/16/12
Lowry, Richard A.	Police Sergeant	Promotion	04/01/12
Perkins, Ryan Matthew	Police Sergeant	Promotion	04/01/12

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>PUBLIC LIBRARY</u>			
Mitchell, Gary L.	Custodian 1	Re-Hire	04/02/12
*Cole, Claire C.	Library Associate 1	Class Change/Lateral	04/02/12
^Minor Harris, Delisa A.	Library Associate 1	Transition - Civil Service	04/02/12
Morros, Jesse A.	Library Associate 2	Promotion	04/02/12
^^Dickerson, Mickey A.	Office Support Rep 3	Return from Roll-Back	04/16/12
**Morrow, Kenya D.	Property Guard 2	Transition - Civil Service/ Department Transfer	03/19/12

*Class Change from Program Spec 1 (SR6) to Library Associate 1 (SR6)

^Transition to Civil Service from Part Time status

^^Return from Roll-Back (Circulation Assistant 1, SR4) to original classification (Office Support Rep 3, SR6)

**Department Transfer from Police (School Crossing Guard) to Library (Property Guard 2)

PUBLIC WORKS

Smith, Tony W.	Equipment Operator 3	Promotion	04/16/12
King, Jeffrey S.	Maintenance & Repair District Supervisor	Promotion	04/02/12
Monast, David M.	Maintenance & Repair Worker 1	New Hire	04/02/12
Offutt Jr., Wayne	Sanitation Worker	New Hire	04/02/12
Phillips, Shawn L.	Sanitation Worker	New Hire	04/02/12
Ragland, Jeffrey	Sanitation Worker	New Hire	04/16/12
Waggoner, Robert T.	Sanitation Worker	New Hire	04/02/12

SHERIFF

Lawrence, Tanya D.	Correctional Officer 1	Reinstate-Disciplinary	04/17/12
Barshaw, Matthew E.	Correctional Officer 2	Re-Employment	04/15/12
Craven, Morris W.	Correctional Officer 2	Re-Employment	04/01/12
Allgood, Christopher D.	Correctional Officer Lieutenant	Promotion	04/15/12

SOCIAL SERVICES

Boswell, Laura R.	Homemaker	New Hire	04/09/12
Buchanan, Margaret	Office Support Spec 1	Promotion	04/09/12
Lee, Crystal L.	Office Support Spec 1	Promotion	04/02/12

WATER SERVICES

Allen III, Richard E.	Industrial Electrician 1	New Hire	04/14/12
Riley, Mark A.	Industrial Electrician 1	Promotion	04/14/12

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>
Booker Jr., Henry	Fire District Chief	Pension	Fire	04/13/12
Demumbra, Randall D.	Firefighter 3	Pension	Fire	03/29/12
Lynam, Richard M.	Equipment & Supply Clerk 1	Resignation	General Services	04/13/12
Alexander Jr., Newsom K.	Equipment & Supply Clerk 2	Pension	General Services	04/11/12
Schaffer, Greg J.	Info Systems Assistant Director	Resignation	ITS	04/04/12
Jackson, Michael A.	Info Systems Manager	Resignation	ITS	03/20/12
Bradley, Kimble Q.	Concessions Clerk 1	Dismissal	Parks	04/08/12
Hicks, David L.	Maintenance & Repair Worker 3	Resignation	Parks	03/23/12
Edenfield, Joseph S.	Police Officer 2	Resignation	Police	03/31/12
Messmer, Arthur M.	Police Officer 2	Resignation	Police	04/06/12
Pike, Dennis J.	Police Officer 2	Pension	Police	04/10/12
Salahuddin, Jahez A.	Police Officer 2	Resignation	Police	03/19/12
Sawyers, Michael R.	Police Officer 2	Pension	Police	03/31/12
Tarkington, Norris G.	Police Officer 2	Pension	Police	03/31/12
Underwood, Steve	Police Officer 2	Pension	Police	03/22/12
Walden, Preston B.	Police Officer 2	Pension	Police	03/22/12
Chitwood, Robert L.	Police Security Guard 1	Pension	Police	03/26/12
Ford, Jerry W.	Police Sergeant	Pension	Police	03/31/12
Polk, Christopher A.	Police Sergeant	Resignation	Police	04/07/12
Robinson, Winfield	Police Sergeant	Pension	Police	03/31/12
Berry, David C.	Technical Specialist 1	Resignation	Police	03/23/12
Blanton Sr., Kevin W.	Equipment Operator 3	Pension	Public Works	04/04/12
Loyd, Joshua A.	Maintenance & Repair Worker 1	Resignation	Public Works	04/03/12
Guy, Tim R.	Correctional Officer 1	Resignation	Sheriff	03/30/12
Lewis, Ruth H.	Social Work Associate	Pension	Social Services	03/30/12
Tant, John A.	Engineer 2	Resignation	Water Services	03/22/12
Horstman, John D.	Industrial Mechanic 2	Pension	Water Services	04/05/12

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>
Computer Operator 2	ITS	87	Open	03/30/12	E
Industrial Electrician 1	Water	32	Open	04/02/12	E
Office Support Specialist 1	Social Services	277	Open	04/02/12	E
Maintenance and Repair Worker 2	Public Works	3	Dept	04/04/12	A
Maintenance and Repair Leader 2	Public Works	2	Dept	04/05/12	A
Maintenance and Repair Worker 2	Parks	20	Open	04/05/12	E
Application Technician 1	Parks	104	Open	04/05/12	E
Librarian 1	Library	97	Open	04/05/12	E
Probation Officer 2	Juvenile Court	224	Open	04/13/12	E
Info Systems Operations Analyst 2	ITS	16	Open	04/11/12	E
IS Operations Technician 1	ITS	65	Open	04/18/12	E
Administrative Services Officer 3	Library	1	Dept	04/19/10	E
Finance Administrator	Finance	1	Dept	04/19/12	E
Human Resources Administrator	ITS	72	Open	04/19/12	E
IS Division Manager	ITS	1	Dept	04/20/12	E
Metropolitan Zoning Administrator	Codes	36	Open	04/24/12	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

FINANCE

(1: Pay Plan Recommendations and Special Called Meeting

Finance Director Rich Riebling came before the Commission to explain the recommendations of a 4% proposed pay plan salary increase for 95% of Metro employees and a 2% increase to Metro employees in the top pay grades. The increase is across-the-board, aiding all employees as opposed to the increments which would only benefit a limited number of Metro employees. The amendment to the General Government and Public Safety pay plans has been proposed for 2012/13 in lieu of FY13 increments. The result is there would be no step increases during the FY13 and that all current and future increment dates would advance one year.

ACTION: *This action was only to present and discuss the pay plan. Further discussion of the proposed the pay plan will be discussed and voted on at a Special Called Meeting on May 11, 2012.*

CODES

(2: Director Terry Cobb requests approval for the following:

- a. Hire Above Base for Mr. William B. Herbert, IV, Metropolitan Zoning Administrator, effective May 9, 2012, SR15.

ACTION: *This item was withdrawn.*

JUVENILE COURT

(3: Judge Betty Adams Green requests an equity adjustment for Ms. Leslie Ahlgrim, Probation Officer 2, effective April 16, 2012. SR10

Jim Swack from Juvenile Court was present before the Commission to discuss the requested position and position/pay adjustment for Ms. Ahlgrim.

MOTION: *After much discussion, Commissioner North moved for approval of the above request as submitted. Seconded by Commissioner Sanders and the Commission approved without objection.*

POLICE

(4: Chief Steve Anderson requests approval to extend the Police Sergeant register for 3 months.

Chief Anderson was present and stated the request for a three (3) month extension for the current promotional register of Police Sergeant will allow him to make necessary appointments within the Police Department.

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

HUMAN RESOURCES

Human Resources Director, Rita Roberts-Turner, submits the following for the Commission's consideration and appropriate action:

(5: Review Order to Withdraw Appeal – Michael Reding, Parks / Dismissal

Mr. Reding attended a departmental hearing on October 3, 2011 and was charged with violating the following Civil Service Rules: #7 Being under the influence of intoxicating beverages or drugs not specifically prescribed for the employee by a licensed physician or controlled substances when on duty or upon reporting to duty; #12 – Violation of any of the rules or regulations of the Metropolitan Civil Service Commission; #32 – Failure of good behavior which reflects discredit upon himself, the department and/or the Metropolitan Government; #33 – Conduct unbecoming an employee of the Metropolitan Government. He was temporarily demoted from Maintenance & Repair Worker 2 Step 4 to Step 2 and mandatory participation in a return-to-work agreement that included treatment as prescribed by an EAP counselor. He was at Aegis to begin testing but left stating he had an emergency. He was advised that refusal to testing would result in a positive result.

Mr. Reding met again for another departmental hearing on November 8, 2011 and was dismissed from his position for violation of Civil Service Rule – Chapter 6 – Section 6.7 - #9 – Possession of illegal drugs or a controlled substance while on or off duty or any violation of Civil Service or departmental rules, policies or procedures related to the substance abuse program. Mr. Reding appealed his termination to the Commission and the case was assigned to Administrative Law Judge Steve Darnell. Metro Attorney Jenny Howard represented Metropolitan Parks Department. Mr. Reding represented himself.

A telephone call was made to Judge Steve Darnell by Mr. Reding on April 16, 2012 requesting the matter be dismissed. April 23, 2012, Judge Darnell issued an Order of Withdrawal; dismissed the case and the previous determination upholding Grievant's termination became final.

Metro Attorney Jennifer Cavanaugh was present at the meeting. Mr. Reding, who was duly notified, was not at the meeting.

MOTION: After some discussion, Vice-Chairman Corbitt moved to approve the Order to Withdraw the appeal submitted by Administrative Law Judge Steve Darnell. Seconded by Commissioner North and the Commission approved with no objections.

(6: Review Order to Withdraw Appeal – Jennifer Vardaman, Sheriff's Office / Dismissal

Ms. Vardaman was dismissed from her position with the Sheriff's Office on August 31, 2010 for violation of DCSO Policies 1-1.312 Employee Conduct #10 – Failure to comply with reasonable standards of conduct in a manner that reflects poorly upon the employee, the D.C.S.O., or the Metropolitan Government, and/or violates the public trust; #27 – Dishonest behavior; DCSO Policy 1-1.319 – Substance Abuse Testing and Civil Service Rules – Section 6.7 #11 – Violation of any written rules, policies or procedures of the department in which the employee is employed. Ms. Vardaman appealed her termination to the Commission and the case was assigned to Administrative Law Judge Steve Darnell. Metro Attorney Jennifer Cavanaugh represented Metropolitan Government. Ms. Vardaman was represented by Attorney Rich McGee.

At the pre-hearing, all parties agreed to set the hearing for December 29, 2010 at the Administrative Procedures Division - William R. Snodgrass Tower. On December 20, 2010, an Order of Continuance was sent continuing the hearing until March 31, 2011. On March 30, 2011, the hearing was again reset to be heard for August 3, 2011. By Order from Judge Steve Darnell, the hearing was continued due to Grievant's related criminal charges and to be resolved.

On April 13, 2012, a "Motion of Grievant to Dismiss Appeal" and Affidavit was issued by Attorney Rich McGee requesting to terminate Ms. Vardaman's appeal. Judge Darnell issued an Order dismissing the case. Metro Attorney Jennifer Cavanaugh was present at the meeting. Attorney Rich McGee, was not able to attend the meeting.

MOTION: *After some discussion, Vice-Chairman Corbitt moved to approve the Order to Withdraw the appeal submitted by Administrative Law Judge Steve Darnell. Seconded by Commissioner North and the Commission approved with no objections.*

(7: Review of Initial Order – Michael Gallegher, Police, 13 Days Suspension

Officer Michael Gallagher was suspended 15 days and given a written reprimand from the Police Department effective August 2, 2011 for the following violations: Charge 1: GO 09-03 – Department and personal appearance – Section VIII & GO 08-06, Use of Force – Section XVII (I) When an authorized employee is in civilian attire and armed, the firearm must be concealed from view when in public. Authorized employees shall always possess their departmental credentials (I.D. card and badge) when armed; Charge 2 – GO 09-03, Department and personal appearance; Section VII, Personal Behavior (H) – Obstruction or Rights (B) 1st offense – Suspended 13 days; Charge 3 – GO 09-03 Department and Personal Appearance – Section VIII, Official Obligations (F) Deficient or Inefficient Performance of Duties category D 1st offense – suspended two days; Charge 4 – Civil Service Rules – Section 6.7 #2 Deficient or Inefficient performance of duties; #11 – Violation of any written rules, polices or procedures of the department in which the employee is employed.

Officer Gallagher appealed his 13 day suspension to the Commission and the case was assigned to Administrative Law Judge Thomas Stovall. Metro Attorney Jennifer Cavanaugh represented Metropolitan Government during the hearing. Attorney John M.L. Brown represented Officer Gallagher.

The hearing was set on January 25, 2012 by Thomas Stovall, then reset and heard on February 2, 2012. After carefully reviewing the case, Judge Stovall entered an Initial Order on March 23, 2012 and stated the Appellant's thirteen (13) day suspension for violating General Order "Department and Personal Appearance," Official Obligations, (H) -Obstruction of Rights, is SET ASIDE and he should receive back pay equivalent to the salary lost due to the suspension.

Metro Attorney Jennifer Cavanaugh and Attorney John M.L. Brown were present before the Commission to discuss the case.

1st MOTION: *With some discussion, Commissioner Sanders moved to overturn Administrative Law Judge Thomas Stovall's decision and reinstate the department's decision for a thirteen day suspension. The motion failed for a lack of a second.*

2nd MOTION: *After further discussion of the case, Commissioner Sanders renewed her motion to overturn Administrative Law Judge Tom Stovall's decision and reinstate the department's decision for a thirteen day suspension. Seconded by Chairman Farmer. Vice-Chairman Corbitt and Commissioner Sanders approved. Commissioner's North and Allen abstained.*

(8: JOB DESCRIPTION

The Police Department requested Civil Service approval for revisions to the job descriptions for Police Security Guard 1 and Police Security Guard 2 in order to clarify the major job responsibilities, include the requirement of carrying and possessing a firearm at all times while on duty. The employment standard revision would include a requirement that employees in this classification must be at least 21 years of age.

MOTION: *After some consideration, Commissioner North moved to approve the request with a second from Commissioner Allen and the Commission approved without objection*

(9: Updated information regarding the Selection Process for Permanent Human Resources Director

Chairman Farmer thanked everyone who was involved with the selection process and conducted the search. Mr. Lyons stated there were sixty-five (65) applicants. Eight of whom were interviewed by phone and three on site. The commissioners agreed to review the applications and interview information to make a decision at the special called meeting.

ACTION: This was for a report only.

(10: Human Resources Updates

HR Director Rita Roberts-Turner mentioned the resolution that was submitted at the last meeting. She stated that she would like to get additional information on the resolution and get back with the Commission at a later date to review. Also, there was discussion regarding the email – clearing house for the Commissioners to use. After some discussion, the Commission stated they were comfortable with the way things have been handled and would like to continue with allowing Human Resources to screen inquiries from the public and forward issues as necessary.

ACTION: This was for a report only.

(11: Communiqués from the public on pending hearings

Commissioner Allen stated he had received an anonymous call from a Metro employee regarding the tax proposal. The caller was concerned that he would not receive the proposed four (4) percent raise.

With nothing further, the regular meeting adjourned at 9:58a.m.

ATTEST:

APPROVED:


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


William H. Farmer, Chairman
Civil Service Commission