



# METROPOLITAN CIVIL SERVICE COMMISSION

## MINUTES

June 12, 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.

**MEMBER UNABLE TO ATTEND:** C. Michael Allen

**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 May 8, 2012 and the Special Called Meeting of May 11, 2012.**

There were no corrections to the Regular Meeting or the Special Called Meeting. Vice-Chairman Corbitt moved for approval of both sets of minutes. There was a second by Commissioner North. There were no objections from the Commission.

**Appeals Process:** Chairman Farmer read the memorandum pertaining to the Metropolitan Code of

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APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>CODES ADMINISTRATION</u>			
Herbert IV, William B.	Metropolitan Zoning Admin	Re-Hire	05/09/12
<u>EMERGENCY COMMUNICATION CENTER</u>			
Tidwell, Jeremy K.	Emergency Telecommunications Supervisor	Promotion	05/05/12
Almon, Steven T.	Information Systems Oper. Analyst 1	New Hire	05/07/12
<u>FIRE</u>			
Blackmore, Mitchell J.	Emergency Medical Tech 1	New Hire	05/01/12
Hopkins, Bradley L.	Emergency Medical Tech 1	New Hire	05/01/12
Pothast, Maria K.	Emergency Medical Tech 1	New Hire	05/01/12
*Sullivan, Michael G.	Emergency Medical Tech 1	Dept. Transfer/ Promotion	05/01/12
Uselton, Christopher G.	Emergency Medical Tech 1	New Hire	05/01/12
^Doss, Michael E.	Emergency Medical Tech 2	Return from Pension/ Vol Reduction In Salary Grade	05/01/12
**Brown, Robert J.	Fire Fighter 2	Class Change	04/16/12
Dyer, Brent N.	Paramedic 1	New Hire	05/01/12
Gupton Jr., James E	Paramedic 1	Re-Hire	05/01/12
Perry, Irene M.	Paramedic 1	New Hire	05/01/12
^^Purvis, Robert Y.	Paramedic 2	Class Change/Lateral	05/01/12
*Department Transfer from Police (Police ID Spec, SR7) to Fire (EMT 1, PS3)			
^ Return from Pension to same classification (Paramedic 2, PS 5); Voluntary Reduction In Grade (EMT 2, PS4)			
**Class change from Fire Fighter 1 to Fire Fighter 2			
^^Class change from Fire Fighter/Paramedic to Paramedic 2			
<u>HUMAN RESOURCES</u>			
Rita Roberts-Turner	Human Resources Director	Transition - Civil Service	05/11/12
<u>INFORMATION TECHNOLOGY SERVICE</u>			
*Emigh, Mary Alice	Human Resources Administrator	Promotion/ Department Transfer	04/30/12
Gilbert, Scott C.	Info Systems Division Manager	Promotion	04/28/12
^Fite, Micky W.	Information Systems Oper. Tech 1	Promotion/ Department Transfer	04/30/12
*Department Transfer from Human Resources (HR Analyst 3, SR12) to ITS (HR Administrator, SR13)			
^Department Transfer from Police (Computer Operator 3, SR7) to ITS (IS Operations Tech 1, SR8)			

**CIVIL SERVICE COMMISSION**

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**(B) APPOINTMENTS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>JUVENILE COURT</u></b>			
*Ahlgrim, Leslie A.	Probation Officer 2	Transition - Civil Service	04/16/12
*Sullivan, Kelly E.	Probation Officer 2	Transition - Civil Service	04/16/12
*Transition to Civil Service from Non-Civil Service Status			
<b><u>PARKS</u></b>			
*Rucker, Kent	Concessions Clerk 2	Transition - Civil Service	05/25/12
Scales III, Herman A.	Custodial Services Assistant Supervisor.	Promotion	05/11/12
Gilliam, Bradley S.	Maintenance & Repair Worker 1	Re-Hire	04/27/12
Lackey, Russell A.	Special Programs Coordinator	Promotion	05/11/12
*Transition to Civil Service from part-time status			
<b><u>POLICE</u></b>			
Watson, Heather L.	Admin. Services Manager	Promotion	05/16/12
Ray, Blaine D.	Information Systems Advisor 1	Promotion	05/16/12
<b><u>PUBLIC LIBRARY</u></b>			
Horn, Jessica L.	Admin Services Officer 3	Promotion	04/30/12
Oliver, Erin A.	Circulation Assistant 1	Re-Hire	04/30/12
*Scott, Laura B.	Circulation Assistant 1	Transition - Civil Service	05/28/12
*Bryant, Katherine A.	Librarian 1	Transition - Civil Service	04/30/12
Hindman, Mary P.	Librarian 1	New Hire	05/14/12
Fach, Heather B.	Library Associate 1	Promotion	05/14/12
Roberts, Joanna R.	Library Associate 1	New Hire	05/14/12
*Transition to Civil Service from part-time status			
<b><u>PUBLIC WORKS</u></b>			
Underwood, Paula A.	Admin Services Officer 3	Promotion	05/28/12
<b><u>SOCIAL SERVICES</u></b>			
Worden, Bambi L.	Homemaker	New Hire	04/30/12
<b><u>WATER SERVICES</u></b>			
*Morgan, Charlene	Admin Services Officer 3	Transition - Civil Service	05/26/12
*Plummer, Antonette M.	Admin Services Officer 3	Transition - Civil Service	05/26/12
Harwell, Jeremy D.	Engineer In Training	New Hire	04/28/12
*Stine, Christy L.	Office Support Rep 3	Transition - Civil Service	05/26/12
*Transition to Civil Service from Temporary Status			

*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>
Bryant, Virgil G.	Building Inspector 2	Deceased	Codes Administration	05/02/12
Brown, Allison S.	Emer Telecommunications Off 1	Resignation	ECC	05/04/12
Hicks, Anita L.	Emer Telecommunications Off 2	Resignation	ECC	04/30/12
Grant, Denise A.	Emer Telecommunications Off 4	Resignation	ECC	05/04/12
Murray, George D.	Emer Telecommunications Supv.	Pension	ECC	05/04/12
Moore Jr., James W.	Application Tech 1	Pension	Finance	05/11/12
Milligan, Norman D.	Finance Officer 2	Pension	Finance	04/20/12
Holzemer, James M.	Fire Assistant Chief	Pension	Fire	04/30/12
Halford, Stephen D.	Fire Chief	Pension	Fire	05/08/12
Stubblefield, Tony R.	Fire Engineer	Pension	Fire	05/01/12
Tanksley Jr., Roy L.	Fire Fighter 2	Pension	Fire	05/08/12
Plummer, Robert O.	Paramedic 2	Dismissal	Fire	04/26/12
Hooper, Kevin J.	Technical Specialist 2	Pension	General Services	04/27/12
Ingram Jr., Edgar D.	Custodial Services Supervisor	Pension	Parks	05/08/12
Williams, Alvie W.	Maintenance & Repair Worker 3	Pension	Parks	05/12/12
Rader, Cathy T.	Specialized Skills Supervisor	Pension	Parks	05/24/12
White, Ann Marie	Planning Tech 2	Resignation	Planning Commission	05/04/12
Gaddes, Jason M.	Police Officer 2	Resignation	Police	05/10/12
Hitchcox, William B.	Police Officer 2	Pension	Police	04/19/12
Simonelic, Anthony J.	Police Officer 2	Resignation	Police	04/30/12
Sliger, Alex D.	Police Officer 2	Resignation	Police	04/28/12
West, Cory A.	Police Officer 2	Dismissal	Police	04/17/12
Harber, James D.	Police Sergeant	Pension	Police	04/30/12
Thorp, Jonathan S.	Technical Specialist 1	Resignation	Police	04/27/12
Waack, Joseph J.	Technical Specialist 1	Resignation	Police	04/27/12
Cook, Valerie K.	Archives Assistant 1	Resignation	Public Library	05/11/12
Keough, Bonnie J.	Circulation Assistant 1	Pension	Public Library	05/01/12
Maloan, Jessica A.	Circulation Assistant 1	Resignation	Public Library	05/17/12
Vick, Cassondra L.	Library Associate 1	Resignation	Public Library	04/26/12
Manning, Ernest E.	Radio Announcer	Pension	Public Library	05/01/12
Weithofer, Robert W.	Engineer 2	Pension	Public Works	05/07/12
Rochin Jr., Steven D.	Equipment Operator 2	Resignation	Public Works	05/11/12
Buford, Ivan L.	Maintenance & Repair Leader 2	Pension	Public Works	05/18/12
Young, Akeelan L. A.	Maintenance & Repair Worker 1	Dismissal	Public Works	04/27/12
Ragland, Jeffrey	Sanitation Worker	Dismissal	Public Works	04/18/12
Murphy, Michael F.	Correctional Officer 1	Resignation	Sheriff	04/26/12
Parsons, Matthew Cain	Correctional Officer 1	Resignation	Sheriff	05/06/12
Ganaway, Tametha R.	Correctional Officer 2	Resignation	Sheriff	04/24/12
Chandler, Joyce E.	Program Coordinator	Pension	Social Services	04/27/12
Chimileski, Walter T.	Equipment Operator 2	Dismissal	Water Services	04/17/12
White, Amy J.	Water Quality Analyst 2	Resignation	Water Services	05/25/12
Onwuachi, Charles C.	Water Quality Analyst 1	Resignation	Water Services	04/20/12

***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>
Police Oper. Coordinator. 1-Property & Evidence	Police	14	Dept	04/30/12	E
Administrative Services Officer 3	Police	1	Dept	05/03/12	E
Custodial Services Assistant Supervisor	Parks	1	Dept	05/04/12	E
Special Program Coordinator	Parks	1	Dept	05/04/12	E
Concession Clerk 2	Parks	138	Open	05/09/12	E
Information Systems Advisor 1	Police	1	Dept	05/11/12	E
E-911 Dispatcher	ECC	21	Open	05/11/12	E
Administrative Services Manager	Police	1	Dept	05/17/12	E
Administrative Service Officer 3	Public Works	4	Dept	05/23/12	E
Finance Officer 2	Finance	48	Open	05/30/12	E
Correctional Officer 1	Sheriff	144	Open	05/30/12	E
Maintenance & Repair Worker 3-Signs	Public Works	3	Dept	05/02/12	A
Maint. & Repair Worker 3-Sign/Rotating Shifts	Public Works	2	Dept	05/02/12	A
Maintenance & Repair Worker 3-Dead Animal	Public Works	4	Dept	05/02/12	A
Chief Information Security Officer	ITS	30	Open	05/15/12	A
Equipment Operator 3-CBD Night Crew	Public Works	3	Dept	05/01/12	A
Equipment Operator 3-Paving Brush	Public Works	1	Dept	05/01/10	A
Equipment Operator 3-Waste Management	Public Works	1	Dept	05/01/12	A
Equipment Operator 3	Public Works	3	Dept	05/01/12	A
Equipment Operator 1	Public Works	1	Dept	05/01/12	A
Human Resources Director	Human Resources	60	Open	05/21/12	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 ITEMSCODES

- (1: **Director Terry Cobb requested approval for Leave from Civil Service Status for Mr. Billy W. Fields, Administrative Services Officer 4.**

Director Cobb was present and stated that Mr. Billy Fields will be taking leave to work in the Mayor's Office. The proposed leave would be effective July 1, 2012 through June 30, 2013.

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

GENERAL SERVICES

- (2: **Director Nancy Whittemore submitted a Departmental Layoff Plan.**

Director Whittemore was present before the Commission and submitted a layoff / rollback plan with a proposed effective date of July 1, 2012. The list was provided to show the employees who would be affected. Those employees were notified by the appointing authority in writing of this action and their appeal rights.

**ACTION:** *This was for a report only.*

**HUMAN RESOURCES**

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

(3: **Consideration of Request for a Medical Waiver for Police Officer Trainee – Applicant A – SD**

Dr. Celia Goodson discussed the applicant's medical issues and recommended this person for the position of Police Officer Trainee. She referred to the "**Standards of Medical Fitness" AR 40-501, 2-23 (d) Asthma (493) includes reactive airway disease, exercise induced bronchospasm or asthmatic bronchitis.** She stated while the applicant was previously diagnosed with asthma, she has not experienced activity limitation and has recently been able to run two half marathons. The current pulmonary function testing shows excellent pulmonary function. Diagnosis of asthma is not expected to negatively affect the ability to safely perform the duties of a police officer trainee or police officer. **Applicant -SD** was present before the Commission to discuss the matter and to provide additional information as needed.

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

**LATE ITEM**

(4: **Consideration of Request for a Medical Waiver for Police Officer Trainee – Applicant 1A – JM**

Dr. Celia Goodson discussed the applicant's medical issues and recommended this person for the position of Police Officer Trainee. She referred to the "**Standards of Medical Fitness" AR 40-501, 2-19 (b) Vascular System – current of history of hypertensive vascular disease (401) does not meet the standard.** She stated while the applicant does have a diagnosis of hypertension, he is being appropriately treated for this diagnosis by his primary care physician. This diagnosis of hypertension is not expected to negatively affect the applicant's ability to safely perform the duties of a police officer trainee or police officer. **Applicant -JM** was present before the Commission to discuss the matter and to provide additional information as needed.

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

**LATE ITEM**

(5: **Consideration of Request for a Medical Waiver for Police Officer Trainee – Applicant 1B – MJ**

Dr. Celia Goodson discussed the applicant's medical issues and recommended this person for the position of Police Officer Trainee. She referred to the "**Standards of Medical Fitness" AR 40-501, 2-23 (d) Asthma (493), includes reactive airway disease, exercise induced bronchospasm or asthmatic bronchitis, reliably diagnosed and symptomatic does not meet the standard.** She stated while the applicant has a history of exercise induced asthma, he has not experienced activity limitation and utilizes his inhaler when preparing to exercise in cold temperatures. His current pulmonary function testing shows good pulmonary function. This diagnosis of hypertension is not expected to negatively affect the applicant's ability to safely perform the duties of a police officer trainee or police officer. **Applicant -MJ** was present before the Commission to discuss the matter and to provide additional information as needed.

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

**(6): Review Agreed Order – Larry D. Johnson, Fire / 5 Days Suspension**

District Chief Larry Johnson was suspended for five (5) days for violating Civil Service Rules – Section 6.7, #2 Deficient of inefficient performance of duties and #32 – Participation in a pattern of harassment toward an employee of Metropolitan Government. Mr. Johnson appealed his suspension to the Commission and the case was assigned to Administrative Law Judge Mattielyn Williams. Metro Attorney Jennifer Cavanaugh represented Mr. Johnson.

The case was scheduled to be heard on June 15, 2012. By mutual agreement of the Metropolitan Fire Department and Mr. Johnson, the parties agreed to settle the appeal as signed by an Agreed Order of Dismissal and signed by Judge Mattielyn Williams on May 21, 2012.

Metro Attorney Jennifer Cavanaugh and Attorney Dewey Branstetter were available to discuss the case with the Commission.

**MOTION:** *After some discussion, Commissioner North moved to approve the Agreed Order of Dismissal as submitted by Administrative Law Judge Mattielyn Williams. Seconded by Vice-Chairman Corbitt and the Commission approved with no objections.*

**(7): Review Agreed Order to Reduce Back Pay – James Hamlet, Police**

The Civil Service Commission reviewed Officer Hamlet's record on January 10, 2012 and upheld Administrative Law Judge Lynn England's Initial Order to overturn the termination and reinstate Officer Hamlet to his former position minus a twelve (12) day suspension with back pay and benefits .

On March 28, 2012 a memorandum from the State of Tennessee, showed the amount of unemployment compensation previously received by Officer Hamlet from 12/11/10 to 12/03/11. By an Agreed Order from all parties, it was decided that any back pay owed to Officer Hamlet would be reduced (\$15,080.00) by the amount owed to unemployment benefits to a final payment of \$60,639.00. On May 10, 2012, Judge England signed the Agreed Order referring the matter back to the Civil Service Commission for final approval.

Metro Attorney Jennifer Cavanaugh was present to discuss the case. Attorney Jeff Cherry was not able to attend.

**MOTION:** *After some discussion, Commissioner North moved to approve the Agreed Order to Reduce Back pay by the specified amount listed above and signed by Administrative Law Judge Lynn England. Seconded by Commissioner Sanders and the Commission approved with no objections.*

**(8): Review of Agreed Order to Dismiss – Donald Long, Police**

Donald Long was terminated from his position at the Police Department on December 20, 2011 for alleged violation of the following: Charge 1: General Order 09-03, Department and Personal Appearance – VII Personal Behavior (B) Adherence to Law to wit (T.C.A.) 39-14-146 Theft of Property under \$500.00 – Class A Misdemeanor; Charge 2: General Order 09-03, Department and Personal Appearance – VII Personal Behavior (C) Unbecoming an Employee of the Department; Metropolitan Civil Service Rules, Section 6.7 #11 – Violation of any written rules, policies or procedures of the department in which the employee is employed; #32 – Any failure of good behavior which reflects discredit upon himself, the department and/or the Metropolitan Government; and #33 – Conduct unbecoming an employee of the Metropolitan Government.

Mr. Long appealed his termination to the Commission and the case was assigned to Administrative Law Judge Kim Summers. Metro Attorney Jennifer Howard represented Metropolitan Government. Mr. Rich McGee represented Mr. Long. The case was set to be heard on May 4, 2012. On April 30, 2012, a Motion of Grievant to Dismiss Appeal was submitted by Attorney Richard McGee on behalf of his client Donald Long to give intent to dismiss the appeal. An Order of Dismissal was signed on May 1, 2012 by Administrative Law Judge Kim Summers.

On May 24, 2012, Attorney Richard McGee submitted a Motion of Complaint/Appellant to Set Aside the Order of Dismissal of Appeal stating the parties had been in discussion regarding a possible negotiation settlement in the case and a tentative agreement was reached, but the specifics were still being finalized. The intent was to submit an agreed order incorporating the Motion to Dismiss the Appeal. However, due to a mistake of communication in counsel's office, the motion was filed prematurely. The proposed agreed order dismissing the appeal had not been finalized.

On May 29, 2012, an Agreed Order to set aside the "Motion to Dismiss" the Appeal and the Agreed Order was signed by Judge Kim Summers. It indicated all parties were in agreement to settle the Civil Service appeal of the disciplinary action against Mr. Long as set out by the terms listed within the Agreed Order. In the agreement, Officer Long received and served a thirty (30) day suspension and submitted a letter of resigned to the Metropolitan Police Department. Metro Attorney Jenny Howard was present to discuss the case. However, Mr. McGee nor Ms. Naylor were able to attend the meeting.

**MOTION:** After some discussion, Vice-Chairman Corbitt moved to approve the Agreed Order that was submitted by Administrative Law Judge Kim Summers. Seconded by Commissioner North and the Commission approved with no objections.

**(9): Review of Agreed Order – Ronnie Brock, Police**

Officer Ronnie Brock was suspended for seventy-nine (79) days and terminated for violating Metro Police Dept. Rules & Regulations:

Officer Reed appealed his seventy-nine (79) day suspension to the Commission and the case was assigned to Administrative Law Judge Ann Johnson. Metro Attorney Jennifer Cavanaugh represented Metropolitan Government. Attorney Worrick Robinson represented Officer Brock.

The case was scheduled to be heard on April 11 - 13, 2012. However, on May 4, 2012, by mutual agreement of the Metropolitan Police Department and Officer Brock, the parties agreed to settle the appeal as signed by an Agreed Order of Settlement, and signed by Administrative Law Judge Ann Johnson with conditions that the parties agree (1) Mr. Brock violated Civil Service Rules and MNPD policy; (2) Mr. Brock will serve a 30 day suspension as the disciplinary action for his violations; (3) MNPD records will reflect that the suspension has been served during the period that this claim was pending and that no change to pay or benefits will occur; (4) Mr. Brock will submit a signed non-revocable letter of resignation effective as of September 30, 2011 on or before May 2, 2012; (5) MNPD will rescind the termination of Mr. Brock and reflect that he leaves his MNPD employment in "good standing"; (6) No additional personnel records or documents will be destroyed or removed from any files; (7) Mr. Brock is not to apply for employment with MNPD and waives all rights to employment with MNPD now and in the future; and (8) should Mr. Brock obtain employment with MNPD, then MNPD may immediately terminate his employment for cause, and (9) Mr. Brock hereby waives all appeals or claims pertaining to such termination of employment.

Metro Attorney Jennifer Cavanaugh and Attorney Clarissa Weathers of the law office of Robinson, Regan & Young, were present to discuss the case.

**MOTION:** After some discussion, Commissioner North moved to approve the Agreed Order that was submitted by Administrative Law Judge Ann Johnson. Seconded by Commissioner Sanders and the Commission approved with no objections.



**(10: Review of Initial Order – David Cage, Sheriff / Dismissal**

David Cage, Correctional Officer I, was terminated from the Sheriff's Office on March 30, 2011 for alleged violation of DCSO policies 1-1.312 Employee Conduct #5 – Failure to follow written orders, policies and procedures and #10 – Failure to comply with reasonable standards of conduct in a manner that reflects poorly upon the employee, the DCSO or the Metropolitan Government, and/or violates the public trust; Civil Service Rules – Section 6.7 #11 - Violation of any written rules, policies or procedures of the department in which the employee is employed.

Mr. Cage appealed his 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. Mr. Cage was represented by Attorney Worrick Robinson. The case was heard on November 28, 2011. On March 28, 2012 Judge Carter-Ball entered an Initial Order upholding the termination.

***ACTION: Attorney Worrick Robinson was not able to attend the Civil Service meeting. Attorney Clarissa Weathers asked for a deferral. The matter regarding Mr. Cage was deferred until the next regular meeting of July 10<sup>th</sup>.***

**(11: Review of Initial Order – David Tribble, Sheriff / Dismissal**

David Tribble, Correctional Officer I, was terminated from the Sheriff's Office on March 24, 2011 for alleged violation of DCSO policies 1-1.312 Employee Conduct #2 – Neglect of duty or failure to perform duty; #5 – Failure to follow written orders, policies and procedures; #8 – Unauthorized sleeping on duty and #25 – Falsification, unauthorized altercation, or unauthorized destruction of documents or records; Civil Service Rules – Section 6.7 #11 - Violation of any written rules, policies or procedures of the department in which the employee is employed.

Mr. Tribble appealed his termination to the Commission and the case was assigned to Administrative Law Judge Randall LaFavor. Metro Attorney Jennifer Cavanaugh represented Metropolitan Government during the hearing. Mr. Tribble was represented by Attorney Elizabeth Powers. The case was heard on December 1, 2011. On March 22, 2012 Judge LaFavor entered an Initial Order upholding the termination.

***ACTION: Attorney Worrick Robinson was not able to attend the Civil Service meeting. Attorney Clarissa Weathers asked for a deferral. The matter regarding Mr. Tribble was deferred until the next regular meeting of July 10<sup>th</sup>.***

**(12: Review of Initial Order – Curtis Barnes, Sheriff's Office / Dismissal**

Correctional Officer Sergeant Curtis Barnes was dismissed from his position at the Sheriff's Office effective October 28, 2010, for violating DCSO's following policies: 1-1.312 Employee Conduct Policy #1 – Unsatisfactory performance of duties; #2 Failure to comply with reasonable standards of conduct in a manner that reflects poorly upon the employee, the DCSO, or the Metropolitan Government, and/or violates public trust; #19 Sexual activity in the workplace; #27 Dishonest behavior; 1-1.359 Preventing and Reporting Sexual Abuse/Assault 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.

Correctional Officer Sergeant Curtis Barnes 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. Correctional Officer Sergeant Curtis Barnes represented himself. The Case was heard on November 1, 2011, by Judge Rob Wilson.

After reviewing On April 25, 2012, Judge Wilson entered an ***Initial Order Upholding the Dismissal.***

Both Metro Attorney Jennifer Cavanaugh and Curtis Barnes were present before the Commission to discuss the case.

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved to uphold the Initial Order that was submitted by Administrative Law Judge Rob Wilson. A second was made by Commissioner Sanders. There was one objection from Commissioner North.*

**(13: Benefit Board Election Plan – Police Representative**

Human Resources Analyst Seth Waltenbaugh said the request is to conduct an election for the position of Police Department Representative to the Employee Benefit Board. The person elected will serve a three year term in the position currently held by incumbent James H. Johnson and will assume the seat on September 1, 2012.

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved to approve the Benefit Board Election Plan for the Police Employee Representative. Seconded by Commissioner North and the Commission approved with no objections.*

**(14: Benefit Board Election Results – Fire Employee Representative**

Human Resources Analyst Seth Waltenbaugh said an election was publicly announced for the Fire during the months of May and June 2012. All Fire Department employees were duly notified and eligible to become a candidate and then vote in the election. Charles "Doug" Clariday, Jr. submitted a qualifying petition and was unopposed. Mr. Clariday was declared the winner and will serve a three year term in this position.

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

**(15: Human Resources Updates**

**ACTION:** *None*

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

*None*

**NOTE:** *FOP President Robert Weaver came before the Commission and said Ordinance BL2012-161 was introduced at Council recently. If approved, it would require newly employed Metropolitan Government employees to reside in Davidson County unless they received a hardship waiver from the Civil Service Commission. Vice-Chairman Corbitt said the Commission has dealt with hardship waivers. They were brought before the Commission for permission to live outside the county. However, by October 25, 1994 the matter had been removed allowing all Metro employees to reside anywhere within the state of Tennessee.*

With nothing further, the regular meeting adjourned at 9:30a.m.

**ATTEST:**

**APPROVED:**

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

  
 William H. Farmer, Chairman  
 Civil Service Commission