



METROPOLITAN CIVIL SERVICE COMMISSION

MINUTES

September 11, 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 **August 14, 2012**.

There were no corrections to the Regular Meeting or the Special Called Meeting. Vice-Chairman Corbitt moved for approval of the 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 Laws 2.68.030 – pursuant to Ordinance BL2006-2050.

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CIVIL SERVICE COMMISSION

09/11/2012 - 2

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>FINANCE</u>			
Gray, Sandra R.	Finance Manager	New Hire	08/06/12

INFORMATION TECHNOLOGY SERVICE

Day, Melissa L.	Info Systems App Analyst 3	Promotion	08/01/12
Quandt, Robert L.	Info Systems Assistant Director	New Hire	08/01/12

PARKS

*Reams, David D.	Custodian 1	Transition - Civil Service	08/17/12
Smith, James A.	Custodian 1	Re-Hire	08/13/12
Hale, Jeremy T.	Maintenance & Repair Leader 1	Promotion	07/30/12
Woodhouse, Perre L.	Maintenance & Repair Worker 1	New Hire	07/24/12
Green, Timothy E.	Maintenance & Repair Worker 2	New Hire	08/06/12
Flowers, Mark A.	Maintenance & Repair Worker 3	Promotion	08/06/12
Hargrove, Michael E.	Maintenance & Repair Worker 3	New Hire	08/03/12
^Murphy, Mitchell R.	Maintenance & Repair Worker 3	Transition - Civil Service	08/17/12
Snyder, Jerry W.	Maintenance & Repair Worker 3	Promotion	08/03/12

*Transition to Civil Service from Part Time status

^Transition to Civil Service from Seasonal status

POLICE

Sherrell, Mickie J.	Administrative Services Officer 4	Promotion	08/01/12
*Allen, Ryan M.	Police Officer 1	Class Change	08/01/12
*Bajt, Matthew J.	Police Officer 1	Class Change	08/01/12
*Donegan, Jordan B.	Police Officer 1	Class Change	08/01/12
*Door, Jason M.	Police Officer 1	Class Change	08/01/12
*Etchison, Brian P.	Police Officer 1	Class Change	08/01/12
*Fisher, Benjamin S.	Police Officer 1	Class Change	08/01/12
*Jeansonne, Taylor M.	Police Officer 1	Class Change	08/01/12
*Jones, Jonathan G.	Police Officer 1	Class Change	08/01/12
*Kelly, Christopher R.	Police Officer 1	Class Change	08/01/12
*McClelland, Wesley D.	Police Officer 1	Class Change	08/01/12
*McGowen, Jonathan B.	Police Officer 1	Class Change	08/01/12
*Miller, Justin A.	Police Officer 1	Class Change	08/01/12
*Motte, Daniel R.	Police Officer 1	Class Change	08/01/12
*Pedrotty, Andrew P.	Police Officer 1	Class Change	08/01/12
*Petlewski, Eric R.	Police Officer 1	Class Change	08/01/12
*Prill, Cressie A.	Police Officer 1	Class Change	08/01/12
*Sinchai, Wisarut	Police Officer 1	Class Change	08/01/12
*Smith, Jeremy P.	Police Officer 1	Class Change	08/01/12
*Thorowgood, William D.	Police Officer 1	Class Change	08/01/12

CIVIL SERVICE COMMISSION

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APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>POLICE</u>			
*Tucker, James L.	Police Officer 1	Class Change	08/01/12
*Vance, Brandon J.	Police Officer 1	Class Change	08/01/12
^Mann, Claude W.	Police Officer 2	Reinstate-Disciplinary	08/27/12
Ruiz, Robert C.	Police Officer 2	Re-Hire	08/01/12

*Class Change from Police Officer Trainee to Police Officer 1

^Reinstated to former position

PUBLIC LIBRARY

Hugan, Bernadette C.	Administrative Services Officer 3	Promotion	08/20/12
Mahan, Drew J.	Archives Assistant 3	New Hire	08/06/12
Larios, Adriana	Circulation Assistant 1	Re-Hire	08/06/12
Moore, Jane C.	Circulation Assistant 1	New Hire	08/06/12
*Allen, Sarah L.	Info Systems App Analyst 1	Transition - Civil Service	08/06/12

*Transition to Civil Service from Part Time status

PUBLIC WORKS

Frazier III, Fred L.	Equipment Operator 1	Promotion	08/06/12
Carter, Tony E.	Equipment Operator 2	Promotion	08/06/12
Hmura, Michael W.	Equipment Operator 2	Promotion	08/06/12
Sparkman, Paul B.	Equipment Operator 3	Promotion	08/20/12
*Taylor, Michael D.	Human Resources Administrator	Dept. Transfer/Promotion	08/06/12
Jenkins, William E.	Maintenance & Repair Leader 1	Promotion	08/20/12
Morgan, Kevin D.	Maintenance & Repair Leader 1	Promotion	08/06/12
Phillips, Antwan L.	Maintenance & Repair Leader 1	Promotion	08/06/12
Baker, Carl D.	Maintenance & Repair Leader 2	Promotion	08/06/12
Miller, Jacob C.	Maintenance & Repair Worker 1	New Hire	08/20/12
Nickens Jr., Steve D.	Maintenance & Repair Worker 1	New Hire	08/20/12
Smith, William W.	Maintenance & Repair Worker 2	Promotion	08/06/12
Smith, Jennifer P.	Program Manager 2	New Hire	08/06/12

*Department Transfer from Human Resources (Human Resource Analyst 3, SR12) to Public Works (Human Resources Administrator, SR13)

SOCIAL SERVICES

Newsom, Hattie M.	Homemaker	New Hire	08/13/12
Jordan, Angela R.	Office Support Specialist 1	Promotion	08/06/12

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>WATER SERVICES</u>			
Wyatt, Mary E.	Application Tech 2	Promotion	08/14/12
Davis, Joshua A	Equipment Operator 3	Promotion	08/04/12
Dunn, David O.	Equipment Operator 3	Promotion	08/04/12
Frydenlund, Jene Wayne	Equipment Operator 3	Promotion	07/21/12
Tate, Ray	Equipment Operator 3	Promotion	07/21/12
Young, Kenneth L	Treatment Plant Shift Operator	Promotion	08/04/12

MOTION: After some discussion, Vice-Chairman Corbitt moved for approval of the appointments as listed. Seconded by and the Commission North approved without objection.

TERMINATIONS/ PENSIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DEPARTMENT</u>	<u>DATE</u>
Gillette, Bernita A.	Emer Telecommunications Officer 1	Resignation	ECC	07/21/12
Prime, Brianca M.	Emer Telecommunications Officer 1	Dismissal	ECC	08/15/12
Weekley, Branden	Emer Telecommunications Officer 1	Dismissal	ECC	07/23/12
Wilder, Kenneth R.	Emer Telecommunications Officer 1	Dismissal	ECC	07/23/12
Davis, Jessica R.	Emer Telecommunications Officer 3	Resignation	ECC	07/22/12
Katterhenry, Monica L.	Emer Telecommunications Officer 3	Resignation	ECC	07/23/12
Thompson, James R.	Maintenance & Repair Worker 1	Pension	Farmer's Market	08/08/12
Haywood, Brandie M.	Finance Admin	Resignation	Finance	08/07/12
McCormick, William Carson	Fire Captain	Pension	Fire	08/06/12
Tomlinson, Anthony E.	Fire Captain	Pension	Fire	08/13/12
Ghee, Johnny D.	Fire Engineer	Pension	Fire	07/28/12
Stuteville, Gary W.	Fire Fighter 2	Pension	Fire	08/14/12
Russell, Michael O.	Fire Instructor	Pension	Fire	07/31/12
Loftis, Henry C.	Fire Lieutenant	Pension	Fire	07/31/12
Holt, Ronald D.	Fire Marshal-Deputy	Pension	Fire	07/20/12
Goodson, Jackie L.	Firefighter 3	Pension	Fire	08/09/12
Sekoral, Steven P.	Firefighter 3	Pension	Fire	08/15/12
Thompson, Carl E.	Firefighter 3	Pension	Fire	08/14/12
Kenney, Ronald S.	Paramedic 2	Pension	Fire	07/27/12
Radish, Ronald A.	Claims Division Manager	Pension	Law	07/31/12
Williams, William A.	Administrative Services Officer 3	Pension	Municipal Auditorium	07/31/12
Sterry, Tracy B.	Building Maintenance Mechanic	Resignation	Municipal Auditorium	07/26/12
Hoover, Ricky A.	Maintenance & Repair Worker 3	Resignation	Parks	08/07/12
Batey Jr., Andrew J.	Recreation Leader	Pension	Parks	08/02/12
Betty, Anna R.	Specialized Skills Instructor	Pension	Parks	08/02/12
Kahnle, Hilary	Planning Manager 1	Deceased	Planning Commission	08/06/12
Regen, Jennifer E.	Planning Manager 1	Resignation	Planning Commission	08/13/12
Shouse, Robert W.	Police Officer 1	Dismissal	Police	08/15/12
Akhom, Kethsada	Police Officer 2	Resignation	Police	07/18/12
Efkovics, Stephen C.	Police Officer 2	Resignation	Police	07/30/12
Karl III, Edward J.	Police Officer 2	Dismissal	Police	08/06/12
Kirby, William F.	Police Officer 2	Pension	Police	08/15/12

TERMINATIONS/ PENSIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DEPARTMENT</u>	<u>DATE</u>
Jackson, Thomas A.	Police Officer 3	Pension	Police	07/31/12
Williams, Ricky R.	Police Sergeant	Pension	Police	07/31/12
Jones, Travis	Office Support Rep 1	Resignation	Public Library	08/17/12
Slyden, Larry E.	Engineering Tech 3	Pension	Public Works	07/31/12
Alford, Steven S.	Correctional Officer 1	Resignation	Sheriff	08/16/12
Sawyer, Jessy L.	Correctional Officer 1	Resignation	Sheriff	07/28/12
Wells, Tanisha S.	Correctional Officer 1	Resignation	Sheriff	08/17/12
Hicks, Angela R.	Correctional Officer 2	Resignation	Sheriff	07/27/12
Porter, Randy T.	Correctional Officer 2	Pension	Sheriff	08/08/12
Harris, Clifton E.	Special Projects Manager	Resignation	Social Services	07/27/12
Stallard, Megan A.	Compliance Inspector 3	Resignation	Water Services	08/03/12
Ward, Judy E.	Customer Service Asst. Manager	Pension	Water Services	08/17/12
Osborn, Barbara L.	Environmental Laboratory Manager	Resignation	Water Services	08/03/12
Standley, Jay J.	Industrial Mechanic 1	Resignation	Water Services	07/23/12

MOTION: *After some discussion, Vice-Chairman Corbitt moved to accept the Termination/Pension report for the dates and reasons stated. Seconded by Commissioner North 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>
Librarian 1	Library	91	Open	08/02/12	E
Administrative Services Officer 4	Police	1	Dept	08/02/12	E
Custodian 1	Parks	145	Open	08/07/12	E
Fire Inspector	Fire	131	Open	08/08/12	E
Administrative Services Officer 3	Library	3	Dept	08/16/12	E
Application Technician 1-Limitless Library	Library	71	Open	08/16/12	E
Sanitation Worker	Public Works	266	Open	08/20/12	E
Crime Scene Technician 1	Police	5	Dept	08/20/12	E
Maintenance and Repair Worker 3	Parks	13	Dept	08/23/12	A
Engineer 2	Water	24	Open	08/24/12	E
Engineering Technician 3	Water	21	Open	08/24/12	E
Finance Officer 2	Finance	36	Open	08/29/12	A
Finance Officer 3	Finance	2	Dept	08/29/12	A
*Police Sergeant	Police	70	Dept	09/7/2012	E

*Late Item

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

DEPARTMENTAL ITEM

GENERAL SERVICES

- (1: Director Nancy Whittemore requested approval of the certification requirements for Master Technician.

Stacy Wall, (position) said the recommended revision is to remove the C1 (Service Consultant) certification requirement. It is not necessary for the Master Technician position and only applies to those that are in the automotive service writer position.

MOTION: *After much discussion, Vice-Chairman Corbitt moved for approval of the above request as submitted. Seconded by Commissioner North 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:

- (2: Approval of changes for the Sheriff's Office Departmental Rules and Policies

HR Analyst Seth Waltenbaugh said the Sheriff's Office reviewed approximately 26 departmental rules & policies for clean-up and revision. Of the twenty-six, only ten had significant changes which were discussed with the Commission. The job descriptions were also reviewed by the Metro Legal Department and the Human Resources Department. There was no opposition from SEIU.

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

- (3: Disqualification from Police Lieutenant Exam – Keith Johnson

Mr. Johnson reported to take the written exam for police lieutenant. He was not listed on the roster but was allowed to take the written exam with the understanding he would only be considered a candidate upon confirmation that he completed or attempted to complete the application on file for the 2012 process.

A letter was sent on July 16, 2012 informing Mr. Johnson there was not an application on file. He appealed his disqualification. When consulting with the vendor and reviewing the facts, there is currently no evidence of his attempting an application for any position after 2010, but the vendor is still investigating. The HR Department does not oppose Mr. Johnson going through the assessment center process with an understanding that if there is no evidence of a timely attempt at making an application, he will be disqualified from further consideration.

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

(4: Review of Initial Order – Mable Osemwegie, Police / Grievance

Officer Mable Osemwegie submitted a grievance for IOD on October 24, 2011. On November 4, 2011, the case was sent to the Administrative Procedures Division, Office of the Secretary of State and assigned to Administrative Law Judge Marion Wall. Metro Attorney Jenny Howard represented the Metropolitan Police Department. Officer Mable Osemwegie represented herself.

The case was set to be heard on April 17, 2012 by Judge Wall. After hearing and reviewing information regarding the matter, Administrative Law Judge Marion Wall entered an Initial Order on May 18, 2012 and determined the Metropolitan Police Department's decision to deny the grievance should be upheld.

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

MOTION: After some discussion, Commissioner North moved to reverse Administrative Law Judge Marion Wall's decision and grant the IOD. Secoded by Commissioner Allen and the Commission approved without objection.

(5: Review of Initial Order – Jonathan Smith, Police / 6 Days Suspension & Termination

Officer Jonathan Smith was suspended six (6) days and terminated from the Police Department effective February 10, 2011 for the following violations:

Charge 1: General Order 09-03 Department and Personal Appearance – VII: Personal Behavior (B) Adherence to Law; Charge 2: General Order 08-06 "Use of Force" – (A): Adherence to Policy & Rules: Section V, Parameters for Non-Deadly Force; (D) any use of force on subjects who are handcuffed or otherwise in custody is prohibited unless physical resistance must be overcome. Such uses of force must be specifically articulated with an emphasis on why a particular level of force was necessary to obtain compliance.; Charge 3: General Order 09-03, Department and Personal Appearance; Section VII, Personal Behavior; (C) Conduct unbecoming an employee of the department and Charge 4: Metro Civil Service Rules – Section 6.7 #11 – Violation of any written rules, policies, or procedures of the department in which the employee is employed.

Officer Smith appealed his six day suspension and termination to the Commission. The case was assigned to Administrative Law Judge Randall LaFevor. Metro Attorney Susan Jones initially represented Metropolitan Government during the hearing but was replaced by Metro Attorney Jennifer Cavanaugh. Attorney John M.L. Brown represented Officer Smith.

The hearing was set for September 29, 2011 but was continued and heard by Judge LaFevor on March 21, 2012. After carefully reviewing the case, Judge LaFevor entered an **Initial Order on June 11, 2012 Upholding the Police Department's decision to TERMINATE the Grievant's employment and dismissing the appeal.**

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

MOTION: After much discussion, Commissioner Sanders moved for approval to Uphold Administrative Law Judge Randall LaFevor's Initial Order as submitted. Secoded by Commissioner Allen and the Commission approved without objection.

(6: Review of Initial Order – Doug Johnson, WS / Demotion

Mr. Doug Johnson, Engineering Technician 3, was demoted to Engineering Technician 2 for violating:

Civil Service Rules #1 – Neglect or failure to perform official duty; #2 – Deficient or inefficient performance of duties; #11 – Violation of any written rules, policies or procedures of the department in which the employee is employed; and #32 – Any failure of good behavior which reflects discredit upon himself, the department and/or the Metropolitan Government.

Mr. Johnson appealed his demotion to the Commission and the case was assigned to Administrative law Judge Stephen Darnell. Metro Attorney Jennifer Cavanaugh represented Metropolitan Government. Attorney James King represented Mr. Johnson.

The case was scheduled to be heard on September 12, 2011 but was rescheduled for December 14, 2011. On April 24, 2012, **Judge Darnell entered an Initial Order that the Grievant's demotion be UPHELD.** A Notice of Petition for Reconsideration of the Initial Order was submitted on May 11, 2012 to Judge Darnell. Judge Darnell sent an Order on May 15, 2012 denying the Grievant's reconsideration.

Metro Attorney Corey Harkey and Attorney James G. King were present before the Commission to review and discuss the case.

MOTION: After much discussion, Vice-Chairman Corbitt moved for approval to Uphold Administrative Law Judge Steve Darnell's Initial Order as submitted. Seconded by Commissioner Allen and the Commission approved without objection.

(7: Human Resources Updates

There were no reports made this month.

ACTION: None


(8: Communiqués from the public on pending hearings

ACTION: None

With nothing further, the regular meeting adjourned at 9:48 a.m.

ATTEST:

APPROVED:


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


William H. Farmer, Chairman
Civil Service Commission