



# METROPOLITAN CIVIL SERVICE COMMISSION

## MINUTES

October 9, 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 **September 11, 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**

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**APPOINTMENTS**

<b><u>NAME</u></b>	<b><u>CLASSIFICATION</u></b>	<b><u>TYPE</u></b>	<b><u>DATE</u></b>
<b><u>FINANCE</u></b>			
*Doss, Angela D.	Administrative Assistant	Dept. Transfer/Promotion	09/03/12
^Hobson, Piper G.	Administrative Services Officer 3	Dept. Transfer/ Transition - Civil Service	09/17/12
Norment, Cristy L.	Application Tech 2	New Hire	09/24/12
Hartlage, Kenneth J.	Finance Manager	Promotion	09/24/12
McClarín, Greg A.	Finance Manager	Promotion	09/24/12
Nabors, Beverly A.	Finance Manager	Promotion	09/24/12

\*Department Transfer from Water (Office Support Specialist, SR8) to Finance (Administrative Assistant, SR9)

^Department Transfer from County Clerk (Deputy Clerk) to Finance (ASO 3, SR10)

**FIRE**

Summers, Jamie B.	Human Resources Manager	Dept. Transfer/Promotion	09/01/12
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\*Department Transfer from Human Resources (Human Resources Analyst 3, SR12) to Fire (Human Resources Manager, SR14)

**GENERAL SERVICES**

Moncrief, William C.	Equipment Mechanic	New Hire	09/17/12
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**MUNICIPAL AUDITORIUM**

*Alexander, Taneisha M.	Administrative Services Officer 3	Transition - Civil Service	09/01/2012
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\*Transition to Civil Service from Part Time status

**PARKS**

Campbell, Douglas T.	Maintenance & Repair Worker 2	New Hire	09/07/12
Wakefield, Jeffrey M.	Maintenance & Repair Worker 3	New Hire	08/31/12

**POLICE**

Duncan, Stacey Ann	Administrative Assistant	Promotion	09/16/12
Osterhoudt, Shelly F.	Administrative Assistant	Promotion	09/16/12
James, Christy L.	Administrative Services Officer 3	Promotion	09/16/12
Dradt, Christina	Crime Scene Technician 1	Promotion	09/01/12
Long, Kayla M.	Office Support Specialist 2	Promotion	09/16/12
Brown, Suzanne M.	Police Operations Coordinator 1	Promotion	09/16/12
Simmons, Amy D.	Police Operations Coordinator 1	New Hire	09/16/12
Willis, Kimberly K.	Police Operations Coordinator 2	Promotion	09/16/12
Yazdani, Noelle B.	Police Operations Coordinator 2	Promotion	09/16/12



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**APPOINTMENTS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>PUBLIC LIBRARY</u></b>			
*Howell, Kristen N.	Circulation Assistant 1	Transition - Civil Service	09/17/12
Mentges, Shannon E.	Circulation Assistant 1	New Hire	09/17/12
Wright, April L.	Library Associate 2	Promotion	09/03/12

\*Transition to Civil Service from Part Time status

**PUBLIC WORKS**

Patton, Kimberly J.	Engineering Tech 3	Promotion	09/17/12
Smalls III, Joseph	Equipment Operator 1	Promotion	09/17/12
Baker, Cody R.	Equipment Operator 2	Promotion	09/17/12
Russell III, Garlon H.	Equipment Operator 2	Promotion	09/17/12
Dickens, Ryan N.	Equipment Operator 3	Promotion	09/17/12
Patterson Jr., Leslie	Equipment Operator 3	Promotion	09/17/12
Williams, Eric D.	Maintenance & Repair Worker 2	Promotion	09/17/12
Rucker, Terry D.	Maintenance & Repair Worker 3	Promotion	09/03/12
Dixon, Patricia A.	Office Support Spec 2	Promotion	09/17/12

**WATER SERVICES**

Crutcher, Rechelle M.	Application Tech 2	Promotion	09/15/12
*Adewuyi, Ayodele Ben	Finance Officer 3	Dept. Transfer/Promotion	09/15/12
^Weigel, Heidi E.	Finance Officer 3	Department Transfer	09/15/12
**Evans, Linton R.	Indust Tech Master	Return - Pension	09/01/12
Binkley II, Michael D.	Treatment Plant Shift Supervisor	Promotion	09/15/12
Illarramendi, Michael A.	Treatment Plant Shift Supervisor	Promotion	09/15/12
Short III, Willie F.	Treatment Plant Shift Supervisor	Promotion	09/01/12

\*Department Transfer from Finance (Finance Officer 2, SR10) to Water (Finance Officer 3, SR12)

^Department Transfer from Finance (Finance Officer 3, SR12) to Water (Finance Officer 3, SR12)

\*\*Return from Pension to same classification

***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>
Roberts, Lamai K.	Emer Telecommunications Off 1	Dismissal	ECC	08/19/12
Robertson, Latasha D.	Emer Telecommunications Off 1	Dismissal	ECC	08/29/12
Wiles, Janice D.	Application Tech 2	Pension	Finance	08/31/12
Brown, Marvin T.	Fire District Chief	Pension	Fire	08/17/12
Rucker, Richard F.	Fire Fighter 2	Pension	Fire	08/30/12
Merrill, Michael D.	Equipment Mechanic - Certified	Resignation	General Services	08/31/12
Garrett, Kimberly D.	Human Resources Admin	Resignation	Human Resources	08/29/12
Caruso, Roxanne G.	Senior Internal Auditor	Resignation	Internal Audit	08/31/12

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**TERMINATIONS/ PENSIONS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DEPARTMENT</u>	<u>DATE</u>
Robinson, Amy M.	Office Support Rep 3	Resignation	Juvenile Court	08/23/12
Brown, Janice S.	Office Support Spec 2	Pension	Parks	08/23/12
Lucas, Lena A.	Specialized Skills Instructor	Pension	Parks	09/01/12
Williamson, Barbara A.	Administrative Assistant	Pension	Police	08/19/12
Gibson, Jamie L.	Office Support Spec 2	Resignation	Police	08/24/12
Carter, Anthony R.	Police Commander	Pension	Police	09/09/12
Harris, Martia E.	Police Identification Spec 2	Resignation	Police	08/17/12
Stockman, Vivian D.	Police Identification Supervisor	Pension	Police	08/31/12
Christian, Todd R.	Police Officer 2	Resignation	Police	08/22/12
Gant, Braden D.	Police Officer 2	Resignation	Police	09/10/12
Kizer, Mitchell L.	Police Officer 2	Resignation	Police	08/25/12
Lawrence, Johnny C.	Police Officer 2	Pension	Police	09/05/12
Nixon, Matthew A.	Police Officer 2	Pension	Police	08/17/12
Sanderson, Corey L.	Police Sergeant	Resignation	Police	08/27/12
Jones, Travis	Office Support Rep 1	Resignation	Public Library	08/17/12
Walker, John A.	Human Resources Manager	Pension	Public Works	09/14/12
Groves II, Thomas E.	Maintenance & Repair Worker 1	Resignation	Public Works	09/14/12
Owsley III, Frank W.	Signal Tech 3	Pension	Public Works	08/24/12
Lawrence, Tanya D.	Correctional Officer 1	Resignation	Sheriff	08/24/12
Warren, Rashawn T.	Correctional Officer 1	Resignation	Sheriff	08/27/12
Wells, Tanisha S.	Correctional Officer 1	Resignation	Sheriff	08/17/12
Tevis, Kevin H.	Correctional Officer 2	Resignation	Sheriff	09/04/12
Deckard, Genie M.	Homemaker	Resignation	Social Services	09/13/12
McQuiston, Brian E.	Trans Licensing Comm Director	Resignation	Transport. Licensing Comm	09/04/12
Ward, Judy E.	Customer Service Assistant Manager	Pension	Water Services	08/17/12
Tomlin, Larry D.	Engineering Tech 2	Pension	Water Services	08/31/12
Bass, Philip C.	Service Rep 2	Pension	Water Services	09/14/12
Welch, Richard C.	Treatment Plant Shift Supervisor	Pension	Water Services	08/31/12

**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>
Treatment Plant Shift Supervisor - Water	Water	4	Dept	9/4/2012	E
Treatment Plant Shift Supervisor - Wastewater	Water	8	Dept	9/5/2012	E
Administrative Assistant	Finance	481	Open	9/6/2012	E
Administrative Services Officer 3	Finance	322	Open	9/11/2010	E
Office Support Specialist 2 - Payroll	Police	8	Dept	9/12/2012	E
Office Support Specialist 1 - HRC	Human Relations	56	Open	9/12/2012	E
Specialized Skills Instructor	Parks	2	Dept	9/14/2012	E
Special Projects Manager	Parks	50	Open	9/14/2012	E
Engineering Technician 3	Public Works	1	Dept	9/14/2012	E
Planning Technician 2	Water	62	Open	9/18/2012	E
Police Lieutenant	Police	44	Dept	10/9/2012	E
Finance Officer 3	Finance	3	Dept	9/19/2012	E
Finance Officer 3	Water	51	Open	9/20/2012	E
Administrative Assistant	Police	3	Dept	9/20/2012	E
Equipment Mechanic	General Services	22	Open	9/21/2012	E
Finance Manager	Finance	4	Dept	9/21/2012	E



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

**DEPARTMENTAL ITEMS**

**CODES ADMINISTRATION**

- ( 1: **Director Terry Cobb requested approval for an Open Range Increase for Mr. Wade F. Hill, Codes Administration Assistant.**

Director Cobb explained that he has been asked to assist the Mayor's office in various duties that are related to development and construction while maintaining his position as Director of Codes Administration. In doing so, he has appointed Mr. Wade Hill as designee who is an accomplished architect, certified building code official and training officer within the department. Mr. Hill is presently one of four Assistant Directors who manages the day to day functions and operations of the Codes Department. He assumed the new responsibilities as of February of 2012 and continues to be a valuable asset to the department. Presently, his salary is \$85,749.00 and will increase to \$94,324.00 retro from July 1, 2012.

**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.*

**PLANNING COMMISSION**

- ( 2: **Director Rick Bernhardt, represented by Mr. Doug Sloan, requested approval to Hire Above Base Mr. Brian Sexton, Planning Tech 2, effective October 15, 2012.**

Doug Sloan, Assistant Director, said Mr. Sexton has been a non-Civil Service contracted employed with the Planning Commission as Planner 1 for five years. During recent recruitment, he was chosen for the position of Planning Tech 2 because of his previous experience and ability to perform various duties. The new position is a Civil Service classification. His knowledge in this field sets him apart from other candidates.

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

**POLICE**

- ( 3: **Chief Steve Anderson requests approval of an extension for Out-of-Class assignment on the following employees:**

- a. **Sgt. Marita Grandberry**

Chief Steve Anderson said Ms. Granberry has been working in a higher classification as Detail Lieutenant since May 9, 2012. Her lieutenant has been on unexpected medical leave. Ms. Granberry would return to her position once her lieutenant is able to return. If not, a new lieutenant promotional register will be established.

**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.*

**b. Officer Greg Jones**

Chief Anderson said Officer Jones has been working in a higher classification as Sergeant since April 2012. His former Sergeant retired and a new register has just been established.

**MOTION:** *After much discussion, Commissioner Sanders 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:

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

The POT applicant was originally disqualified due to failure to pass a required physical examination administered by Medical Examiner Celia Goodson. Dr. Goodson refers to the Standards of Medical Fitness AR40-501, 2-29 Spine and Sacroiliac Joints. The applicant has five years post lumbar hemilaminotomy and microdiskectomy for disc herniation. The applicant recovered well from surgery and has no residual deficits or limitations of function. The previous surgical intervention is not expected to limit his ability to safely perform the duties of a police officer trainee or police officer.

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

**LATE ITEM**

**( 5: Consideration of Request for a Medical Waiver for Police Officer Trainee – Applicant 1A - MH**

The Police Officer Trainee applicant was originally disqualified due to failure to pass a required physical examination administered by Medical Examiner Celia Goodson. Dr. Goodson refers to the "Standards of medical Fitness AR 40-501, 2-30 Systemic Diseases which states (I) current sleep disturbances (790.5) including but not limited to sleep apneas does not meet the standard. However, the review indicates the applicant's obstructive sleep apnea for which he uses CPAP therapy does not interfere with normal function. The diagnosis was made while the applicant was a pilot in the military and required no limitation to flight duty.

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



**( 6:      Review Order to Withdrawal Appeal – Casey White, Sheriff / 5 Day Suspension – Demotion**

Mr. Casey White, Correctional Officer, was suspended five days and received a full demotion from his position. He was charged with the following:

DCSO 1-1.312 Employee Conduct policy, subsection #1 - Unsatisfactory performance of duties; #5 - Failure to follow written orders, policies & procedures; #6 - Conduct that creates safety hazards; #10 - Failure to comply with reasonable standards of conduct in a manner that reflects poorly upon the employee, DCSO or the Metropolitan Government and/or violates the public trust; #37 - Failure to report violations of law, rules, policy or procedures to appropriate supervisory staff;

DCSO 1-3.141 Contraband Control and;

Civil Service Rules – Section 6.7 Grounds for Disciplinary Action #2 – Deficient or inefficient performance of duties and #11 – Violation of any written rules, policies or procedures of the department in which the employee is employed; #20 – Violation of safety rules, regulations or procedures; #32 – Any failure of good behavior which reflects discredit upon himself, the department and/or Metropolitan Government and #33 – Conduct unbecoming an employee of Metropolitan Government.

A departmental hearing was conducted on July 18, 2012. Mr. White made an appeal on August 21, 2012 and the case was assigned to Administrative Law Judge Lynn England. On September 4, 2012, Mr. White sent an email to the Human Resources Department asking that his appeal be withdrawn. The information was forward to Judge Lynn England on September 5, 2012.

On September 7, 2012, Administrative Law Judge Lynn England submitted an Order of Dismissal stating the Grievant moved, in writing, to withdraw his appeal and the case is DISMISSED.

Metro Attorney Joshua Lee was present before the Commission to discuss the matter. Mr. White was duly notified to attend but was not present at the meeting.

***MOTION: After much discussion, Commissioner North moved for approval to Uphold Administrative Law Judge Lynn England Order of Withdrawal as submitted. Seconded by Vice-Chairman Corbitt and the Commission approved without objection.***

**( 7:      Review Agreed Order of Settlement – David Cage, Sheriff / Termination**

David Cage, Correctional Officer I, was terminated from the Sheriff's Office on March 30, 2011 for 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. After receipt of all information submitted to review the case, Judge Carter-Ball entered an Initial Order on March 28, 2012 to uphold the termination.

During the Civil Service meeting of June 12, 2012, Metro Attorney Jennifer Cavanaugh stated she and Attorney Robinson were discussing a possible resolution of the case with an agreed order. The Commission deferred the matter until both sides were able to resolve the matter. On September 6, 2012, Metro Attorney Jennifer Cavanaugh sent an Agreed Order of Settlement in the matter of David Cage to the Human Resources Department. The Agreed Order stipulates the following:

1. In lieu of any continued dispute or litigation of these matters, the parties agree that:
  - a. Mr. cage violated DCSO policy.
  - b. Mr. Cage will submit a signed non-revocable letter of resignation effective as of March 30, 2011 on or before August 31, 2012.
  - c. DCSO will rescind the termination of Mr. Cage and reflect that he leaves DCSO employment in "good-standing."
  - d. No additional personnel records or documents will be destroyed or removed from any files.
  - e. Mr. Cage is not to apply for employment with the DCSO and waives all rights to employment with DCSO now and in the future.
  - f. Should Mr. Cage obtain employment with DCSO, then DCSO may immediately terminate his employment for cause and Mr. Cage hereby waives all appeals or claims pertaining to such termination of employment.
  
2. The Agreed Order of Settlement concludes all claims, appeals or other actions related to this matter.

Metro Attorney Jennifer Cavanaugh was present before the Commission to discuss the case. Ms. Clarissa Weathers, attorney at Robinson, Ragan and Young, was in attendance to represent Mr. Cage.

**MOTION:** *After much discussion, Commissioner Allen moved for approval to Uphold Administrative Law Judge Joyce Carter-Ball Agreed Order as submitted. Seconded by Commissioner North and the Commission approved without objection.*

**( 8: Job Description**

Executive Administrator – Police and Fire

HR Analyst Seth Waltenbaugh stated the Police Department made a request for revisions under the education and experience section to reflect the position as an executive-level management which serves under the broad administrative guidance of the appointing authority. The revision to this description would be for both the Police and Fire Departments to emphasize more specific skills and experience when filling future vacancies. The change would remove the wording "no substitution" and replace it with "more specific degree, certification and experience requirements may be included in the position announcements as vacancies occur."

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

**( 9: Human Resources Updates**

There were no reports made this month.

**ACTION:** *None*



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

**ACTION:    None**

With nothing further, the regular meeting adjourned at 9:00 a.m.

**ATTEST:**

**APPROVED:**

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

  
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**William H. Farmer, Chairman  
Civil Service Commission**