



# METROPOLITAN CIVIL SERVICE COMMISSION

## MINUTES

November 13, 2012

8:35 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; and Jo Ann North.

MEMBERS NOT PRESENT: C. Michael Allen; D. Billye Sanders

**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 October 9, 2012.**

There were no corrections to the Regular 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**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>ARTS COMMISSION</u></b>			
Myers, Ian J.	Finance Specialist	Promotion	10/15/12
<b><u>CODES ADMINISTRATION</u></b>			
Puckett, John E.	Building Inspector 1	New Hire	10/01/12
<b><u>FINANCE</u></b>			
Gibbs, Gina M.	Finance Officer 3	Promotion	10/01/12
Adom, Fred	Special Projects Manager	Promotion	10/15/12
Lackey, Robert A.	Special Projects Manager	Promotion	10/15/12
<b><u>FIRE</u></b>			
Bowman, Joseph	Fire Inspector 1	New Hire	10/01/12
<b><u>HUMAN RESOURCES</u></b>			
Cain, Stephen B.	Human Resources Admin	Promotion	10/15/12
<b><u>INFORMATION TECHNOLOGY SERVICE</u></b>			
Harrell, Leah M.	Info Systems App Analyst 3	New Hire	10/25/12
*Ingram, Angela K.	Info Systems App Tech 2	Depart Transfer/ Vol Reduction In Grade	10/15/12
Jackson, Matthew E.	Info Systems Division Manager	New Hire	10/29/12
Robbins Jr., William J.	Information Systems Advisor 1	New Hire	10/08/12
*Department Transfer from General Services (Technical Specialist 1, SR11) to ITS (IS App Tech 2, SR9)			
<b><u>MUNICIPAL AUDITORIUM</u></b>			
Madigan, John T.	Application Tech 1	New Hire	10/08/12
<b><u>PARKS</u></b>			
Brown, Michael E.	Maintenance & Repair Worker 1	Re-Hire	09/28/12
*Hester, James R.	Special Projects Manager	Transition - Civil Service	09/28/12
Adkins III, Golden G.	Specialized Skills Instructor	Promotion	09/28/12

\*Transition to Civil Service from Temporary Status

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**APPOINTMENTS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>PLANNING COMMISSION</u></b>			
*Sexton, Brian E.	Planning Tech 2	Transition - Civil Service	10/15/12

\*Transition to Civil Service from Planner 1 to Planning Tech 2

**POLICE**

Bender, Anya M.	Administrative Assistant	Promotion	10/01/12
Norrick, Chad A.	Administrative Assistant	Promotion	10/01/12
Laird Phillips, Saundra	Administrative Services Officer 3	Promotion	10/01/12
Dixon, Stephen A.	Office Support Specialist 2	Promotion	10/01/12
*Taylor, Dwayne L.	Police Operations Assistant 3	Class Change/Lateral	10/16/12

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

**PUBLIC LIBRARY**

Vinson, Karen J.	Application Tech 1	Promotion	10/01/12
Rua-Bashir, Patricia	Librarian 1	New Hire	10/01/12
Heflin, Laraine V.	Library Associate 1	Re-Hire	10/01/12
Carter, Randy L.	Property Guard 2	New Hire	10/01/12

**PUBLIC WORKS**

*Anderson, Alaganza G.	Info Systems App Analyst 3	Dept. Transfer/Promotion	10/15/12
Basham, Brandon J.	Maintenance & Repair Worker 1	New Hire	10/15/12
Bennett, Bryan M.	Maintenance & Repair Worker 1	New Hire	10/15/12
Crane, Cassevettes D.	Maintenance & Repair Worker 1	New Hire	10/15/12
Hughes, Jeffery W.	Maintenance & Repair Worker 1	New Hire	10/15/12
Larkins, Dustin B.	Maintenance & Repair Worker 1	New Hire	10/15/12
^Aguilera, Gloria	Office Support Spec 1	Class Change/Lateral	09/28/12
Jones, Stacy M.	Office Support Spec 2	Re-Hire	10/29/12
Hubble, Vivian L.	Safety Inspector 2	Promotion	10/29/12
Dye, Caleb I.	Sanitation Worker	New Hire	10/01/12
Keith Jr., Grady R.	Sanitation Worker	New Hire	10/15/12

\*Department Transfer from Water (CAD/GIS Analyst 2, SR10) to Public Works (IS App Analyst 3, SR12)

^Class Change from App Tech 1 (SR7) to Office Supp Specialist 1 (SR7)

**SOCIAL SERVICES**

Judd, Laura M.	Social Worker 2	New Hire	10/15/12
Shin, Ji Hyun	Social Worker 2	New Hire	10/15/12

**APPOINTMENTS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>WATER SERVICES</u></b>			
Cooper, Casey D.	Engineer 2	Promotion	10/13/12
Jones, Laura T.	Engineer 2	New Hire	09/29/12
Sorhaindo, Clive	Engineer 2	New Hire	09/29/12
Loftis, David N.	Engineering Tech 3	New Hire	09/29/12
Miller Jr., Benjamin A.	Engineering Tech 3	New Hire	09/29/12
Parker, Michael A.	Engineering Tech 3	New Hire	10/13/12
Tinsley, James T.	Engineering Tech 3	New Hire	09/29/12
White, Michael D.	Engineering Tech 3	New Hire	10/13/12
Young, Jennifer A.	Treatment Plant Shift Supervisor	Promotion	09/29/12
*Hodges, Gregory T.	Water Maintenance Tech 3	Class Change/Lateral	10/13/12

\*Class Change from Customer Service Field Rep 2 (SR6) to Water Maintenance Tech 3 (TG6)

***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>
Davis, Shayla C.	Emer Telecommunications Officer 3	Resignation	Emergency Comm. Ctr.	09/21/12
Henry, Michael S.	Emer Telecommunications Officer 3	Resignation	Emergency Comm. Ctr.	09/17/12
Snider, Tabatha M.	Emer Telecommunications Officer 4	Resignation	Emergency Comm. Ctr.	09/19/12
Duncan Jr., Richard D.	Finance Officer 3	Pension	Finance	10/12/12
Weatherly Jr., Carl E.	Fire Captain	Pension	Fire	09/19/12
Meador, Steven R.	Fire Deputy Chief	Pension	Fire	09/28/12
Coe Jr., Charles H.	Fire Fighter 2	Pension	Fire	09/28/12
Lewis, Judy A.	Parts Supervisor	Pension	General Services	09/28/12
Quandt, Robert L.	Info Systems Assistant Director	Resignation	ITS	10/12/12
Humphrey, Cynthia L.	Info Systems Manager	Pension	ITS	09/29/12
Adgent, Timothy L.	Court Admin.	Pension	Juvenile Court	10/19/12
Griffin, Rita F.	Group Care Aide	Pension	Juvenile Court	10/26/12
Osteen, Billy W.	Maintenance & Repair Leader 1	Pension	Parks	10/25/12
Driskell, Danny	Police Lieutenant	Resignation	Police	09/24/12
O'Farrell, Rory P.	Police Officer 2	Resignation	Police	09/26/12
Harrison, Jonathan D.	Office Support Rep 2	Resignation	Public Library	09/20/12
Carter, Randy L.	Property Guard 2	Resignation	Public Library	10/06/12
Davidson, William L.	Engineering Tech 2	Pension	Public Works	10/12/12
Lewis, Todd P.	Equipment Operator 1	Resignation	Public Works	09/28/12
Musick III, Robert D.	Maintenance & Repair Worker 1	Resignation	Public Works	09/28/12
Wall, Nicholas H.	Maintenance & Repair Worker 1	Resignation	Public Works	10/19/12
Phillips, Shawn L.	Sanitation Worker	Resignation	Public Works	09/28/12
Brigham, Tamara A.	Correctional Officer 1	Resignation	Sheriff	09/21/12
Snider, Jonathan A.	Correctional Officer 1	Resignation	Sheriff	09/28/12
White, Casey J.	Correctional Officer 1	Resignation	Sheriff	10/24/12
White, Steven A.	Correctional Officer 1	Resignation	Sheriff	09/21/12
Baltimore Jr., Randall C.	Correctional Officer 2	Resignation	Sheriff	10/12/12
Jones, Carlette Y.	Finance Officer 2	Resignation	Social Services	10/26/12
Merritt, Ronnie D.	Application Tech 1	Pension	Water Services	10/05/12
Brown, Deric L.	Equipment Operator 3	Resignation	Water Services	09/28/12
Hazelwood, Philip A.	Treatment Plant Tech 1	Resignation	Water Services	10/24/12

**CIVIL SERVICE COMMISSION**

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**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>
Application Technician 1	Mun. Auditorium	61	Open	09/28/12	E
Information Systems Applications Analyst 3	Public Works	5	Dept.	10/03/12	E
Program Manager 1	Metro Clerk	1	Dept.	10/03/12	E
Finance Officer 2	Finance	50	Open	10/04/12	E
Information Systems Technician 2	ITS	24	Open	10/05/12	E
Police Operations Coordinator 1	Police	6	Dept.	10/08/12	E
Social Worker 2	Social Services	81	Open	10/08/12	E
Equipment Servicer	General Service	28	Open	10/08/12	E
Equipment Operator 3	Water	1	Metro Wide	10/09/12	E
Special Projects Manager	Finance	3	Dept.	10/09/12	E
Information Systems Advisor I	ITS	4	Open	10/09/12	E
Emergency Telecommunications Officer I	ECC	32	Open	10/09/12	E
Information Systems Applications Analyst 3	ITS	3	Open	10/10/12	E
Human Resources Administrator	Human Resources	1	Dept.	10/11/12	E
Recreation Center Manager	Parks	90	Open	10/11/12	E
Finance Manager	Fire	11	Metro Wide	10/15/12	E
Finance Specialist	Arts	1	Dept.	10/16/12	E
Safety Inspector 2	Public Works	2	Dept.	10/18/12	E
Police Captain	Police	21	Dept.	11/13/12	E

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**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**

**INFORMATION SYSTEMS TECHNOLOGY**

(1: Director Keith Durbin, represented by Mary Emigh, requested approval to extend the Eligibility Register for Human Resources Administrator.

HR Administrator Mary Emigh said the request to extend the current register for the position of HR Administrator will be for two months. It is to provide sufficient time for interviews to continue and select a new candidate. The current register was established April 19, 2012 with a six month expiration date.

**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.*

**HUMAN RESOURCES**

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

( 2: **Consideration of Request for a Medical Waiver for Police Officer Trainee – Applicant CG**

Mr. CG was disqualified as a Police Officer Trainee applicant for failing to pass a required physical examination administered by Medical Examiner Celia Goodson. Dr. Goodson refers to The "Standards of Medical Fitness" AR 40-501, He was diagnosed with diabetes but has been able to control it with diet and exercise. He does not require the use of medication. The diagnosis of diabetes is not expected to negatively impact the safe performance of the duties of Police Officer Trainee or Police Officer.

**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.*

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

Mr. CH was disqualified as a Police Officer Trainee applicant due to his 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, 2-19-Vascular System (b) - hypertensive vascular disease (40). He does not meet the standard. The medical record shows hypertension to be well controlled with current medical management and the condition should not limit safely performing duties of a Police Officer Trainee or Police Officer.

**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.*

( 4: **Review Agreed Order to Adjust Back Pay to Reflect Income Earned – Claude Mann, Police**

On July 10, 2012, the Civil Service Commission reviewed the record of Claude Mann in its entirety and upheld Administrative Law Judge Lynn England's Initial Order to reverse termination and reinstate Mr. Mann to his former position with full back pay and benefits, minus a twenty day suspension. By an Agreed Order, the parties decided that any back pay and benefits owed to Mr. Mann would be adjusted to reflect income earned from non-Metropolitan Government sources from the date of his termination to the date of reinstatement. Judge England found the following:

- (1) Mr. Mann earned \$2,730.00 in gross pay from non-Metropolitan Government sources in 2011. He earned \$8,405.25 in gross pay from non-Metropolitan Government sources in 2012. The total amount earned by Mr. Mann from non-Metropolitan Government sources in 2011 and 2012 was \$11,135.25.
- (2) From the date of Mr. Mann's termination on March 30, 2011, to the date of is reinstatement on April 18, 2011, minus the twenty days he was suspended by order of the Civil Service Commission, Mr. Mann would have earned \$81,017.57 in gross pay from the Metropolitan Government. This amount includes longevity pay, in-service pay, clothing allowance, and base salary.
- (3) The parties have agreed that the gross amount of \$81,017.57 will be reduced by the gross pay Mr. Mann earned from non-Metropolitan Government sources in 2011 and 2012.

- (4) The parties have therefore agreed that Mr. Mann will receive a total of \$69,882.32 in back pay. Any taxes, social security, and other standard required deductions will be taken from the \$69,882.32 before it is disbursed to Mr. Mann.

On October 24, 2012, Judge Lynn England signed an Agreed Order which referred the matter back for a final order and to be approval by the Commission for the amount owed to Mr. Mann. Metro Attorney Jennifer Cavanaugh was present before the Commission to discuss the case. Mr. Rich McGee, attorney for Mr. Mann, was notified of the matter but did not attend the meeting.

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

**( 5: Review of Initial Order – Glenn Young, Parks /Termination**

Mr. Glenn Young was dismissed from his position at the Parks Department effective June 16, 2011 for alleged violation of the following charges from Chapter 6, Section 6.7 – Disciplinary Action:

#2: Deficient or inefficient performance of duties; #4 – Absence without notification or approval for leave; #11 – Violation of any written rules, policies or procedures of the department in which the employee is employed; #13 – Dishonesty and #32 – Any failure of good behavior which reflects discredit upon himself, the department and/or Metropolitan Government.

Mr. Young appealed his dismissal to the Commission on July 1, 2011 and the case was assigned to Administrative Law Judge Steve Darnell. Metro Attorney Jon Michael represented Metropolitan Government. Mr. Young was represented by Attorney Lorraine Wade. The hearing was set and heard on May 17, 2012 by Judge Darnell. After carefully reviewing the case, Judge Darnell entered in an **Initial Order on August 31, 2012 Upholding the appointing authority's decision to termination the grievant.**

Metro Attorney Jon Michael was present to discuss the case with the Commission. Ms. Loraine Wade, attorney for Mr. Young, was notified but did not attend the meeting.

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved for approval to uphold Administrative Law Judge Steve Darnell's Initial Order. Seconded by Commissioner North and the Commission approved without objection.*

**( 6: Review Initial Order – Darryl Morton, Police / 21 Day Suspension**

Officer Darryl Morton was suspended twenty (21) days from the Police Department effective November 7, 2011 for failure to adhere to policy and rules of Metropolitan government. He was subsequently charged with the following:

Charge (1): General Order 06-05 "Department and Personal Appearance" VII personal Behavior – [A] Adherence to Policy and Rules of Metropolitan Government to wit Gen. Order 05-08 "Police Vehicle Policy and Procedure" VI Authorization to Use [B] individual-Assigned Vehicles

Charge (2): General Order 06-05 "Department and Personal Appearance" VII Personal Behavior – [A] Adherence to Policy & Rules of the Metropolitan Government to wit Gen. Order "Police Vehicle Policy and Procedure" IX – Control Provisions – Vehicular Operation [F] Out of County Travel Procedures.

Charge (3): General Order 06-05, "Department and Personal Appearance" VIII Official Obligations {M} Persons Riding in Police Vehicles.

Charge (4): General Order 06-05 "Department and Personal Appearance" VIII Official Obligations [M] Persons Riding in Police Vehicles.

Charge (5): General Order 06-05 "Department and Personal Appearance" VIII [M] Persons Riding in Police Vehicles (category F-3<sup>rd</sup> Offense)

Charge (6): General Order 06-05 "Department and Personal Appearance" VIII Official Obligations [F] Deficient or Inefficient Performance of Duties (13) Repeated improper use of leave privileges.

Charge (7): General Order 06-05 "Department and Personal Appearance" VII Personal Behavior [A] Conduct Unbecoming an Employee of the Department.

Charge (8): Metropolitan Civil Service Rules – Section 6.7 Grounds for Disciplinary Action , #2 - Deficient or inefficient performance of duties; Charge (9): #11 - Violation of any written rules, policies or procedures of the department in which the employee is employed; Charge (10): #18 - Excessive absenteeism and/or excessive tardiness and/or abuse of sick leave; Charge (11): #33 - Conduct unbecoming an employee of the Metropolitan Government.

Officer Morton appealed his 21 day suspension to the Commission. The case was assigned to Administrative Law Judge Matteilyn Williams. Metro Attorney Catherine Dundon represented Metropolitan Government. Officer Morton represented himself.

The hearing was set for May 1, 2012 and heard by Judge Williams. After carefully reviewing the case, Judge Williams entered an **Initial Order on October 9, 2012 and concluded appropriate discipline for Officer Morton's conduct is a Twenty (20) Day Suspension. Officer Morton is to be restored one (1) day of suspension and any leave time, pay and/or other benefits associated with the additional one (1) day of suspension already received.**

Metro Attorney Catherine Dundon was present before the Commission to discuss the case. Mr. Morton was notified by letter to his home address, however he was not present.

***MOTION:*** *After much discussion, Commissioner North moved to overturn the Initial Order of a twenty day suspension as submitted by Judge Matteilyn Williams and entered in a motion for Termination. Seconded by Vice-Chairman Corbitt and the Commission approved without objection.*

**( 7: Review Order to Withdrawal Appeal – Albert Gordon, Police / 8 Day Suspension**

Mr. Gordon attended a departmental hearing on June 16, 2012 and was charged with violating the following Civil Service Rules:

Charge 1: Gen. Order 09-03– Personal Behavior (L) Self Control; [suspended 6 working days];

Charge 2: Gen. Order 09-03 – Personal Behavior (J) Intimidation

Charge 3: Gen. Order 06-05 – Gen. Order 06-05 – Official Obligations: (D) Respect for Superior and Fellow Government Employees [suspended 2 working days]

Civil Service Rule #11 – Violation of written policies

Mr. Gordon met again for another departmental hearing on July 8, 2012 and was suspended for 8 days from his position. He appealed the suspension to the Commission and the case was assigned to Administrative law Judge Joyce Carter-Ball. Metro Attorney Jennifer Cavanaugh represented Metropolitan Police Department. Mr. Gordon was represented by Attorney P. Brocklin Parks.

The hearing was set to be heard on November 10, 2010 at the State's Administrative Procedures Division but was continued. It was repeatedly rescheduled (June 2, 2011, November 9, 2011, and April 27, 2012) and finally set to be heard on August 8, 2012. However, grievant Albert Gordon gave notice requesting the matter be withdrawn.



On October 5, 2012, Judge Carter-Ball issued an Order of Withdrawal stating the grievant through his attorney P. Brocklin Parks filed notification that he would forego his appeal to the Civil Service Commission and withdraw the case. Judge Carter-Ball withdrew, dismissed and closed the file. Metro Attorney Jennifer Cavanaugh and Mr. Brock Parks, attorney for Mr. Gordon, were present before the Commission to discuss the case.

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

**LATE ITEM**

**( 8: Retirement Incentive Plan**

Finance Director Rich Riebeling said a retirement incentive for Metro Employees has been filed with legislation to go before Metro Council. The incentive is being offered to allow departments an opportunity to restructure by opening vacancies created by long-term employees choosing to retire. The incentive is strictly a voluntary matter.

In 2004, approximately 440 employees took advantage of a \$500.00 incentive payment for each year they worked in Metro. This year employees will be given the same opportunity at the rate of \$700.00 for each year of service. For departments facing budget constraints, the Finance Department will work to accommodate them by allowing those departments to adjust their budget into the next fiscal year. It was noted that employees who wish to take the incentive will still receive their regular pension. Pending approval by the Council, the program begins on November 26, 2012 and will end on January 18, 2013. HR Representatives from each department will be informed of the plan in a training session on Friday, November 16, 2012.

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

**( 9: Human Resources Updates**

There were no reports made this month.

***ACTION: None***

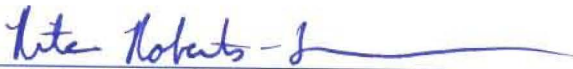
**( 10: Communiqués from the public on pending hearings**

***ACTION: None***

With nothing further, the regular meeting adjourned at 8:55 a.m.

**ATTEST:**

**APPROVED:**



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



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