



# METROPOLITAN CIVIL SERVICE COMMISSION

## MINUTES

December 11, 2012

8:35 a.m.

Civil Service Conference  
Room  
Suite 163, 222 Bldg.  
3<sup>rd</sup> Avenue North  
Nashville, Tennessee

**MEMBERS:** William H. Farmer, Chairman; Michael Allen; Billye Sanders and Jo Ann North.

**MEMBERS NOT PRESENT:** Vice-Chairman Steve Corbitt

**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 November 13, 2012.**

There were no corrections to the Regular Meeting. Commissioner North moved for approval of the minutes. There was a second by Commissioner Allen. 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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| TERMINATIONS / PENSIONS     | PG. 5    |
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| HUMAN RESOURCE ITEMS        | PG. 8-13 |

**CIVIL SERVICE COMMISSION**

12/11/2012 - 2

**APPOINTMENTS**

| <u>NAME</u>                                  | <u>CLASSIFICATION</u>                  | <u>TYPE</u> | <u>DATE</u> |
|--|--|-------------|-------------|
| <b><u>EMERGENCY COMMUNICATION CENTER</u></b> |  |             |             |
| Behre, Crystal L.                            | Emergency Telecommunications Officer 1 | New Hire    | 11/12/12    |
| Boerner, Nathan L.                           | Emergency Telecommunications Officer 1 | New Hire    | 11/12/12    |
| De Leon, Adrienne L.                         | Emergency Telecommunications Officer 1 | New Hire    | 11/12/12    |
| Hartley, Kristin S.                          | Emergency Telecommunications Officer 1 | New Hire    | 11/12/12    |
| Huddleston, Melody A.                        | Emergency Telecommunications Officer 1 | New Hire    | 11/12/12    |
| O'Brien, Deborah J.                          | Emergency Telecommunications Officer 1 | New Hire    | 11/12/12    |
| Scruggs, Michael D.                          | Emergency Telecommunications Officer 1 | New Hire    | 11/12/12    |

**FINANCE**

|                  |                                   |          |          |
|------------------|-----------------------------------|----------|----------|
| Bowers, Tonya R. | Administrative Services Officer 3 | New Hire | 10/29/12 |
| Ullum, Heidi A.  | Finance Officer 2                 | New Hire | 10/29/12 |

**FIRE**

|                          |                          |                                    |          |
|--------------------------|--------------------------|------------------------------------|----------|
| *Blackmore, Mitchell J.  | Emergency Medical Tech 2 | Class Change                       | 11/01/12 |
| *Hopkins, Bradley L.     | Emergency Medical Tech 2 | Class Change                       | 11/01/12 |
| *Pothast, Maria K.       | Emergency Medical Tech 2 | Class Change                       | 11/01/12 |
| *Sullivan, Michael G.    | Emergency Medical Tech 2 | Class Change                       | 11/01/12 |
| *Uselton, Christopher G. | Emergency Medical Tech 2 | Class Change                       | 11/01/12 |
| ^Hagar, Leigh Anne       | Finance Manager          | Promotion /<br>Department Transfer | 11/01/12 |
| Eldridge, Raina K.       | Paramedic 2              | Re-Employment                      | 11/01/12 |

\*Class change from EMT 1 to EMT 2

^Department transfer from Finance (Finance Manager) to Fire (Finance Manager)

**GENERAL SERVICES**

|                     |                        |                   |          |
|---------------------|------------------------|-------------------|----------|
| Shields, Martin D.  | Equipment Mechanic     | New Hire          | 10/29/12 |
| *Tinsley, Andrew J. | Technical Specialist 1 | Re-Classification | 11/12/12 |

\*Reclassification from Automotive Mechanic Leader (TL11) to Technical Specialist 1 (SR11) due to a position audit performed by HR

**HUMAN RESOURCES**

|                   |                           |                            |          |
|-------------------|---------------------------|----------------------------|----------|
| *Slater, Micah V. | Human Resources Analyst 1 | Transition - Civil Service | 11/26/12 |
| Adams, Sherry S.  | Human Resources Analyst 3 | New Hire                   | 11/19/12 |

\*Transition to Civil Service from Part Time status

**CIVIL SERVICE COMMISSION**

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**(B) APPOINTMENTS**

| <u>NAME</u>                                  | <u>CLASSIFICATION</u>         | <u>TYPE</u>                        | <u>DATE</u> |
|--|-------------------------------|------------------------------------|-------------|
| <b><u>INFORMATION TECHNOLOGY SERVICE</u></b> |                               |                                    |             |
| Jackson, Matthew E.                          | Info Systems Division Manager | New Hire                           | 10/29/12    |
| *Gilbert, Scott C.                           | Information Systems Advisor 1 | Vol Reduction /<br>In Salary Grade | 10/28/12    |
| *Stephens Jr., Charles W.                    | Information Systems Advisor 1 | Vol Reduction /<br>In Salary Grade | 11/12/12    |

\*Voluntary reduction in salary grade from IS Division Manager (SR14) to IS Advisor 1 (SR13)

**METROPOLITAN CLERK**

|                   |                       |           |          |
|-------------------|-----------------------|-----------|----------|
| Kyle, Richard A.  | Office Support Spec 1 | New Hire  | 11/19/12 |
| Williams, Reed R. | Program Manager 1     | Promotion | 10/30/12 |

**MUNICIPAL AUDITORIUM**

|                    |                               |                                   |          |
|--------------------|-------------------------------|-----------------------------------|----------|
| Taylor, Michael L. | Building Maintenance Mechanic | Promotion/<br>Department Transfer | 11/12/12 |
|--------------------|-------------------------------|-----------------------------------|----------|

Department Transfer from Public Works (Skilled Craft Worker, TG7) to Municipal Auditorium (Building Maintenance Mechanic, TG8)

**PARKS**

|                   |                           |                            |          |
|-------------------|---------------------------|----------------------------|----------|
| Cook, Carlos L.   | Recreation Center Manager | Promotion                  | 10/26/12 |
| Doss, Demarkus A. | Recreation Center Manager | Transition - Civil Service | 10/26/12 |

Transition to Civil Service (Rec Center Manager) from Part Time Status (Recreation Leader)

**POLICE**

|                     |                                 |              |          |
|---------------------|---------------------------------|--------------|----------|
| Trent, Sharon G.    | Police Operations Coordinator 1 | Promotion    | 11/01/12 |
| Mays, Lisa D.       | Police Operations Coordinator 2 | Promotion    | 11/01/12 |
| Duggan, William J.  | Technical Specialist 1          | New Hire     | 11/16/12 |
| Sanderson, Corey L. | Police Sergeant                 | Reemployment | 11/16/12 |

**PUBLIC WORKS**

|                      |                               |                                |          |
|----------------------|-------------------------------|--------------------------------|----------|
| West, Bryson G.      | Maintenance & Repair Worker 2 | Promotion                      | 11/26/12 |
| Hinton, Brandi M.    | Office Support Specialist 1   | New Hire                       | 11/12/12 |
| Turnbo, Mary Darlene | Office Support Specialist 1   | Return From<br>Service Pension | 11/12/12 |
| *Ezell, Jeffrey C.   | Program Specialist 3          | Transition - Civil Service     | 11/12/12 |
| Hubble, Vivian L.    | Safety Inspector 2            | Promotion                      | 10/29/12 |
| McNeil Jr., David W. | Skilled Craft Worker 1        | Promotion                      | 11/26/12 |

\*Transition to Civil Service (Program Specialist 3) from Part Time status (Program Specialist 2)

**CIVIL SERVICE COMMISSION**

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**(B) APPOINTMENTS**

| <u>NAME</u>            | <u>CLASSIFICATION</u>  | <u>TYPE</u>                                  | <u>DATE</u> |
|------------------------|------------------------|--|-------------|
| <b><u>SHERIFF</u></b>  |                        |  |             |
| Bogle, Victor A.       | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Brown, Troy A.         | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Clayborne, Shawn D.    | Correctional Officer 1 | Re-Hire                                      | 11/01/12    |
| Ferrin, Sarah E.       | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Hayes, Frozene C.      | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Hayes, John R.         | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Jackson, Briana N.     | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Kobulnicky, Matthew R. | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Lintz, Bobby L.        | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| *Luckett, Phillip B.   | Correctional Officer 1 | Transfer - Civil Service /<br>Dept. Transfer | 11/01/12    |
| Lutz III, Richard C.   | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Midgett, Jonathan C.   | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Payne, Kelly R.        | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Peterson, Skylar P.    | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Petre III, James A.    | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Ross, Brittany D. P.   | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Scales IV, Herman A.   | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Skelton, Milton L.     | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Steele, Lawanda        | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Stewart, Jasmyn M. N.  | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Strand, Jason P.       | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Tolbert, Jason L.      | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Torres, Jorge N. T.    | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Trammell, Lashunda G.  | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Trea, Bryan E.         | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Webb, Tony V.          | Correctional Officer 1 | Re-Hire                                      | 11/01/12    |
| ^Wethington, Larry K.  | Correctional Officer 1 | Promotion/<br>Department Transfer            | 11/01/12    |
| Woodall, Stephen C.    | Correctional Officer 1 | New Hire                                     | 11/01/12    |
| Wilkerson, Lynous E.   | Correctional Officer 2 | Reemployment                                 | 11/18/12    |

Department Transfer from Parks (Seasonal Worker) to Sheriff (Correctional Officer)

^Department Transfer from Library (Property Guard, SR5) to Sheriff (Correctional Officer 1, CO1)

**SOCIAL SERVICES**

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

**WATER SERVICES**

|                       |                                   |                        |          |
|-----------------------|-----------------------------------|------------------------|----------|
| *Armour, Randall Lee  | Information Systems Advisor 1     | Department Transfer    | 10/29/12 |
| ^Sharp, Charles David | Skilled Craft Worker 1            | Reinstate-Disciplinary | 11/12/12 |
| Boleyjack, Carlton R. | Treatment Plant Assistant Manager | Promotion              | 11/10/12 |
| White, Michael L.     | Treatment Plant Tech 1            | New Hire               | 11/10/12 |

\*Department Transfer from ITS to Water

^Employee reinstated to previous classification due to overturned termination

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

**TERMINATIONS/ PENSIONS**

| <u>NAME</u>                  | <u>CLASSIFICATION</u>             | <u>TYPE</u> | <u>DEPARTMENT</u> | <u>DATE</u> |
|------------------------------|-----------------------------------|-------------|-------------------|-------------|
| Pickett, Jeremy A.           | Emer Telecommunications Off 1     | Resignation | ECC               | 11/20/12    |
| Thomas, Kevin R.             | Emer Telecommunications Off 2     | Resignation | ECC               | 11/02/12    |
| Auer, Jon E.                 | Computer Operator 2               | Resignation | ITS               | 11/01/12    |
| McEuen, Anthony Scott        | Information Systems Advisor 1     | Resignation | ITS               | 11/23/12    |
| Marcella, Emmanuel G.        | Senior Internal Auditor           | Resignation | Internal Audit    | 11/09/12    |
| Barnett, Sarah R.            | Administrative Services Officer 2 | Resignation | Police            | 11/13/12    |
| Clark, Brian Justin          | Police Officer 2                  | Resignation | Police            | 10/26/12    |
| Elkins Jr., Kenneth A.       | Police Officer 2                  | Pension     | Police            | 11/15/12    |
| Hernandez Carpiette, Raul S. | Police Officer 2                  | Resignation | Police            | 10/25/12    |
| Holliday, Edward S.          | Police Officer 2                  | Resignation | Police            | 11/14/12    |
| Johnson, Andrew B.           | Police Officer 2                  | Resignation | Police            | 10/26/12    |
| Krause, Karen S.             | Police Officer 2                  | Pension     | Police            | 10/31/12    |
| Smith, Brandon D.            | Police Officer 2                  | Dismissal   | Police            | 11/05/12    |
| Sneed, Timothy S.            | Police Officer 2                  | Pension     | Police            | 10/30/12    |
| Craighead, James R.          | Police Security Guard 1           | Pension     | Police            | 11/19/12    |
| Steele, Kevin D.             | Police Sergeant                   | Pension     | Police            | 10/31/12    |
| Suggs, Kenneth Lance         | Police Sergeant                   | Resignation | Police            | 10/31/12    |
| Summerlin, William A.        | Police Sergeant                   | Pension     | Police            | 11/12/12    |
| Emery, Paul D.               | Property Guard 2                  | Resignation | Public Library    | 11/09/12    |
| Potter, John R.              | Maintenance & Repair Leader 1     | Resignation | Public Works      | 11/09/12    |
| Atlee, Eric C.               | Correctional Officer 1            | Resignation | Sheriff           | 11/15/12    |
| Childers, Zachary R.         | Correctional Officer 1            | Resignation | Sheriff           | 11/21/12    |
| Ewing Jr. Clarence A.        | Correctional Officer 1            | Resignation | Sheriff           | 11/06/12    |
| Rolin, Cary D.               | Correctional Officer 1            | Pension     | Sheriff           | 10/27/12    |
| Stephens, John P.            | Correctional Officer 1            | Pension     | Sheriff           | 11/01/12    |
| Dalton, Decorey D.           | Correctional Officer Sergeant     | Dismissal   | Sheriff           | 11/01/12    |

***MOTION: After some discussion, Commissioner Allen 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> |
|--|--------------|----------------|-------------|-------------|--------------------------|
| IS Division Manager-Desktop Support            | ITS          | 24             | Open        | 10/29/12    | E                        |
| Building Maintenance Mechanic                  | Auditorium   | 42             | Open        | 10/30/12    | E                        |
| Equipment Operator 3                           | Public Works | 62             | Open        | 10/31/12    | A                        |
| Equipment Operator 2                           | Public Works | 53             | Open        | 10/31/12    | A                        |
| Equipment Operator 1                           | Public Works | 57             | Open        | 10/31/12    | A                        |
| Police Operations Coordinator 1-Youth Services | Police       | 19             | Dept        | 11/01/12    | E                        |
| Technical Specialist 1-Police Helicopter Pilot | Police       | 49             | Open        | Continuous  | E                        |
| Program Specialist 3                           | Public Works | 29             | Open        | 11/06/12    | E                        |
| Office Support Specialist 1                    | Metro Clerk  | 383            | Open        | 11/06/12    | E                        |

**ELIGIBILITY REGISTER REPORT**

| <u>Classification</u>             | <u>Dept</u>      | <u>On List</u> | <u>Type</u> | <u>Date</u> | <u>Establish/Abolish</u> |
|-----------------------------------|------------------|----------------|-------------|-------------|--------------------------|
| Human Resources Analyst 3         | Human Resources  | 109            | Open        | 11/08/12    | E                        |
| Equipment & Supply Clerk 2        | Fire             | 362            | Open        | 11/09/12    | E                        |
| Planning Technician 1             | Planning Comm    | 133            | Open        | 11/12/12    | E                        |
| Human Resources Analyst 1         | Human Resources  | 342            | Open        | 11/14/12    | E                        |
| Custodian 1                       | Library          | 159            | Open        | 11/15/12    | A                        |
| Program Coordinator               | Parks            | 158            | Open        | 11/15/12    | E                        |
| Maintenance and Repair Worker 2   | Public Works     | 1              | Dept        | 11/21/12    | E                        |
| Maintenance and Repair Worker 2   | Parks            | 3              | Dept        | 11/16/12    | E                        |
| Emergency Technician 1            | Fire             | 145            | Open        | Continuous  | E                        |
| Application Technician 2          | Finance          | 63             | Open        | 11/19/12    | E                        |
| Finance Officer 2                 | Finance          | 83             | Open        | 11/19/12    | E                        |
| Equipment Servicer                | General Services | 20             | Open        | 11/20/12    | E                        |
| Finance Administrator             | Finance          | 5              | Dept        | 11/27/12    | E                        |
| Computer Operator 2               | Police           | 143            | Open        | 11/28/12    | E                        |
| Treatment Plant Assistant Manager | Water Services   | 33             | Open        | 11/28/12    | E                        |
| Property Guard 2                  | Library          | 122            | Open        | 11/29/12    | A                        |
| Property Guard 2                  | Library          | 153            | Open        | 11/29/12    | E                        |
| Senior Internal Auditor           | Internal Audit   | 17             | Open        | 11/29/10    | A                        |

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

**DEPARTMENTAL ITEMS**

**HUMAN RESOURCES**

(1: **Director Rita Roberts-Turner, represented by Deputy Director Jim Kramer, requested approval for a Public Hearing.**

Deputy Director Kramer stated that a Public Hearing is needed to discuss recommended changes to the rules on IOD, considering statewide trends and the rising costs of IOD's. One of the changes under Civil Service rule 4.8, In-Line-of-Duty Injury Leave - "Period of Compensation" would include time employees are on light duty in the 130 day leave entitlement. Also, there is a proposal to "Compensation Received" under light duty to be reduced from 100% to 66 2/3%.

The last change would be to change the terminology that presently reads "130 days" to "six months" of leave. The intent is to provide consistent benefits across the government. Finance Director Rich Rebilling said the program seemed to be escalating at a greater pace than any of the other benefit programs. There were meetings held to review and see what could control the costs and still provide a strong benefit to the employees. Mr. Rebilling supported the changes and felt they would be good and allow the integrity of the program to go forward at a cost the city could afford. There was a suggestion to hold the Public Hearing after the Commission's regular meeting on January 8, 2013.

**MOTION:** *After some discussion, Commissioner North moved to approve a Public Hearing following the regular scheduled meeting on January 8, 2013. Seconded by Commissioner Sanders and the Commission approved without objection.*

**PARKS**

- (2: Director Tommy Lynch, represented by Monique Odum, requested approval to Increase Salaries for Park Police Personnel.

Ms. Odum stated that the Parks Department intent is to increase all Park Police salaries based on a recommendation from a job audit that these personnel fit within the public safety pay scale. As changes to the pay scale are not appropriate in the middle of the budget year, the department requests to bump the current officers up and fit them into the pay scale when it opens again. Current salaries are to be increased by two steps or at six (6%) percent. This was based on an audit report conducted after evaluating the position and responsibilities performed by the Park Police.

**MOTION:** *After some discussion, Commissioner Allen moved to approve the Parks Police salaries as requested. Seconded by Commissioner North and the Commission approved without objection.*

**PLANNING COMMISSION**

- (3: Director Richard Bernhardt request approval for a Salary Increase for Jeffrey Leach, Finance Officer 3.

**ACTION:** *This request was deferred until the next regular meeting on January 8, 2013.*

**POLICE**

- (4: Chief Steve Anderson requested approval to Extend Out-of-Class Pay Beyond 100 Days for Ms. Carol Harp.

Chief Anderson said the Director of the Behavioral Health Services recently retired in July 2012. Ms. Harp, who is presently classified as a Police Crisis Counselor Supervisor, has been working out of class in this position for nearly six months. Human Resources is working the Police Department to develop a recruitment plan to fill the position.

**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.*

**SPORTS AUTHORITY**

- (5: Mr. J.D. Elliott, Chairman of the Metropolitan Sports Authority requested approval of Leave from Civil Service Status for Ms. Monica C. Fawknorton, Administrative Services Officer 3, to serve as Interim Director.

Ms. Fawknorton will be serving as Interim Director until the position is permanently filled. The request is not to exceed one year. Her leave from Civil Service begins December 1, 2012.

**MOTION:** *After some discussion, Commissioner Allen moved for approval of the above request as submitted. Seconded by Commissioner Sanders 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:

- (6: Consideration of appeal requests regarding a Medical Disqualification for the position of Police Officer Trainee. Applicants are as follows:

**(A) Medical Waiver for Police Officer Trainee – Applicant VG**

Mr. VG was disqualified as a Police Officer Trainee for failing to pass a required physical examination administered by Medical Examiner Celia Goodson. Dr. Goodson referred to the "Standards of Medical Fitness" AR 40-501, 2-19 Vascular system – (b) hypertensive vascular disease (401) does not meet the standard. As for 2-23 Lungs/chest wall/pleura and mediastinum – (d) Asthma (493). Dr. Goodson said she made a recommendation to approve the applicant. The medical records presently show hypertension and asthma to be well controlled with medical management. The conditions are not expected to be a negative impact on the safe performance of duties as a Police Officer Trainee or Police Officer. Applicant VG was present before the Commission to review and discuss his case.

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

**(B) Medical Waiver for Police Officer Trainee – Applicant RC**

Ms. RC was disqualified as a Police Officer Trainee for failing to pass a required physical examination administered by Medical Examiner Celia Goodson. Dr. Goodson referred to the "Standards of Medical Fitness" AR40-501, 2-23 Lungs Chest wall, pleura and mediastinum – (d) Asthma (493). Dr. Goodson said her recommendation is to approve the applicant since medical records show it to be well controlled with current medical management. The condition is not expected to be a negative impact on the safe performance of duties as a Police Officer Trainee or Police Officer. Applicant RC was present before the Commission to review and discuss her case.

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

**(C) Medical Waiver for Police Officer Trainee – Applicant VA**

Mr. VA was disqualified as a Police Officer Trainee for failing to pass a required physical examination administered by Medical Examiner Celia Goodson. Dr. Goodson referred to the "Standards of Medical Fitness" AR40-501, 2-23 Lungs Chest wall, pleura and mediastinum – (d) Asthma (493). Dr. Goodson said her recommendation is to approve the applicant since medical records show it to be well controlled with current medical management. The condition is not expected to be a negative impact on the safe performance of duties as a Police Officer Trainee or Police Officer. Applicant VA was present before the Commission to review and discuss his case.

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



**(D) Medical Waiver for Police Officer Trainee – Applicant DM**

Mr. DM was disqualified as a Police Officer Trainee 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, 2-7 Hearing”. Dr. Goodson stated her recommendation is to approve the applicant. She said the current hearing threshold level indicated a slight deficits but it should not limit his ability to perform his duties as a Police Officer Trainee or Police Officer. Applicant DM was present before the Commission to review and discuss his case.

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

**(E) Medical Waiver for Police Officer Trainee – Applicant AC**

Mr. AC was disqualified as a Police Officer Trainee 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, 2-26 Neurological disorders. She stated although the applicant sustained head injury from a serious motor vehicle accident in July 2011, he recovered from the incident and with surgeries no residual deficits exist. He was released to full duty by his neurosurgeon in March 2012. She said her recommendation is to approve the applicant. Although there was previous history of head trauma, it is not expected to be a negative impact on the safe performance of duties as a Police Officer Trainee or Police Officer. Applicant AC was present before the Commission to discuss and review his case.

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

**(F) Medical Waiver for Police Officer Trainee – Applicant SO**

Mr. SO was disqualified as a Police Officer Trainee for failing to pass a required physical examination administered by Medical Examiner Celia Goodson. Dr. Goodson referred to the “Standards of Medical Fitness” AR40-501, 2-23 Lungs Chest wall, pleura and mediastinum – (d) Asthma (493). She said her recommendation is to approve the applicant. Dr. Goodson stated the medical record shows the asthma to be well controlled with medical management and does not expect the condition to be a negative impact on the performance of duties as a Police Officer Trainee or Police Officer. Applicant SO was present before the Commission to review and discuss his case.

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

**(G) Medical Waiver for Police Officer Trainee – Applicant TH**

Mr. TH was disqualified as a Police Officer Trainee for failing to pass a required physical examination administered by Medical Examiner Celia Goodson. Dr. Goodson referred to the “Standards of Medical Fitness” AR 40-501, 2-19 Vascular system - (B) history of hypertensive vascular disease (401) does not meet standard. After reviewing medical records, hypertension is controlled with medical management. Her recommendation is to approve and she does not expect to limit the safe performance of duties as a Police Officer Trainee or Police Officer. Applicant TH was present before the Commission to review and discuss his case.

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

**(H) Medical Waiver for Police Officer Trainee – Applicant BE**

Mr. BE was disqualified as a Police Officer Trainee for failing to pass a required physical examination administered by Medical Examiner Celia Goodson. Dr. Goodson referred to the “Standards of Medical Fitness” AR 40-501, 2-19 Vascular system (b) history of hypertensive vascular disease (401) does not meet standard. She said the applicant is receiving treatment from his personal physician. Dr. Goodson said she recommended approval of the applicant. The condition is not expected to be a negative impact of his ability to perform duties as a Police Officer Trainee or Police Officer. Applicant BE was present before the Commission to review and discuss his case.

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

**(I) Medical Waiver for Police Officer Trainee – Applicant RL**

Ms. RL was disqualified as a Police Officer Trainee for failing to pass a required physical examination administered by Medical Examiner Celia Goodson. Dr. Goodson referred to the “Standards of Medical Fitness” AR40-501, 2-23 Lungs Chest wall, pleura and mediastinum – (d) Asthma (493 – including reactive airway disease, exercised-induced bronchospasm). She said the applicant has been able to control her asthma since age 16. Dr. Goodson recommended approval and does not expect this to limit the safe performance of duties as a Police Officer Trainee or Police Officer. Applicant RL was present before the Commission to review and discuss her case.

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

**(J) Medical Waiver for Police Officer Trainee – Applicant DS**

Mr.DS was disqualified as a Police Officer Trainee for failing to pass a required physical examination administered by Medical Examiner Celia Goodson. Dr. Goodson referred to the “Standards of Medical Fitness” AR40-501, 2-23 Lungs Chest wall, pleura and mediastinum – (d) Asthma (493 – including reactive airway disease, exercised-induced bronchospasm or asthmatic bronchitis, reliably diagnosed and symptomatic after the 13<sup>th</sup> birthday). Dr. Goodson reviewed the medical records and show asthma to be well controlled with medical management. She recommended approval and does not expect this to limit the safe performance of the duties as a Police Officer Trainee or Police Officer. Applicant DS was present before the Commission to review and discuss his case.

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

**(7: Consideration of Request for a Medical Waiver for Fire - Paramedic Applicant - ST**

Mr. ST was disqualified as Paramedic I due to uncontrolled or poorly controlled hypertension as well as providing false or misleading information during his physical examination to Medical Examiner Dr. Celia Goodson. Mr. ST did not disclosed that his physician had prescribed medication to him for high blood pressure. Under NFPA 1582, 6.10.2.1 (Hypertension) and NFPA 1582, 4.3, it was further noted that upon

reviewing medical records, Dr. Goodson said there was a history of significant blood pressure elevation and medicine prescribed by the applicant's personal physician. Due to findings regarding the applicants not providing complete and accurate information of medical history and usage of medication, Dr. Goodson issued a medical denial. Applicant ST was present before the Commission to review and discuss his case.

**MOTION:** *After much discussion, Commissioner Allen moved to deny Mr. ST a medical waiver for the position of Paramedic. Seconded by Commissioner North and the Commission approved without objection.*

**(8): Review Agreed Order of Dismissal for Brian Petty, Police Dept.**

Officer Brian Petty was terminated from his position and charged with General Order 04-05 (1) False or Inaccurate Reports regarding personal history statement; (2) Honesty and Truthfulness and (3) False or Inaccurate Reports regarding an incomplete DD-214 provided to MNPd. The action was taken based on discipline Mr. Petty faced with the United States Army during his deployment in Iraq. A departmental hearing was conducted on November 15, 2007. The Police Department notified Mr. Petty of his termination on December 7, 2007.

Mr. Petty appealed on December 17, 2007 and the case was assigned to Administrative Law Judge Meg Robertson. Metro Attorney Kevin Klein represented the Police Department. Mr. Petty was represented by Michael J. Wall. A Hearing was scheduled for May 27, 2008 but was reschedule to be heard on August 14 & 15, 2008. At that time, parties waited on a decision by the United States Court of Appeals for the Sixth Circuit regarding Mr. Petty's rights under the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301-4334 ("USERRA"). As of March, 2010, the Sixth Circuit Court issued an opinion finding that Metro violated Mr. Petty's right to prompt reemployment as patrol sergeant when returning from military leave. On remand, Mr. Petty filed a supplemental complaint directly challenging his termination and has not entered a summary judgment in favor of Mr. Petty on his reemployment claims. The District Court analyzed Mr. Petty's Termination as part of his reemployment under USERRA and ordered Metro to reinstate him as Patrol Sergeant and to communicate with Peace Officer Standards and Training Commission about his change in status. The District Court held a trial on May 25, 2010 to resolve Mr. Petty's extra-duty jobs claim and to determine the appropriate amount of damages, including back pay, since his termination. No further paper work was submitted by either party regarding Mr. Petty's status during this period of time.

On November 29, 2012, Administrative Law Judge Thomas G. Stovall submitted an Agreed Order of Dismissal showing the parties agreed that the appeal should be dismissed as moot. Federal matters have been concluded, Mr. Petty has been reinstated to his position and was compensated for all damages arising from them. The appeal is to be dismissed and closed.

Metro Attorney Chris Lackey and Attorney Michael J. Wall were present before the Commission to discuss the case.

**MOTION:** *After some discussion, Commissioner North moved for approval to Uphold Administrative Law Judge Thomas Stovall's Agreed Order of Dismissal as submitted. Seconded by Commissioner Allen and the Commission approved without objection.*

**(9: Review Petition of Reconsideration of Final Order – Darryl Morton, Police Dept.**

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

Judge Williams heard the case on May 1, 2012 and on October 9, 2012, and entered in an **Initial Order for a Twenty (20) Day Suspension**. *It was concluded that total discipline was one (1) day less than imposed by MNPd for charge 6, i.e. (2) days appropriate not three. Other components (Charge 1 = 4 days; Charge 2 = 3 days; Charge 3 = oral reprimand; Charge 4 = 1 day; Charge 5 = 2 days; Charge 7 = 8 days of the suspension are concluded to be appropriate discipline for proven conduct and 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.*

On November 13, 2012, the matter came before the Civil Service Commission for review. Metro Attorney Catherine Dundon was present to discuss the case. Mr. Morton was notified of the meeting but did not show. Based upon the facts from the hearing and after reviewing the case, Commissioner North moved to overturn and modify the Initial Order from a twenty day suspension to termination. The motion was seconded by Vice-Chairman Corbitt and there were no objections from the Commission. By Final Order, it was stated that Mr. Morton's termination of employment would be stayed for fifteen days from the entry of the order. However, should he file a petition for reconsideration, the stay of termination shall remain in effect until the petition has been heard. On November 14, 2012, Human Resources Director Rita Roberts Turner sent a letter to Mr. Morton advising him if he chose to file a Petition for Reconsideration, it would need to be returned no later than December 4, 2012. On November 21, 2012, Mr. Morton filed a Petition for Reconsideration. Metro Legal Department filed a response on November 30, 2012.

On Friday, December 7, 2012, Mr. Morton retained Attorney George H. Thompson as his legal representative. Mr. Thompson and Metro Attorney Catherine Dundon were present before the Commission on December 11, 2012 to review and discuss the Petition for Reconsideration of the Final Order issued and terminating Mr. Morton from his position as Police Officer.

During the December 11, 2012 meeting, the Commission voted to hear Mr. Morton's petition.

**MOTION:** **Commissioner North moved to grant Mr. Morton's Petition for Reconsideration and to hear the case. Commissioner Allen seconded and the Commission approved without objection.**

Once the matter had been reviewed and considered by all parties, the Commission voted as follows:

**MOTION:** **After much discussion, Commissioner Allen moved for approval to Overturn termination and issue the twenty-one day suspension originally imposed by MNPd. Seconded by Commissioner Sanders. Commissioner North objected. The motion passed 2 to 1.**

**(10: Review Initial Order – Quantis Hicks, Sheriff's Office / Termination**

Quantas Hicks, Correctional Officer I, was terminated from the Sheriff's Office on March 12, 2012 for violation of the following: DCSO Policy 1-1.312 – Employee Conduct (#8) - Unauthorized sleeping on duty; (#26) - Knowingly making false statements, deliberately omitting facts, or failing to cooperate during an inquiry or investigation, whether formal or informal; and (#27) - Dishonest behavior; 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.

**MOTION:** *After much discussion, Commissioner North moved to Uphold the Initial Order of Termination as submitted by Judge Leonard Poque. Seconded by Commissioner Allen and the Commission approved without objection.*

**(11: Review Initial Order – Robert Rawlins, ITS / Termination**

Robert Rawlins was terminated from his position from the ITS Department effective June 16, 2011 for violations under Civil Service Rules - Chapter 6, Section 6.7 – (#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. Rawlins appealed his termination to the Commission on July 26, 2012 and the case was assigned to Administrative Law Judge Ann Johnson. Metro Attorney Terri Costonis represented Metropolitan Government. Mr. Rawlins was represented by Attorney Worrick Robinson. The hearing was heard by Judge Ann Johnson on March 7 and again on April 23, 2012. After reviewing the case, Judge Johnson entered an **Initial Order on September 24, 2012, upholding the appointing authority's decision to terminate the grievant.**

Metro Attorney Theresa Costonis and Attorney Worrick Robinson were present before the Commission to review and discuss the case. In the discussion, it was noted that the ITS Department's had no other choice but a pass/fail determination that was presented to them and ended up being a failed determination. In order not to violate CEGIS regulations and the management control agreement that had been signed with MNPD, ITS had no choice but to issue a fail status and terminate Mr. Rawlins.

Chairman Farmer stated before a decision can be made, it was asked that each attorney provide a brief showing what the implications would be should Mr. Rawlins be placed back to work. He also asked to show how it would impact the city if the ITS Department is forced to take someone back where there is a fail status. Briefs are to be submitted for discussion at the February meeting.

**ACTION:** *This matter was deferred in order that each attorney can provide a brief of the case to review and discuss before the Commission at the February 12, 2013 meeting.*

**(12: Human Resources Updates**

(1) HR Director Rita Roberts-Turner stated when the Commission approved the Retirement Incentive Program at November meeting, it gave eligible Metro employees an opportunity to retire and receive a \$700.00 bonus for each year of credited service. The final hearing will be before the city council on December 18, 2012. Informational meetings will continue with employees. Recently 200 employees attended one of the meetings and nearly 160 people have signed up or are scheduled to sign up for retirement.

(2) Election of Chairman and Vice-Chairman for the Commission

**MOTION:** Commissioner North moved to re-elect Chairman Farmer for the position of Chairman. Second by Commissioner Allen and the Commission approved without objection.

**MOTION:** Commissioner Sanders moved to re-elect Vice-Chairman R. Steve Corbitt for the position of Vice-Chairman. Second by Commission North and the Commission approved without objection.

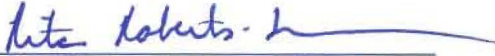
(13:      **Communiqués from the public on pending hearings**

**ACTION: None**

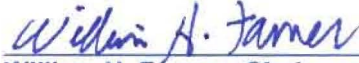
With nothing further, the regular meeting adjourned at 10:20 a.m.

**ATTEST:**

**APPROVED:**



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



William H. Farmer, Chairman  
Civil Service Commission