



METROPOLITAN CIVIL SERVICE COMMISSION

MINUTES

April 9, 2013

8:30 a.m.

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

MEMBERS: William H. Farmer, Chairman; Vice-Chairman R. Steve Corbitt; Michael Allen; Jo Ann North and 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 March 12, 2013.**

There no corrections to the regular minutes. Commissioner Allen moved for approval and a second was made by Commissioner North. There were no objections from the Commission and the regular minutes were approved.

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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APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>FINANCE</u>			
*Gray, Sandra R.	Finance Officer 3	Voluntary Reduction In Grade	03/04/13
*Voluntary Reduction In Grade from Finance Manager (SR14) to Finance Officer 3 (SR12)			

INFORMATION TECHNOLOGY SERVICE

Brown, Amy S.	Info Systems Division Manager	Promotion	03/16/13
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PARKS

Alexander, Pamela D.	Maintenance & Repair Worker 1	New Hire	03/01/13
Royalty, Brian S.	Maintenance & Repair Worker 3	Promotion	03/15/13
*McKenzie, William M.	Recreation Leader	Transition - Civil Service	03/01/13

*Transition to Civil Service Status from Part Time status

POLICE

Byrd, Scott H.	Police Lieutenant	Promotion	03/01/13
Houchin, Ashley J.	Police Operations Assistant 1	Re-Hire	02/16/13
Martin, Sarah E.	Police Operations Coordinator 2	Promotion	03/16/13
Mays, Lisa D.	Police Operations Supervisor	Promotion	03/01/13
Pachciarz, Justin Luke	Police Sergeant	Promotion	03/01/13
Rohweder, Shaun W.	Police Sergeant	Promotion	03/01/13
Valiquette, Matthew William	Police Sergeant	Promotion	03/01/13
Jones, Kyrus M.	Technical Specialist 1	New Hire	03/01/13

PUBLIC LIBRARY

Bruce, Tracy D.	Custodian 1	New Hire	02/18/13
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PUBLIC WORKS

Reece, Stephen M.	Equipment Operator 1	Re-Hire	02/19/13
Bowman, Christopher L.	Equipment Operator 3	New Hire	03/04/13
Dismore, Jarrad M.	Maintenance & Repair Worker 1	New Hire	02/19/13
Doores, Calab J.	Maintenance & Repair Worker 1	New Hire	02/19/13
Stewart, Michael L.	Maintenance & Repair Worker 1	New Hire	02/19/13
Wilson, Talmadge Cole	Maintenance & Repair Worker 1	New Hire	02/19/13
*Scott, Michael B.	Maintenance & Repair Worker 2	Voluntary Reduction In Grade	03/04/13
Jackson, Lorenzo M.	Maintenance & Repair Worker 3	Promotion	03/04/13
Madden Jr., Richard W.	Maintenance & Repair Worker 3	Promotion	03/04/13
Chapman, Jesse W.	Sanitation Worker	New Hire	02/19/13
Phillips, Shawn L.	Sanitation Worker	Re-Hire	02/19/13

Voluntary Reduction In Grade from an M & R Worker 3 (TG6) to an M & R Worker 2 (TG4)

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>SHERIFF</u>			
Aguirre, Toni K.	Correctional Officer 1	New Hire	03/01/13
Babanzadeh, Bawan	Correctional Officer 1	Re-Hire	03/01/13
Barber, Sabrina F.	Correctional Officer 1	New Hire	03/01/13
Box, Gavin L.	Correctional Officer 1	New Hire	03/01/13
Burton, Bobby	Correctional Officer 1	New Hire	03/01/13
Chandler Jr., Don E.	Correctional Officer 1	New Hire	03/01/13
Cox, Jasmine N.	Correctional Officer 1	New Hire	03/01/13
Dial, Timothy J.	Correctional Officer 1	New Hire	03/01/13
Dill, Thomas A.	Correctional Officer 1	New Hire	03/01/13
Fitzgerald, Shaunna M.	Correctional Officer 1	New Hire	03/01/13
Gianoutsos, Timothy G.	Correctional Officer 1	New Hire	03/01/13
Gonzalez Jr., Mario A.	Correctional Officer 1	New Hire	03/01/13
Grisham, Joshua D.	Correctional Officer 1	New Hire	03/01/13
Hall, Torrian M.	Correctional Officer 1	New Hire	03/01/13
Harris, Michelle Q.	Correctional Officer 1	New Hire	03/01/13
Hawkins, Caylan M.	Correctional Officer 1	New Hire	03/01/13
Hayes, Ahnjahla K.	Correctional Officer 1	New Hire	03/01/13
Jenkins, Danny A.	Correctional Officer 1	New Hire	03/01/13
Jinkins, Caleb N.	Correctional Officer 1	New Hire	03/01/13
Jones, Jonathan A.	Correctional Officer 1	New Hire	03/01/13
Knight, Lorenzo D.	Correctional Officer 1	New Hire	03/01/13
Marchese, Nicholas A.	Correctional Officer 1	New Hire	03/01/13
Rader IV, Phillips D.	Correctional Officer 1	New Hire	03/01/13
Rhodes, Tiffany L.	Correctional Officer 1	New Hire	03/01/13
Schroeder, Brian P.	Correctional Officer 1	New Hire	03/01/13
Smith Jr., David W.	Correctional Officer 1	New Hire	03/01/13
St Clair, Nicholas S.	Correctional Officer 1	New Hire	03/01/13
Suddeth Jr., Charles E.	Correctional Officer 1	New Hire	03/01/13
Tyrone, Christian J.	Correctional Officer 1	New Hire	03/01/13
Williams, Alona R.	Correctional Officer 1	New Hire	03/01/13
Withers, Harold T.	Correctional Officer 1	New Hire	03/01/13

WATER SERVICES

Hogg Jr., Robert A.	Equipment Operator 3	Promotion	03/16/13
Mickle, Tony W.	Industrial Electrician 1	New Hire	03/16/13
Grant Jr., Claude P.	Treatment Plant Assistant Manager	Promotion	03/02/13
Marsh Jr., Carl R.	Treatment Plant Assistant Manager	New Hire	03/02/13
Jeter, Michael D.	Treatment Plant Tech 1	Re-Hire	02/16/13
Stewart, Jody M.	Treatment Plant Tech 1	Re-Hire	03/16/13

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

TERMINATIONS/ PENSIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DEPARTMENT</u>	<u>DATE</u>
McWright, Richard G.	Emer Telecomm. Assistant Director	Pension	ECC	02/28/13
Lee Jr., James L.	Finance Officer 3	Pension	Finance	02/15/13
McDonald, Angelyn C.	Finance Officer 3	Pension	Finance	02/28/13
Lankford, Gail C.	Administrative Services Officer 3	Pension	Fire	02/28/13
Campanali, Nicholas F.	Emergency Medical Tech 2	Pension	Fire	02/28/13
Morris, Harry A.	Emergency Medical Tech 2	Pension	Fire	02/28/13
Moretti, Julia A.	Fire Assistant Chief	Pension	Fire	02/28/13
Battle, Roger W.	Fire Captain	Pension	Fire	02/27/13
Binkley, John M.	Fire Captain	Pension	Fire	02/28/13
Jennings, Thomas N.	Fire Captain	Pension	Fire	02/28/13
Moyer Jr., Charles F.	Fire Captain	Pension	Fire	02/27/13
Mundy, Ray D.	Fire Captain	Pension	Fire	02/28/13
Perry, Harvey H.	Fire Captain	Pension	Fire	02/28/13
Pillow, Douglas L.	Fire Captain	Pension	Fire	02/28/13
Reasonover, Michael D.	Fire Captain	Pension	Fire	02/28/13
Gilbert, Larry W.	Fire District Chief	Pension	Fire	02/28/13
Bryant, William L.	Fire Engineer	Pension	Fire	02/26/13
Davis, Charles M.	Fire Engineer	Pension	Fire	02/27/13
James, Jerry W.	Fire Engineer	Pension	Fire	02/27/13
Lockhart, Ricky L.	Fire Engineer	Pension	Fire	02/17/13
McClanahan, Robert S.	Fire Engineer	Pension	Fire	02/22/13
Simmons III, James V.	Fire Engineer	Pension	Fire	02/27/13
Gooch, Shirley A.	Fire Inspector 2	Pension	Fire	02/28/13
Simmons, Walter J.	Fire Lieutenant	Pension	Fire	02/28/13
Cowherd, Ronnie D.	Fire Maintenance Worker 1	Pension	Fire	02/28/13
Scott Sr., Charles A.	Fire Marshal-Deputy	Pension	Fire	02/28/13
Fuqua, Donald R.	Firefighter 3	Pension	Fire	02/26/13
Herrell, Kenneth W.	Firefighter 3	Pension	Fire	02/26/13
Ozment, Danny M.	Firefighter 3	Pension	Fire	02/27/13
Toedter, Dwight W.	Firefighter 3	Pension	Fire	02/26/13
Useton, Terry T.	Firefighter 3	Pension	Fire	02/28/13
Williams, Edward K.	Firefighter 3	Pension	Fire	02/28/13
Williams, Steven W.	Firefighter 3	Pension	Fire	02/26/13
Thomas, William D.	Paramedic 2	Pension	Fire	02/25/13
Cleveland, Ronald E.	Automotive Shop Supervisor	Pension	General Services	02/28/13
Gore, James M.	Equipment & Supply Clerk 2	Pension	General Services	02/28/13
Hughes, Donnie L.	Equipment Shop Supervisor	Pension	General Services	02/28/13
Cruse, Steve C.	Master Tech	Pension	General Services	02/28/13
Simmons, Richard C.	Master Tech	Pension	General Services	02/28/13
Stanton, Malia C.	Application Tech 3	Pension	Human Resources	02/28/13
Wilkerson, Patricia A.	Application Tech 3	Pension	Human Resources	02/28/13
Jackson, Matthew E.	Info Systems Division Manager	Resignation	ITS	02/28/13
Thorson, Christopher M.	Information Systems Oper Analyst 3	Resignation	ITS	02/15/13
Farris Sr., David R.	Information Systems Advisor 1	Pension	ITS	02/28/13
Mayo, Sharon D.	Administrative Assistant	Pension	Law	02/28/13
Bradley, Herbert E.	Custodian 1	Pension	Parks	02/28/13
Sandlin, Ronny L.	Greenskeeper 2	Pension	Parks	02/28/13
Soard, Mitchell J.	Greenskeeper 2	Pension	Parks	02/28/13
Gilley, Ronnie L.	Maintenance & Repair District Supv	Pension	Parks	02/28/13
Lewis, Gregory A.	Maintenance & Repair Leader 1	Pension	Parks	02/28/13
Hannah, Edward W.	Maintenance & Repair Worker 2	Pension	Parks	02/28/13
Goodwin, Martin T.	Maintenance & Repair Worker 3	Pension	Parks	02/28/13

TERMINATIONS/ PENSIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DEPARTMENT</u>	<u>DATE</u>
Karponai, Stephen J. P.	Maintenance & Repair Worker 3	Pension	Parks	02/28/13
Kelly Sr., Henderson	Parks & Recreation Supt	Pension	Parks	02/28/13
Reynolds, Willette J.	Recreation Center Manager	Pension	Parks	02/28/13
White, Betty J.	Recreation Center Manager	Pension	Parks	02/28/13
Wright, Josephine E.	Recreation Center Manager	Pension	Parks	02/28/13
Carr, Denise M.	Specialized Skills Instructor	Pension	Parks	02/28/13
Dobson, William H.	Specialized Skills Instructor	Pension	Parks	02/28/13
Gober, Deborah L.	Office Support Rep 2	Pension	Police	02/28/13
Chavous, Marvin L.	Police Officer 2	Pension	Police	02/28/13
Constant, Tony L.	Police Officer 2	Pension	Police	02/28/13
Haynes, Harrison C.	Police Officer 2	Resignation	Police	02/28/13
Porter, Jeffery M.	Police Officer 2	Pension	Police	02/28/13
Russell II, Loren J.	Police Officer 2	Resignation	Police	02/22/13
Russell, Robert E.	Police Officer 2	Pension	Police	02/28/13
Taylor Jr., Wallace H.	Police Officer 2	Pension	Police	02/28/13
Davenport, Robert W.	Police Officer 2-Fld Training Officer	Pension	Police	02/28/13
Baker, Garry Wayne	Police Officer 3	Pension	Police	02/28/13
McClain, Missouri A.	Police Operations Coordinator 2	Pension	Police	02/22/13
Bianconi, Joseph P.	Police Sergeant	Pension	Police	02/28/13
Fowler, Kerry M.	Police Sergeant	Pension	Police	02/28/13
Steinbrecher, Brenda G.	Police Sergeant	Pension	Police	02/28/13
Majors, Katie M.	Circulation Assistant 2	Pension	Public Library	02/28/13
Ballenger, Dorothy F.	Library Associate 1	Pension	Public Library	02/28/13
Dromgoole, Nancy R.	Library Associate 1	Pension	Public Library	02/28/13
Edgin, Mary A.	Library Associate 1	Pension	Public Library	02/28/13
Scott Jr., Myles W.	Library Associate 2	Pension	Public Library	02/28/13
Ortegon, Sandra E.	Engineering Tech 2	Pension	Public Works	02/28/13
Cantrell Jr., Robert M.	Equipment Operator 2	Pension	Public Works	02/28/13
Brown, Keith L.	Equipment Operator 3	Pension	Public Works	02/28/13
Peters, Herman L.	Maintenance & Repair Leader 1	Pension	Public Works	02/28/13
Hall Jr., Elton C.	Traffic Control Manager	Pension	Public Works	02/28/13
Lawhorn Jr., Walter L.	Trans Licensing Inspector 2	Pension	Public Works	02/28/13
Beshearse, Ricky E.	Waste Management Supervisor	Pension	Public Works	02/28/13
Rosenthal, Deandria	Correctional Officer 1	Resignation	Sheriff	02/27/13
Schlechty III, Charles G.	Correctional Officer 1	Resignation	Sheriff	02/26/13
Watson, Hugh L.	Correctional Officer 1	Resignation	Sheriff	03/01/13
Bozarth III, Charles	Correctional Officer Sergeant	Pension	Sheriff	02/19/13
Nance, Gloria J.	Office Support Spec 1	Pension	Social Services	02/28/13
Fuqua, Brenda R.	Administrative Assistant	Pension	Water Services	02/28/13
Brooks, Mickey S.	Compliance Inspector 2	Pension	Water Services	02/28/13
Wilson, Alvin D.	Customer Service Field Rep 3	Pension	Water Services	02/28/13
Craft, Bobby R.	Engineering Tech 2	Pension	Water Services	02/28/13
Jenkins, Ralph E.	Engineering Tech 2	Pension	Water Services	02/28/13
Lewis, Ronald R.	Engineering Tech 3	Deceased	Water Services	02/21/13
Mattingly, Leonard D.	Engineering Tech 3	Pension	Water Services	02/28/13
Parker, Michael A.	Engineering Tech 3	Resignation	Water Services	03/01/13
Phillips, Robert C.	Engineering Tech 3	Pension	Water Services	02/15/13
Williamson, George A.	Finance Officer 3	Pension	Water Services	02/28/13
Smith, Clyde D.	Fleet Manager - Heavy Equipment	Pension	Water Services	02/28/13
Leigh, Larry R.	Indust Mechanic 2	Pension	Water Services	02/22/13
Frierson, John S.	Indust Tech Master	Pension	Water Services	02/22/13
Mickle Sr., Anthony W.	Industrial Tech Master	Pension	Water Services	02/28/13
Buchanan Jr., Wilford H.	Masonry Worker	Pension	Water Services	02/28/13

TERMINATIONS/ PENSIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DEPARTMENT</u>	<u>DATE</u>
Weller, Joseph S.	Treatment Plant Tech 1	Resignation	Water Services	02/22/13
Wordlaw, Joe	Treatment Plant Tech 2	Pension	Water Services	02/28/13
Lamb, Michael W.	Water Maintenance Leader 1	Pension	Water Services	02/28/13
Coats, William M.	Water Quality Analyst 2	Pension	Water Services	02/28/13

MOTION: *After some discussion, Commissioner North moved to accept the Termination/Pension report for the dates and reasons stated. Seconded by Commissioner Allen 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>
E-911 Dispatcher	Emergency Comm.	42	Open	03/05/13	E
Police Operations Coordinator 2	Police	5	Dept	03/05/13	E
IS Division Manager	ITS	1	Dept	03/11/13	E
Circulation Assistant 1	Library	315	Open	03/13/13	A
Industrial Mechanic	Water	29	Open	03/13/13	E
Police Security Guard	Police	354	Open	03/14/13	E
Application Technician 3	Human Resources	61	Open	03/14/13	E
Homemaker	Social Services	15	Open	03/15/13	E
Database Administrator	ITS	3	Open	03/20/13	A
Administrative Services Officer 3	Police	82	Open	03/25/13	E
Library Associate 1	Library	130	Open	03/25/13	E
Treatment Plant Technician 1	Water	300	Open	03/26/13	A
Application Technician 2-Accounts	Finance	1	Dept	03/27/13	E
Internal Auditor 2	Internal Audit	1	Dept	03/27/13	E

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

DEPARTMENTAL ITEM

INFORMATION TECHNOLOGY SYSTEMS

- (1: Director Keith Durbin requested the following for approval of the following:
- a. Departmental Policies – Director Durbin said the department has reviewed, revised and updated the ITS Remote Work, Use of Metro Vehicles, and Employee Dress Code policies. The policies were reviewed /approved by Metro Legal and the Human Resources Department.

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

b. Open Range Increase

- (1) Wendell Kent Clements, Information Systems Division Manager (SR14) – Director Keith Durbin said Mr. Clements unique skills has afforded him the responsibility for overseeing operations of a new division that was consolidated this year which includes communication technology WAN/LAN infrastructure, voice systems and services, communications systems implementation and communications support and delivery. Mr. Clements is also responsible for developing and implementing rules / policies and the budget. Based upon his expertise and skill set in this field, he is essential to the efficient operation of ITS.

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

- (2) John C. Griffey, Jr., Information Systems Division Manager (SR14) - Director Keith Durbin said the ITS Division Manager for Security Infrastructure Services is a new position. Mr. Griffey's skillset and expertise in the ITS security services division includes Metro's firewall, physical security, identity management, public key infrastructure and email infrastructure. He is responsible for developing / implementing rules & policies, creating budgets, managing employee performance and training, as well as recommending strategic direction for ITS services and related projects. Based upon his experience, he is essential to the efficient operation of the department.

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

- (3) Margaret Keck, Information Systems Assistant Director (SR15) – Director Durbin said Ms. Keck has been in her current role since 2009. Her role in this field has grown considerably from three to 30 employees which includes seven division managers and six contractual employees. The increased duties and responsibilities performed involve directing and managing critical information technology infrastructure and information security personnel for ITS and the departments that ITS supports. Her responsibilities include budgets, operations, technical direction, employee performance and project implementation. Her functions are essential to the overall department in managing networks, phones, servers, data center management, network security and email. She too is responsible for budgets, operations, technical direction, employee performance and project implementation. The request for a pay increase is retroactive back to January 1, 2013.

MOTION: After some discussion, Commissioner North moved for approval of the above request as submitted. Vice-Chairman Corbitt 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: Report on Benefit Board Election Results – General Employee Representative

HR Analyst Seth Waltenbaugh said an election for General Employee Representative to represent the Employee Benefit Board was announced and held during the months of February and March 2013. All employees (with the exception of Police and Fire) that contributed to any Employee Benefit Board plan were notified for eligibility and could vote in the election.

Human Resources Director Rita Roberts-Turner certified the election and noted Jerry Hall of Metro General Services won the election.

<u>Candidate</u>	<u># of Votes</u>
Julie Burns	162
Jerry Hall	224
Thereasa A. Howse	93
Ruby Joyner	106
Sally Vogt	73

ACTION: *The information was submitted as a report.*

(3: Request consideration of Medical Waiver for the following POT Applicants:

Chairman Farmer said during the last meeting a motion was made to deny the medical waiver on Applicant A. In order to reconsider the Petition for Reconsideration, the Commission would need to rescind the previous motion.

1st MOTION: *Commissioner Sanders moved to rescind and reconsider Applicant A's request for a Medical Waiver for POT. Commissioner North seconded and the Commission approved without objection.*

Applicant A – DO (Petition for Reconsideration) was disqualified as a Police Officer Trainee due to his failure to pass a required physical examination administered by Medical Examiner Dr. Celia Goodson. She provided information under the Civil Service Policy 2.12-I regarding Metro Driver Safety Standards – Vision (Color Vision) and Standards of Medical Fitness AR 40-501 – 2.7 – Hearing (c) stating current hearing threshold level in either ear greater than that described below does not meet the standard: (2) pure tone level not more than 45 dB at 3000 cycles per second or 55 dB at 4000 cycles per second for each ear. Dr. Goodson noted the applicant's hearing threshold level in the left ear is 60 dB at 3000 cycles per second and 60 dB at 4000 cycles per second.

Dr. Goodson said she would still support a medical waiver for the hearing deficit present based on the American College of Occupational and Environmental Medicine (ACOEM) Guidance for the Medical Evaluation of Law Enforcement Officers. However, she was unable to support a medical waiver for the applicant's color vision deficiency. Applicant A was at the meeting to discuss the case.

2nd MOTION: *After further discussion of Applicant DO's medical situation and hearing from the applicant, Vice-Chairman Corbitt moved to deny the applicant's request for a medical waiver. Commissioner Sanders seconded and the Commission approved without objection.*

Applicant B – WG. Was disqualified as a Police Officer Trainee applicant due to his failure to pass a required physical examination administered by Medical Examiner Celia Goodson. She refers to the Standards of Medical Fitness AR 40-501, 2-19 Vascular system b. Current or history of hypertensive vascular disease (401) does not meet the standard. Dr. Goodson noted the medical record that hypertension was to be controlled with current medical management. The condition should not limit him safely performing the duties of a police officer trainee or police officer. Applicant B was present before the Commission to discuss the case.

MOTION: *After some discussion, Commissioner Allen moved to approve the applicant's request for a medical waiver. Commissioner North seconded and the Commission approved without objection.*

Applicant C – SJ was disqualified as a Police Officer Trainee applicant due to his failure to pass a required physical examination administered by Medical Examiner Dr. Celia Goodson. She refers to the Standards of Medical Fitness AR 40-501, 2-7 Hearing (2) Pure tone level not more than 55dB at 4000 cycles per second for Each ear. Applicant's right ear hearing threshold is 70 dB at 4000 cycles per second. By the ACOEM testing should include 4K, 6k, and 8k Hz to monitor hearing for hearing conservation programs but testing at these frequencies should not be considered in medical fitness for duty evaluations. Applicant's high frequency hearing loss is not expected to pose a safety risk in the performance of duties of a police officer trainee or police officer. Applicant C was present before the Commission to discuss the case.

MOTION: *After some discussion, Commissioner Allen moved for approval of the applicant's request for a medical waiver. Commissioner North seconded and the Commission approved without objection.*

Applicant D – AK was disqualified as a police officer trainee applicant due to failure to pass a required physical examination administered by Medical Examiner Celia Goodson. She refers to the Standards of Medical Fitness AR 40-501, 2-28 Skin and cellular tissues. (o) Current or history of psoriasis (696.1) does not meet the standard. Dr. Goodson said the applicant history of psoriasis is not expected to negatively impact his ability to safely perform the duties of a police officer trainee or police officer. Applicant D was present before the Commission to discuss the case.

MOTION: *After some discussion, Commissioner Allen moved for approval of the applicant's request for a medical waiver. Commissioner North seconded and the Commission approved without objection.*

Applicant E – CT was disqualified as a Police Officer Trainee applicant due to his failure to pass a required physical examination administered by Medical Examiner Celia Goodson. She refers to the *Standards of Medical Fitness AR 40-501, 2-19 Vascular system (b) Current or history of hypertensive vascular disease (401) does not meet the standard. Medical records show hypertension to be well controlled with current medical management. The condition should not limit the applicant from safely performing the duties of a police officer trainee or police officer. Applicant E was present before the Commission to discuss the case.*

MOTION: *After some discussion, Commissioner Allen moved for approval of the applicant's request for a medical waiver. Commissioner North seconded and the Commission approved without objection.*

Applicant F – EW was disqualified as a Police Officer Trainee applicant due to his failure to pass a required physical examination administered by medical Examiner Celia Goodson. She refers to the Standards of Medical Fitness AR 40-501, 2-7, Hearing (c) - Current hearing threshold level in either ear greater than that described below does not meet the standard. (2) Pure tone level not more than 45 dB at 3000 cycles per second or 55 dB at 4000 cycles per second for each ear. The applicant's left ear hearing threshold is 60 dB at 3000 cycles per second and 70 dB at 4000 cycles per second. The candidate experiences normal hearing in the right ear.

Applicant was evaluated by an otolaryngologist with the determination that job performance is not expected to be affected by this degree of unilateral high frequency hearing loss. It is not expected to pose a safety risk in the performance of duties of a police officer trainee or police officer. Applicant F was present before the Commission to discuss the case.

MOTION: *After some discussion, Commissioner Allen moved for approval of the applicant's request for a medical waiver. Commissioner North seconded and the Commission approved without objection.*

Applicant G – MW was disqualified as a Police Officer Trainee applicant due to his failure to pass a required physical examination administered by Medical Examiner Celia Goodson. She refers to the Standards of Medical Fitness AR 40-501, 2-9 Upper extremities. Applicant has congenital defect of left 3rd and 4th fingers of left hand.(2) current absence of distal and middle phalanx of an index, middle, or ring finger of either hand (886) does not meet the standard. Applicant has congenital absence of the distal and middle phalanges of the left 3rd finger and the proximal through distal phalanges of the left 4th finger.

The absence of digits on the left hand does not appear to impair his ability to utilize his left hand and is not expected to pose a safety risk in the performance of the duties of police officer trainee or police officer. Police Academy requirements for firearm performance and grappling will verify that applicant is fully capable of performing the necessary duties. Applicant G was present before the Commission to discuss the case.

MOTION: After some discussion, Vice-Chairman Corbitt moved for approval of the applicant's request for a medical waiver. Commissioner North seconded and the Commission approved without objection.

LATE ITEM – Applicant BM was disqualified as a Police Officer Trainee applicant due to his failure to pass a required physical examination administered by Medical Examiner Celia Goodson. She refers to the Standards of Medical Fitness AR-501, 2-19 Vascular system (b) current or history of hypertensive vascular disease (401) does not meet the standard. The medical record review shows hypertension to be well controlled with current medical management. The condition should not limit his safely performing the duties of a police officer trainee or police officer.

HR Analyst Seth Waltenbaugh said he had heard nor received any contact from the applicant since his appeal letter was sent to the Director. Chairman Farmer asked Mr. Waltenbaugh to get in touch with Applicant BM and find out why he did not attend the meeting. Chairman Farmer said this request will be continued until next month.

MOTION: After some discussion, Commissioner Allen moved to defer the applicant's request for a medical waiver until the May meeting. Commissioner North seconded and the Commission approved without objection.

(3: Review Order on Notice of Withdrawal – David Anderson, Police / Termination

Officer David Anderson submitted a grievance in May 2010 regarding a reoccurring IOD injury he sustained in 2005 and again in 2007. The previous injuries were classified by the department's safety coordinator as IOD compensable. However, it was determined the May 2010 injury was not related to the two previous injuries because the triggering effect was caused by bending over to retrieve a set of keys. It was pointed by Officer Anderson's attorney the re-injury was identical to the re-injury of 2007.

Chief Steve Anderson reviewed the decisions from Stage I and Stage II and denied the IOD request. On September 2, 2010, the matter was appealed to the Civil Service Commission. Metro Attorney Jonathon Michael represented the Police Department and Attorney Worrick G. Robinson, IV represented Officer David Anderson. The case was then assigned to Administrative Law Judge Marion Wall.

An Order was sent setting the hearing for February 17, 2011, but was continued to March 29, 2011. The hearing was again reset for May 3, 2012 and for December 21, 2012. On March 5, 2013, Administrative Law Judge Marion Wall, having received notice of voluntary dismissal from David Anderson and his counsel, submitted an Order of Dismissal.

Metro Attorney Jennifer Cavanaugh and Attorney Clarissa Weathers from Robinson, Regan and Young, was present to discuss the case.

MOTION: After some discussion, Commissioner North moved for approval of the Order on Notice of Withdrawal as submitted by Administrative Law Judge Marion Wall. Seconded by Vice-Chairman Corbitt and the Commission approved without objection.

(4: Review Agreed Order to Dismiss Appeal – Haskell E. Beal, Parks / 3 Day Suspension

Haskell E. Beal, Carpenter, was given a three (3) day suspension from his position effective October 16, 2012 for the following violations under Civil Service Rules Section 6.7 Grounds for Disciplinary Action: #5 – Neglect or disobedience to the lawful and reasonable orders given by a supervisor; #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.

On October 30, 2012, Mr. Beal appealed his grievance to the Civil Service Commission and the case was assigned to Administrative Law Judge Marion Wall. Metro Attorney Joshua Lee represented the Parks Department. Mr. Beal represented himself. On March 18, 2013, by request of the appellant, Haskell Beal, all parties agreed to dismiss the matter as entered in by the Agreed Order from Administrative Law Judge Marion Wall.

MOTION: After some discussion, Commissioner North moved for approval of the Agreed Order to Dismissal Appeal as submitted by Administrative Law Judge Marion Wall. Seconded by Vice-Chairman Corbitt and the Commission approved without objection.

(5: Review Agreed Order of Settlement – Decorey Dalton, Sheriff's Office / Dismissal

Decorey Dalton was terminated from his position and charged with violating the following: DCSO 1-1.312, Employee Conduct #1 Unsatisfactory performance of duties; #2 Neglect of duty or failure to perform duty; #5 Failure to follow written orders, policies, and procedures; #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; #27 Dishonest behavior; Civil Service Rules 6.7 - #10 Violation of any provision of the Metropolitan Charter or any written Executive or Administrative Orders; #11 Violation of any written rules, policies, or procedures of the department in which the employee is employed and #13 Dishonesty.

The Sheriff's Office notified Mr. Dalton of his termination on November 1, 2012.

Mr. Dalton appealed on November 10, 2012 and the case was assigned to Administrative Law Judge Leonard Pogue. Metro Attorney Catherine Dundon represented the Sheriff's Office. Mr. Dalton represented himself. A hearing was scheduled to take place on March 14, 2013. Prior to the meeting, an agreement was reached by all parties to agree to settle the Civil Service appeal filed by Mr. Dalton. Administrative Law Judge Leonard Pogue submitted the Agreed Order listing the terms of settlement.

MOTION: After some discussion, Commissioner North moved for approval of the Agreed Order of Settlement as submitted by Administrative Law Judge Leonard Pogue. Seconded by Vice-Chairman Corbitt and the Commission approved without objection.

(6: Approval of changes to Civil Service Rule 4.8 (4), (5), (6) regarding In Line of Duty Injury Leave

Chairman Farmer said that he and other members of the Commission had received a notebook from Fire Union Mark Young with information regarding IOD. He noted for the record the following statement:

"My purpose in writing you today is not to be repetitive or bog you down with paper work. Please allow me to give you an update of our activities and requests to you for the coming Commission meeting."

Chairman Farmer said the letter continues on and believes the information wasn't sent to the Human Resources department. He noted that any written material that is going to be considered needs to go to the department to obtain their view, otherwise it will slow down the general progress of the meeting. Chairman Farmer said that he had not reviewed the booklet in its entirety. He did note that one of the concerns was about an issue that had been raised earlier about employees going on disability.

He asked Mr. Kramer if someone was available today from one of the companies that deals with IOD and if they could speak on the matter. Mr. Kramer introduced Alternative Service Concepts (ASC) representative Tracy Petty. She said ASC is a third party administrator that handles Injury on Duty medical claims for Metropolitan Government. She explained how an individual (along with their supervisor) reports and fills out a form that is forward to ASC. The form is then assigned to an adjuster and the adjuster conducts an investigation, contacts the supervisor and the employee to determine if the medical claim will be covered. Compensation is made via data entry by the 101 form in the amount of \$13.00 with a onetime fee during the life of the claim. ASC receives compensation \$129.00 for short-term medical claims and \$648.00 for claims extending beyond five days. That is a one-time fee regardless of how long the claim is covered.

Commissioner Sanders asked how many claims were handled. Ms. Petty stated there were between 2700 and 2800 claims each year for the past three years. In FY 2012 roughly 1.4 million dollars was paid to ASC. Commissioner North asked who paid for the IOD claims. Director Rita Roberts Turner said there is an IOD fund from which medical payments are made. Mr. Reibeiling has referenced the expense is continually increasing.

Commissioner Allen asked about Eckman/Freeman's role. Ms. Petty said Eckman/Freeman deals with field case management that has a contract directly with Metro. When an IOD case meets Metro-established criteria, ASC refers the case to Eckman/Freeman. Eckman-Freeman Vice President of Operations Tracy Bustin and Account Manager Tonya Cain were present before the Commission. Ms. Bustin stated Eckman Freeman is a case management company. She said case management facilitates and coordinates quality, timely medical care services for the injured employees. Chairman Farmer asked how they were compensated. Ms. Bustin stated they are paid hourly (\$68.00 per hour) based upon a professional rate. Commissioner Sanders asked for an example of a case management and how it is managed. Ms. Bustin said the case managers attend the physician appointments with the injured employee. They obtain the physician treatment plan, recommendations for return to work and are communicated back to the ASC adjuster and the department. After approvals are received, Eckman/Freeman coordinates and facilitates the care. Eckman Freeman follows up with the injured employee to make sure the treatment plan is progressing and working for the employee. Any changes are reported back to the ASC adjuster and followed up with the department for a return to work. The personal physician would make the recommendation for an injured employee to return to work. Vice-Chairman Corbitt asked if the case managers were trained to look out for the best interest of the injured party. Ms. Cain said yes that it was a part of their role to be an advocate for the client to facilitate, coordinate and expedited the case. Ms. Bustin said Eckman/Freeman is accredited by URACK and must follow specific standards or risk losing their accreditation. Ms. Bustin said it is their role to find timely quality care for the injured employee.

Chairman Farmer asked hypothetically if there were an injured employee that needed surgery and the doctor says he needs surgery and for some reason he doesn't have the right records and the doctor isn't available to say it's reasonable or necessary what happens? Ms. Cain said the precertification goes through the utilization department. If it needs to be reviewed by a physician advisor, then it goes to an advisor that is board certified in the State of Tennessee with the same specialty as a treating physician. If that advisor looks at the medical records against the national criteria and it does not meet the criteria, the reviewing physician contacts the treating physician by phone, has a discussion about the recommendation, and they talk about the condition. The physician advisor then makes his determination and recommendations whether or not to approve /disapprove the procedure. Sometimes there is a delay when they try to make the peer to peer contact. It could be the treating physician that is not available and could take up to several weeks, but such delays are very rare.

Ms. Cain said that Eckman Freeman has held a contract with Metropolitan Government for the last seventeen years and noted their goal is getting things done as quickly as possible for the employee. She went on to say that delaying the procedures would run counter to that goal and negatively impact their performance measures.

Legal Director Saul Solomon said he had been involved in looking at the entire IOD program and provided further information regarding Eckman Freeman's role as a check and balance for the IOD program.

Chairman Farmer thanked everyone who came forward and stated there would be more study to the programmatic approach of our application of case management to the IOD program. He noted that Metro's recommendation for compensation had changed from 66 2/3% to 75%. He asked about the composition of the catastrophic leave committee; Mr. Kramer said the policy included Chair of the Mayor's Safety Advisory Board or their designee, the Assistant Director of Human Resources or their designee and the Chair of the Emergency Communications Center or their designee.

Chairman Farmer had concerns about the appeal process, and Mr. Kramer explained the proposal. All injured employees would receive 100% of their salary tax free for the first two weeks. During this time, employees would be notified of their potential eligibility for catastrophic leave and could apply. Others, including their department or union representative, could also apply on their behalf. A timely application would allow the Catastrophic Leave Committee to make a determination of eligibility before the percentage was reduced to 75%. This practice continues 100% salary continuation for the roughly 60% of IOD injuries that require an absence under two weeks, allows a timely decision to be made about catastrophic policy-qualifying injuries, but still saves considerable money for the costly long-term absences that are not catastrophic.

Chairman Farmer expressed concern that this process does not assure every situation is reviewed to see if it qualifies as catastrophic. He prefers the burden be on the city to determine in every situation that a reduction to 75% is merited. Finance Director Riebeling expressed his opinion that we may be able to make that work.

He said they are looking at the total program in an effort to get costs under control. IOD medical program cost for next year is a multimillion dollar increase. The number has increased every year and continues to go up. Metro is not recommending massive changes but trying to get to areas that are a little out of market and trying to keep the costs under control so that we don't have to implement a more drastic solution.

Chairman Farmer asked that Metro continue to work on it. He expressed gratitude and thanks for the case managers, Eckman Freeman and the people who do the work. He noted the sustainability of the pension program is a huge issue. You can read about other states that are in trouble and we don't want to see Nashville get in that same situation. There has been a lot of time put into this to this system to make it right. Mr. Farmer said he would like to have one more meeting to see how the appeal process works.

ACTION: Chairman Farmer deferred the matter and said the Commission would revisit the IOD matter again at another date for additional information.

(7: Human Resources Updates

Director Rita Roberts-Turner said a budget meeting is scheduled to take place on May 29, 2013 with Metro Council. Also, legislation was recently signed by Governor Haslim that is related to firearms. Human Resources will be working with the Legal Department to see what, if any, impact this particular law will have on the Civil Service Rules and Policies. Finally, beginning in June of this year, the Civil Service Commission will be moving their meetings to the Sonny West Room of the Howard Office Building.

ACTION: None

(8: Communiqués from the public on pending hearings

ACTION: None

With nothing further, the regular meeting adjourned at 10:25 a.m.

ATTEST:

APPROVED:


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


William H. Farmer, Chairman
Civil Service Commission