



METROPOLITAN CIVIL SERVICE COMMISSION

MINUTES

June 11, 2013

8:30 a.m.

Howard Office Building
Sonny West Room

700 2nd Avenue South and
Lindsley Avenue
Nashville, Tennessee 37210

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 May 14, 2013.**

Vice-Chairman Corbitt noted one correction to the regular minutes that should show him chairing May's meeting. 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. Also included in the packet was the **Special Called Minutes of May 20, 2013.** Chairman Farmer asked if there were any amendments, corrections or questions from this meeting. With no changes, Vice-Chairman Corbitt moved for approval and Commissioner Allen seconded.

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>CODES ADMINISTRATION</u>			
*Martin, Annette L.	Office Support Rep 3	Department Transfer/Promotion	05/13/13
Stromatt, Lisa A.	Office Support Spec 2	Promotion	05/13/13
Howell, Edward P.	Zoning Examiner	Promotion	04/29/13

*Department Transfer from Police (Police Operations Assistant 2, SR5) to Codes (Office Support Rep 3, SR6)

FINANCE

Crutchfield, Andrea M.	Application Tech 3	Promotion	04/29/13
Thomas, Deborah S.	Application Tech 3	Promotion	04/29/13

FIRE

Clifton, Matthew M.	Emergency Medical Tech 1	New Hire	05/16/13
Cothern, Hilary A.	Emergency Medical Tech 1	New Hire	05/16/13
Dowlen, John C.	Emergency Medical Tech 1	New Hire	05/16/13
Lackey, Joshua D.	Emergency Medical Tech 1	New Hire	05/16/13
*Howard, Deonte' L.	Fire Fighter 1	Class Change	05/16/13
Bridges, Chad K.	Paramedic 1	New Hire	05/16/13
Carman, Christopher M.	Paramedic 1	New Hire	05/16/13
Edgar, Jacob D.	Paramedic 1	New Hire	05/16/13
Gasser, Derreck T.	Paramedic 1	New Hire	05/16/13
Ghita, Jullian E.	Paramedic 1	New Hire	05/16/13
Hays, Justin T.	Paramedic 1	New Hire	05/16/13
Holt, Patrick D.	Paramedic 1	New Hire	05/16/13
Kalvoda, Corey J.	Paramedic 1	New Hire	05/16/13
Lafever, Sarah C.	Paramedic 1	New Hire	05/16/13
Lankford, Jordan L.	Paramedic 1	New Hire	05/16/13
Montgomery, Jason T.	Paramedic 1	New Hire	05/16/13
Riddle, John P.	Paramedic 1	New Hire	05/16/13
Snyder, Jason M.	Paramedic 1	New Hire	05/16/13
Summers, Kenneth W.	Paramedic 1	New Hire	05/16/13
Walker, William C.	Paramedic 1	New Hire	05/16/13
Wilson, Gregory N.	Paramedic 1	New Hire	05/16/13
Wright, Daniel R.	Paramedic 1	New Hire	05/16/13

*Class Change from Fire Recruit to Fire Fighter 1

HUMAN RESOURCES

Bell, Stephen F.	Human Resources Analyst 2	Promotion	05/06/13
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INTERNAL AUDIT

Smith, Kimberly L.	Internal Auditor 1	New Hire	05/06/13
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APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>PARKS</u>			
Rhodes, Tracey L.	Application Tech 2	New Hire	05/17/13
Bamarne, Sekvan	Custodian 1	Re-Hire	05/11/13
Waller, William R.	Custodian 1	Re-Hire	05/17/13
Brown, Cheryl D.	Office Support Spec 1	Promotion	05/10/13
Taylor V, Richard J.	Parks & Recreation Supt.	Promotion	05/10/13

POLICE

Stevenson, Jonthany D.	Administrative Assistant	Promotion	05/01/13
*Vitualla, Benedict C.	Human Resources Assistant 1	Class Change/Lateral	05/01/13
^Stricklin, Jeremy W.	Police Operations Assistant 1	Return from Pension	05/16/13
Thomas, Yawana L.	Police Operations Assistant 1	New Hire	05/01/13
Flatt, Blenda Jane	Police Operations Coordinator 2	Promotion	05/01/13
Johnson, Regina E.	Police Operations Supervisor	Promotion	05/01/13
Baird, Patrick N.	Police Sergeant	Promotion	05/01/13
Gibson, Brent E.	Police Sergeant	Promotion	05/01/13
Hickman, James A.	Police Sergeant	Promotion	05/01/13
Jones, Raymond	Police Sergeant	Promotion	05/01/13
Westerman Jr., Edward M.	Police Sergeant	Promotion	05/01/13
Williams, Atif D.	Police Sergeant	Promotion	05/01/13
Williams, Brian J.	Police Sergeant	Promotion	05/01/13

*Class Change from Police Operations Assistant 3 (SR6) to HR Assistant 1 (SR6)

^Return from Pension to Supplemented Classification

PUBLIC LIBRARY

Jensen, Lindsay A.	Library Associate 1	New Hire	04/29/13
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PUBLIC WORKS

*Taylor, Lindsay W.	Engineering Tech 2	Department Transfer	04/29/13
**Smalls III, Joseph	Equipment Operator 1	Voluntary Reduction In Grade	05/14/13
^Richard, Gordon E.	Program Specialist 3	Department Transfer	05/20/13
Oluwale, Johnson K.	Sanitation Worker	New Hire	05/13/13

*Department Transfer from Water to Public Works

**Voluntary Reduction In Grade from Equipment Operator 3 (TG8) to Equipment Operator 1 (TG5)

^Department Transfer from Parks to Public Works

SHERIFF

Allen, Christopher Lee	Correctional Officer 2	Promotion	05/03/13
Cruse, Ronald W.	Correctional Officer 2	Promotion	05/01/13
Glaze, Sean A.	Correctional Officer 2	Promotion	05/06/13
Halen Jr., Donald W.	Correctional Officer 2	Promotion	05/17/13
Hayes, John R.	Correctional Officer 2	Promotion	05/02/13

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>SHERIFF</u>			
Lintz, Bobby L.	Correctional Officer 2	Promotion	05/13/13
Myatt, Chadwick W.	Correctional Officer 2	Promotion	05/02/13
Petre III, James A.	Correctional Officer 2	Promotion	05/13/13
Wilkes, Anthony T.	Correctional Officer 2	Promotion	05/06/13
Satterlee, Scott A.	Correctional Officer Sergeant	Promotion	04/21/13

SOCIAL SERVICES

Emefesi, Lovelyne C.	Homemaker	New Hire	05/13/13
Oglesby, Lakeisha A.	Homemaker	New Hire	05/13/13
Phillips, Amanda J.	Homemaker	New Hire	05/13/13
Allen, Venus D.	Program Supervisor	Re-Hire	05/06/13
Patterson, Krishauna D.	Program Supervisor	Promotion	05/06/13

WATER SERVICES

*Briscoe, Rosie A.	Office Support Specialist 2	Class Change/Lateral	05/11/13
Nickerson, Mary A.	Treatment Plant Assistant Manager	Promotion	04/27/13
Decker, Justin W.	Water Quality Analyst 1	New Hire	05/11/13

*Class change from Application Tech 2 (SR8) to Office Support Spec 2 (SR8)

MOTION: *After some discussion, Vice-Chairman Corbitt moved for approval of the appointments as listed. Commissioner Sanders second and the Commission approved without objection.*

TERMINATIONS/ PENSIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DEPARTMENT</u>	<u>DATE</u>
Dews, William H.	Property Stan Inspector 1	Pension	Codes Administration	02/28/13
Etheridge Jr., Dennis N.	Emer Telecommunications Off 1	Resignation	ECC	04/09/13
Houk, Savannah E.	Emer Telecommunications Off 1	Resignation	ECC	05/24/13
Donahue, Sarah J Rachelle	Emer Telecommunications Off 3	Resignation	ECC	03/21/13
Hobson, Tracy L.	Administrative Services Officer 4	Pension	Fire	05/24/13
Johnson, Kevin E.	Fire Captain	Pension	Fire	01/29/13
Patterson, Ron L.	Fire Captain	Pension	Fire	01/31/13
Fletcher Jr., Willard	Fire District Chief	Pension	Fire	02/26/13
Hunt, Danny W.	Fire Marshal	Pension	Fire	05/15/13
Whitson, Randal K.	Technical Specialist 2	Pension	General Services	04/30/13
Brown, Robin C.	Human Resources Assistant Dir.	Resignation	Human Resources	05/24/13
Hay, Sam	Computer Operator 2	Resignation	ITS	05/02/13
Weatherford, Steven R.	Info Systems Division Manager	Pension	ITS	05/24/13
Bledsoe, Kevin B.	Maintenance & Repair Worker 3	Dismissal	Parks	04/29/13
Baker, Robert A.	Recreation Leader	Resignation	Parks	04/17/13
Coffman, Wayne A.	Police Officer 2	Resignation	Police	04/22/13
Shuler, Phillip R.	Police Officer 2	Pension	Police	05/16/13
Stanton, Marshall L.	Police Officer 2-Fld Trng Officer	Pension	Police	04/02/13
Murphy, Jasmine B.	Police Operations Assistant 2	Resignation	Police	05/10/13

TERMINATIONS/ PENSIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DEPARTMENT</u>	<u>DATE</u>
Poole, Caitlin C.	Police Operations Assistant 2	Resignation	Police	05/09/13
Jett, Deborah B.	Police Operations Coordinator 1	Pension	Police	05/07/13
Ghasemnezhad, Damoon	Police Security Guard 1	Resignation	Police	04/29/13
Jones, Kyrus M.	Technical Specialist 1	Dismissal	Police	05/15/13
Freeman, Dennis E.	Customer Service Manager	Resignation	Public Works	05/03/13
Davidson, Richard A.	Engineering Tech 3	Pension	Public Works	05/13/13
Biggs, Kathy L.	Equipment Operator 3	Pension	Public Works	05/06/13
Lewis, Christopher A.	Equipment Operator 3	Pension	Public Works	05/13/13
Himes, Daniel W.	Maintenance & Repair Worker 1	Resignation	Public Works	04/04/13
Hughes, Jeffery W.	Maintenance & Repair Worker 1	Resignation	Public Works	05/16/13
Stamps, Richard A.	Maintenance & Repair Worker 1	Dismissal	Public Works	04/08/13
Hendrickson, William H.	Maintenance & Repair Worker 2	Pension	Public Works	02/28/13
Thornton, Maurice B.	Maintenance & Repair Worker 2	Pension	Public Works	02/28/13
Trammell, Lashunda G.	Correctional Officer 1	Resignation	Sheriff	05/07/13
Pressley, Anthony L.	Correctional Officer 2	Pension	Sheriff	05/16/13
Sessions, Syretha D.	Correctional Officer 2	Pension	Sheriff	03/01/13
Whitley, Audrey W.	Nutrition Site Coordinator	Resignation	Social Services	05/03/13
McCullough, Kevin L.	Engineer 1	Resignation	Water Services	05/22/13
Erickson, Sonya R.	Envir Compliance Officer 2	Resignation	Water Services	05/24/13
Wooldridge, Thomas G.	Envir Tech	Pension	Water Services	02/01/13
Foster, Charles E.	Industrial Maintenance Supv. 1	Pension	Water Services	01/31/13
Parker, Jessica R.	Info Systems App Analyst 3	Resignation	Water Services	04/30/13
MacDermott, Stephen N.	Treatment Plant Assistant Manager	Pension	Water Services	05/07/13

MOTION: *After some discussion, Vice-Chairman Corbitt moved to accept the Termination/Pension report for the dates and reasons stated. Seconded by Commissioner Sanders 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>
Maintenance & Repair Supervisor	Parks	7	Dept	5/22/2013	E
Police Operations Coordinator	Police	6	Dept	5/23/2013	E
Environmental lab Manager	Water	59	Open	5/24/2013	E
General Services Assistant Director	General Services	1	Dept	5/24/2013	E
General Services Assistant Director	General Services	1	Dept	5/29/2013	E
Administrative services Officer 3	Police	5	Dept	5/31/2013	E

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

DEPARTMENTAL ITEMS**EMERGENCY COMMUNICATION CTR.****(1: Director Duane Phillips requests to Extend Out-of-Class Pay Beyond 100 Days.**

Director Phillips asked to extend out-of-class pay beyond the 100 day limit for Ms. Angela Miliken. She has been performing duties in the position of Assistant Director of Support Services since November 2011. The employee who previous held the position took medical leave and decided to retire under the incentive plan during February 2013. Ms. Miliken will remain in this status until the department fills the position in December 2013.

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

WATER SERVICES**(2: Director Scott Potter requested approval of the following:****A. Hire Above Base OHUD individuals:**

1. Jeffery Turner, Water Maintenance Leader 2 / TL 09
2. Daniel Pigue, Water Maintenance Leader 1 / TL 07
3. Ed Hayden, Water Maintenance Tech 3 / TG 06
4. Joshua Key, Water Maintenance Tech 3 / TG 06
5. Hector Colon, Water Maintenance Tech 2 / TG 04

Assistant Director John Kennedy stated Metro Water Services is absorbing the water and utilities from the City of Old Hickory. While Metro is working with the Old Hickory Utility District (OHUD) for connection to the plant and facilities, five individuals who presently work with OHUD will continue to maintain the plant. These people have been interviewed and deemed to be the best candidates to fill the position advertised with MWS. This action was based upon their years of experience, knowledge of operations in the plant, facilities and equipment. Bringing them in at above base will allow the employees to retain their current salaries.

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

B. Approval to Extend Out-of-Class Pay Beyond 100 Days for the following:

1. George Gamble
2. James Martin
3. Branden Bryant
4. Charlie Clark
5. John Towe
6. Al Young

Training Coordinator Charles Boddie said the employees listed above are currently working out-of-class assignments and must continue to maintain the productivity for their Customer Service, Stormwater and System Services Divisions until postings for more positions have been filled.

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

C. Approval for Open Range Salary adjustment for Claude Grant Jr.

Training Coordinator Charles Boddie said Mr. Grant has been with Metro Water Services since 2005 and was recently promoted to the position of Treatment Plant Assistant Manager. He maintains a grade IV Wastewater license issued by the State of Tennessee that will allow him to legally perform treatment on wastewater for Nashville. His additional duties will include supervising operations and maintenance of the treatment plan monitoring the shift operation and maintenance of water/wastewater pumping stations / water reservoirs, supervising electrical, mechanical and hydraulic maintenance programs, ensuring proper levels of supplies and chemicals are maintained and analyzing daily activities reports of plant operation. The request is to adjust Mr. Grant's salary from \$52,912.64 to \$55,141.76.

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

HUMAN RESOURCES

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

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

Applicant A – RS 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 refers to the Standards of Medical Fitness AR 40-501, 2-28 Skin and cellular tissues – (b) current or history of atopic dermatitis (691) or eczema (692) after 9th birthday does not meet the standard. Dr. Goodson stated the condition is not expected to limit safe performance of the duties of a Police Officer Trainee or Police Officer. Applicant A was present to discuss the case.

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

Applicant B – SR 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, 2-23 lungs, chest wall, pleura and mediastinum - (d) Asthma (493), including reactive airway disease, exercise-induced bronchospasm or asthmatic bronchitis, reliably diagnosed and symptomatic after 13th birthday does not meet the standard. Dr. Goodson said the medical records show the asthma to be well controlled with no medical treatment required within the last four (4) years. The condition should not limit him from 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 of Applicant B's medical situation and hearing from the applicant, Commissioner Allen moved for approval of the applicant's request for a medical waiver. Commissioner Sanders seconded and the Commission approved without objection.

Applicant C – JS 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, 2-28 skin and cellular tissues (b) noting current or history of atopic dermatitis (691) or eczema (692) after 9th birthday does not meet the standard. The condition 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 of Applicant C's medical situation and hearing from the applicant, Commissioner Allen moved for approval of the applicant's request for a medical waiver. Commissioner Sanders seconded and the Commission approved without objection.*

Applicant D – SV was disqualified as a police officer trainee applicant due to 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, 2-8 Endocrine and metabolic disorders or (b) current/history of diabetes mellitus (250) does not meet the standard. Dr. Goodson said the applicant has insulin dependent diabetes mellitus and is followed by a endocrinologist medical information. Upon review of those records, it was revealed lab work falls within the range recommended by the American College of Occupational and Environmental Medicine (ACOEM) Guidance for medical evaluation of Law Enforcement Officers. It was noted that the Civil Service Medical Clinic routinely follows quarterly lab work on employed Police Officer with diabetes to make sure they maintain control of their diabetes. Dr. Goodson said this issue 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 of Applicant D's medical situation and hearing from the applicant, Commissioner Sanders moved for approval of the applicant's request for a medical waiver. Commissioner North seconded and the Commission approved without objection.*

Applicant E – EK 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, 2-8 Endocrine and metabolic disorders (b) Current or history of diabetes mellitus (250) does not meet the standard.* Dr. Goodson said the applicant appeared previously in March and was charged by the Commission to improve his diabetes. He has insulin dependent diabetes mellitus and is followed by a endocrinologist medical information. Upon review of those records, it was revealed lab work falls within the range recommended by the American College of Occupational and Environmental Medicine (ACOEM) Guidance for medical evaluation of Law Enforcement Officers. It was noted that the Civil Service Medical Clinic routinely follows quarterly lab work on employed Police Officer with diabetes to make sure they maintain control of their diabetes. Dr. Goodson said this matter is not expected to negatively impact his ability to safely perform 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 of Applicant E's medical situation and hearing from the applicant, Commissioner North moved for approval of the applicant's request for a medical waiver. Vice-Chairman Corbitt seconded and the Commission approved without objection.*

Applicant F – BM 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, 2-19, Vascular system - (b) current of history of hypertensive vascular disease (401) does not meet the standard. The medical records show hypertension to be well controlled with current medical management. The condition should not limit him from safely performing the duties of a Police Officer Trainee or Police Officer. Applicant F was present before the Commission to discuss the case.

MOTION: *After some discussion of Applicant F's medical situation and hearing from the applicant, 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 – BC 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, 2-29 Spine and sacroiliac joints – (g) current herniated nucleus pulposus (722) or history of surgery to correct the condition does not meet the standard. Dr. Goodson said the applicant has a history of a disc herniation with lumbar hemi-laminectomy and discectomy in 2012. He has been physically active and cleared by the VA neurosurgeon with no activity restrictions. The statement shows he may return to service if he desires. Surgical history is not expected to negatively impact his ability to safely perform the duties of a Police Officer Trainee or Police Officer. Applicant G was present before the Commission to discuss the case.

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

Applicant H – JH 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, 2-19 Vascular system – (b) current history of hypertensive vascular disease (401) does not meet the standard. The medical records show hypertension to be well controlled with current medical management. The condition should not limit his ability to safely perform the duties of a Police Officer Trainee or Police Officer. Applicant H was present before the Commission to discuss the case.

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

Applicant I – PS 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, 2-23 Lungs, chest wall, pleura and mediastinum (d) Asthma (493) including reactive airway disease, exercise-induced bronchospasm or asthmatic bronchitis, reliably diagnosed and symptomatic after the 13th birthday does not meet the standard. Also, 2-15, Urinary system – (g) current history of proteinuria (791.0) a protein to creatinine ratio greater than 0.02 in a random urine sample, if greater than 48 hours after strenuous activity) does not meet the standard unless consultation determines the condition to be benign orthostatic proteinuria.

Dr. Goodson stated the medical records show the asthma to be well controlled with current medical treatments. As for the Proteinuria, this too is currently being treated and kidney function presently is within normal limits. While kidney health cannot be determined, currently there is not a safety issue of the performance of duties of a Police Officer Trainee or Police Officer. Applicant I was could not be present before the Commission as he resides in Florida and was given short notice.

ACTION: *Applicant I could not be present before the Commission. Due to the medical information listed Chairman Farmer asked the applicant be contacted to attend and the matter be deferred until next month (July).*

Applicant J – DC 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, 2-3 Abdominal organs and gastrointestinal system – (c) small and large intestine history of inflammatory bowel disease, including but not limited to unspecified regional enteritis or Crohn's disease (555), ulcerative colitis (556) or ulcerative proctitis (556) does not meet the standard. The applicant has a history of Crohn's disease which controlled with medical treatment. The condition is not expected to limit his ability to safely perform the duties of a Police Officer Trainee or Police Officer. Applicant J was present before the Commission to discuss the case.

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

(4: Review Order Granting Motion to Dismiss – John T. Madigan, Municipal Auditorium – Termination

John T. Madigan, accountant, was terminated from his position at Municipal Auditorium effective March 21, 2013 due to poor job performance in completing accounting assignments. On March 26, 2013, Mr. Madigan appealed his termination to the Civil Service Commission and the case was assigned to Administrative Law Judge Kim Summers. Metro Attorney Rachelle Gallimore-Scruggs represented the Municipal Auditorium. Mr. Madigan was to represent himself.

On May 8, 2013, Metro Government filed a Motion to Dismiss the case. Pursuant to Civil Service Rule 3.2, new appointments to a civil service position can obtain civil service status after successfully completing the six (6) month probationary period. Mr. Madigan was a probationary employee at the time of his termination. Individuals dismissed during probationary periods for unacceptable job performance are not entitled to a disciplinary appeal. There was no response by Mr. Madigan to the Motion. Administrative Law Judge Kim Summers stated for those reasons the Motion was GRANTED and the matter was DISMISSED.

Metro Legal Attorney Rachelle Gallimore-Scruggs and Mr. Madigan were present before the Commission to discuss the case.

MOTION: After some discussion, Commissioner Allen moved for approval of Administrative Law Judge Kim Summers Order Granting Motion to Dismiss the Appeal. Seconded by Commissioner North and the Commission approved without objection.

(5: Request to change Civil Service Rules regarding Injury on Duty (IOD)

Chairman Farmer reiterated information of previous discussions from two (2) public hearings regarding Injury on Duty issues and catastrophic injuries. He outlined the proposal that an employee who has sustained an injury on duty will receive two weeks of full, untaxed pay at 100%. A catastrophic committee will make a determination whether the injury is or was it catastrophic. IOD compensation will reduce to 75% untaxed only if the injury is deemed not catastrophic. The catastrophic determination is appealable to the Civil Service Commission. Until the committee makes the determination, the employee continues to draw 100% IOD compensation. Mr. Kramer agreed that was the proposal.

1st MOTION: After some discussion, Commissioner Allen moved that an alternative to the policy be implemented for Metro employees who are injured on duty. He proposed that employees would receive 100% of their pay for the first 30 days of an injury, 80% for days 31-90, and 75% for the remainder of the six month period. Under his proposal there would be no catastrophic leave policy. Seconded by Commissioner Sanders.

Commissioner North questioned the removal of the catastrophic policy. Chairman Farmer said for those who testified before the Commission during the public hearing who were truly catastrophic, this would reduce their compensation. Commissioner Allen said unfortunately it would. Commissioner Sanders said she seconded the motion because she wanted to discuss it, however she noted she would personally like to see the IOD stay in place 100% as she believes abuses should be addressed by departments rather than by punishing everyone who is injured. She is concerned about the bureaucracy that is being created by the catastrophic injury committee review.

Commissioner Sanders added that she would be interested in what the cost is for this bureaucracy since committee members have other jobs, and asked how often do you envision the catastrophic committee meeting? Mr. Kramer said it would most likely be every two weeks as they will only be reviewing injuries that are expected to exceed that duration. Roughly 60% of Metro's IOD absences return to work in less than two weeks.

After further discussion, Commissioner Allen withdrew his motion.

2nd MOTION: Commissioner Sanders then moved to leave the policy and maintain at 100% IOD and not adopt the policy that has been presented. Seconded by Commissioner Allen.

Prior to any discussion, Chairman Farmer reviewed the steps taken to implement this process. He said it was the Commission's duty to keep employee cost competitive, in line, sustainable and fair. The administration has softened the initial proposal after hearing concerns of the employees and Commission. They have expressed a need for this program, and any change made today could be modified or removed in the future. A lot of people who do this for a living have put time and effort into it and have come up with what they think is a proposal that will save the city money and help preserve the sustainability of our entire personnel system. He didn't think the Commission could lightly dismiss that recommendation.

Commissioner Sanders added that she thought Metro could still save money if departments would scrutinize the IOD claims. She was concerned that Metro would be taking away money from those who have been injured on duty and proposed any change be on a temporary basis to decide if it works.

Commissioner North asked when was this going to be monitored and for how long? HR Deputy Director Jim Kramer said he would be glad to come back and show data at any time or period the Commission felt was significant and relevant enough to see what has taken place. He said it would be closely monitored when they put the changes into place. He felt one year would show a difference in how IOD is being administered based on these changes. Commissioner North asked whether Metro would monitor it if the Commission votes not to change it. Mr. Kramer said yes, they are constantly monitoring IOD costs.

After further discussion on the matter, Chairman Farmer called for the question and asked all those in favor leaving the IOD policy as is, Commissioner Sanders and Commissioner Allen said aye, Vice-Chairman Corbitt and Commissioner North said no. Chairman Farmer broke the tie by saying no. The vote was 3-2.

Vice-Chairman Corbitt offered another motion with the following request:

3rd MOTION: Vice-Chairman Corbitt moved to accept what has been presented today. Seconded by Commissioner North.

Discussion: Commissioner Sanders asked if a monitoring period would be put into place to allow it to be reviewed at a later time. Chairman Farmer noted the Commission should accept Mr. Kramer's word to provide a report. Vice-Chairman Corbitt asked for a six (6) month update. Vice-Chairman Corbitt and Commissioner North voted for the proposal. Commissioner Sanders and Commissioner Allen voted against it. Chairman Farmer voted for the proposal. The vote was 3 to 2.

Mr. Kramer reiterated the changes approved today for this policy will take effect on October 1, 2013.

(6: Human Resources Updates

HR Director Rita Roberts-Turner said Human Resources received a certificate of Gold Recognition from the Mayor's Office regarding the "Healthy Workplace Challenge" by providing healthy food, water and promoting physical fitness among the staff.

(7: Communiqués from the public on pending hearings

ACTION: None

With nothing further, the regular meeting adjourned at 9:40a.m.

ATTEST:

APPROVED:

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

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