



METROPOLITAN CIVIL SERVICE COMMISSION

MINUTES

September 10, 2013

8:30 a.m.

Howard Office Building
Sonny West Room

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

MEMBERS: Chairman William Farmer, Chairman, Vice-Chairman R. Steve Corbitt; Michael Allen; D. Billye Sanders and Jo Ann North.

OTHER MEMBERS: Jim J. Kramer, Assistant 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 August 9, 2013.**

Seeing there were no corrections, Vice-Chairman Corbitt 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: Nicki Eke read the memorandum pertaining to the Metropolitan Code of Laws 2.68.030 – pursuant to Ordinance BL2006-2050.

APPOINTMENTS
TERMINATIONS / PENSIONS
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APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>FINANCE</u>			
*Hudson, Stacey M.	Application Tech 1	Transition - Civil Service	08/05/13
^Frazier, Allison A.	Application Tech 2	Dept. Transfer /	
		Transition - Civil Service	08/26/13
Brown, Vada M.	Finance Officer 2	Promotion	08/19/13

*Transition to Civil Service from temporary status

^Department Transfer from County Clerk (Deputy Clerk) to Finance (Application Tech 2)

FIRE

Pulley, Darrell L.	Fire Maintenance Supervisor	Promotion	08/16/13
*Herndon, Colleen Marie	Information Systems Advisor 1	Department Transfer	08/16/13
Waters, Sharon D.	Office Support Spec 2	Promotion	08/16/13

*Department Transfer from Police to Fire

GENERAL SERVICES

Herring, Kenneth H.	Equipment Mechanic Leader	Promotion	08/05/13
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HUMAN RESOURCES

*Meyer, Lori L.	Professional Specialist	Dept. Transfer / Promotion	08/05/13
Troia, Vince M.	Public Info Rep	New Hire	08/26/13
Whitworth, Christopher L.	Safety Inspector 2	New Hire	08/26/13

*Department Transfer from Health (Office Support Spec 1, SR7) to Human Resources (Professional Specialist, SR11)

INFORMATION TECHNOLOGY SERVICE

*Hibbett III, James R.	Info Systems Comm Analyst 2	Class Change/Lateral	08/03/13
Lauper, Raymond H.	Information Systems Oper Analyst 2	Promotion	08/26/13
Kimble, Robert D.	Information Systems Advisor 1	New Hire	08/19/13
Omilianowski, Stephen J.	Information Systems Advisor 1	New Hire	08/26/13

*Class Change from Computer Operations Shift Supervisor (SR11) to IS Comm. Analyst 2 (SR11)

MUNICIPAL AUDITORIUM

Tennant, Nicholas R.	Application Tech 1	New Hire	08/15/13
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APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>PARKS</u>			
Johnson, Bruce A.	Custodian 1	New Hire	08/23/13
Denton, Brandon J.	Greenskeeper 2	Promotion	08/16/13
Ernst, Michael D.	Maintenance & Repair Leader 1	Promotion	08/02/13
Love, Timothy D.	Maintenance & Repair Leader 1	Promotion	08/16/13
*Thrower, Trevor S.	Maintenance & Repair Worker 2	Class Change	08/16/13
^Alexander, Pamela D.	Maintenance & Repair Worker 3	Class Change	08/09/13
Dixon, William J.	Maintenance & Repair Worker 3	Promotion	08/16/13
Gupton, Chase E.	Maintenance & Repair Worker 3	New Hire	08/01/13
Prescott, Jamie G.	Maintenance & Repair Worker 3	Promotion	08/16/13
**Deshpande, Neel J.	Naturalist 3	Transition - Civil Service	08/19/13
^^Booker, Angela G.	Program Coordinator	Transition - Civil Service	08/16/13
***Franks, Valencia R.	Recreation Center Manager	Class Change / Lateral	08/16/13
^^Hearn, Lisa R.	Specialized Skills Instructor	Demotion	08/02/13

*Class Change from M&R Worker 1 to M&R Worker 2

^Class Change from M&R Worker 1 to M&R Worker 3

**Transition to Civil Service from temporary status

^^Transition to Civil Service from Part Time Status

***Class Change from Program Coordinator (SR9) to Recreation Center Manager (SR9)

^^Demotion from Rec Center Manager (SR9) to Specialized Skills Instructor (SR8)

POLICE

Phillips, Kathleen M.	Administrative Specialist	Re-Hire	08/16/13
Harris, Martia E.	Police Identification Spec 2	Re-Employment	08/16/13
Scott, Donald R.	Police Lieutenant	Promotion	08/16/13
Ceranic, Enisa	Police Operations Coordinator 1	Promotion	08/16/13
Hayes, Ashley C.	Police Operations Coordinator 1	Promotion	08/16/13
Mellinger, Miranda H.	Police Operations Coordinator 1	Promotion	08/16/13

PUBLIC LIBRARY

*Darrow, Ryan P.	Administrative Services Officer 2	Transition - Civil Service	08/19/13
Hindalong, Nancy R.	Circulation Assistant 1	New Hire	08/19/13
^Jirik, Lawrence W.	Information Systems Advisor 1	Re-Classification	08/19/13
**Johnson, Sade D.	Office Support Rep 3	Transition - Civil Service	08/19/13

*Transition to Civil Service from Part Time status

^Reclassification from IS Applications Analyst 3 to IS Advisor 1 due to a position audit

**Transition to Civil Service from Part Time status

PUBLIC WORKS

Ammarell, Beverly D.	Engineer 3	Promotion	08/19/2013
Smith, Joseph Andrew	Engineer 3	Promotion	08/19/2013
Taylor, Michael D	Human Resources Manager	Promotion	08/05/2013

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>PUBLIC WORKS</u>			
Miller, Samuel L.	Maintenance & Repair Leader 1	Promotion	08/05/13
Spain, Toby A.	Maintenance & Repair Leader 1	Promotion	08/05/13
Hodge, Daryl W.	Maintenance & Repair Leader 2	Promotion	08/05/13
Garvin, Jeffery A.	Maintenance & Repair Worker 1	Re-Hire	08/05/13
Johnson, Robert L.	Maintenance & Repair Worker 1	New Hire	08/05/13
McLaughlin, Mark E.	Maintenance & Repair Worker 1	New Hire	08/05/13
Medlen, Jerramie A.	Maintenance & Repair Worker 1	New Hire	08/19/13
Medlen, Joshua A.	Maintenance & Repair Worker 1	New Hire	08/19/13
Ragland, Keith A.	Maintenance & Repair Worker 1	New Hire	08/05/13
Overton, Calvin B.	Signal Tech 2	Promotion	08/05/13
Stanton Jr., Marshall L.	Signal Tech 2	Promotion	08/05/13

SOCIAL SERVICES

Wade, Lonnie R.	Program Manager 2	Promotion	08/05/13
Judd, Laura M.	Social Worker 3	Promotion	08/05/13

WATER SERVICES

Burnette, Rhonda J.	Customer Service Assistant Manager	Promotion	08/03/13
Collier, Robert M.	Customer Service Assistant Manager	Promotion	08/03/13
Ray, James R.	Customer Service Assistant Manager	Promotion	08/03/13
Bowling, Justin T.	Engineer 3	New Hire	08/17/13
Hand, Alan W.	Engineer 3	Promotion	08/03/13
Terrynelson, Patricia A.	Environmental Compliance Officer 1	New Hire	08/17/13
Simmons, Kendra L.	Office Support Specialist 1	Re-Hire	08/17/13

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

TERMINATIONS/ PENSIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DEPARTMENT</u>	<u>DATE</u>
Murphy, Nancy B.	Extension Agent 3	Dismissal	Agricultural Extension	08/02/13
Mills, Joseph G.	Beer Permit Inspector 1	Resignation	Beer Board	08/03/13
Franking, Dustin D.	Emer Telecommunications Off 1	Resignation	Emergency Comm Ctr.	08/13/13
Thurman Sr., Edward L.	Emer Telecommunications Off 1	Dismissal	Emergency Comm Ctr.	08/16/13
Fuller, Stief Alvin	Fire Fighter 2	Pension	Fire	07/25/13
Phillips, Derek A.	Fire Fighter 2	Resignation	Fire	07/19/13
Miner, Kraig	Master Tech	Resignation	General Services	08/06/13
Clements, W. K.	Info Systems Division Manager	Resignation	ITS	08/09/13
Robbins Jr, William J.	Information Systems Advisor 1	Resignation	ITS	08/09/13
Moore, Derrick	Probation Officer 1	Pension	Juvenile Court	07/19/13
Boyd, Jari	Recreation Leader	Resignation	Parks	08/08/13
Jurnett, Tommy D.	Police Officer 2	Pension	Police	07/19/13
King, Matthew Charles	Police Officer 2	Resignation	Police	08/02/13

TERMINATIONS/ PENSIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DEPARTMENT</u>	<u>DATE</u>
Kovolisky, Brian J.	Police Officer 2	Resignation	Police	07/31/13
McShepard, Gerald	Police Officer 2	Resignation	Police	08/11/13
Reese, Craig D.	Police Officer 2	Resignation	Police	08/15/13
Spraggins, Paris M.	Police Officer 2	Pension	Police	08/10/13
Worthington, Bradford L.	Technical Specialist 2	Pension	Police	07/18/13
Taylor, Felicia C.	Circulation Assistant 1	Resignation	Public Library	08/04/13
Lake, Shannon M.	Librarian 1	Resignation	Public Library	08/15/13
Hagen, Linda L.	Librarian 2	Deceased	Public Library	08/09/13
Bowman, Christopher L.	Equipment Operator 3	Resignation	Public Works	08/14/13
Knight, Randall B.	Equipment Operator 3	Pension	Public Works	08/02/13
McNeil, Danny R.	Equipment Operator 3	Pension	Public Works	08/15/13
Dismore, Jarrad M.	Maintenance & Repair Worker 1	Resignation	Public Works	08/19/13
Franklin, Christopher H.	Maintenance & Repair Worker 1	Resignation	Public Works	08/06/13
Cox, Jasmine N.	Correctional Officer 1	Resignation	Sheriff	08/06/13
Cox, Jeremy J.	Correctional Officer 1	Resignation	Sheriff	08/11/13
Guerrero, Cerina A. M.	Correctional Officer 1	Dismissal	Sheriff	07/24/13
Hicks, Jason D.	Correctional Officer 1	Resignation	Sheriff	07/22/13
Hurst, Lori S.	Correctional Officer 1	Resignation	Sheriff	07/29/13
Mitchell II, James A.	Correctional Officer 1	Dismissal	Sheriff	08/13/13
Morris, Mitchell B.	Correctional Officer 1	Resignation	Sheriff	08/15/13
Nowack, Micah S.	Correctional Officer 1	Resignation	Sheriff	08/11/13
Stallings, Christopher B.	Correctional Officer 1	Resignation	Sheriff	07/31/13
Tyrone, Christian J.	Correctional Officer 1	Resignation	Sheriff	08/11/13
Washburn, Chad Michael	Correctional Officer 1	Resignation	Sheriff	08/08/13
Withers, Harold T.	Correctional Officer 1	Dismissal	Sheriff	08/16/13
Hyde, Marva R.	Nutrition Site Coordinator	Pension	Social Services	08/02/13
Morgan, Charlene	Administrative Services Officer 3	Resignation	Water Services	08/09/13
Reding, Phillip E.	Carpenter 2	Pension	Water Services	08/08/13
Espinosa, Christy A.	Office Support Spec 1	Resignation	Water Services	08/01/13
Phelps Jr., Harold L.	Water Maintenance Tech 2	Resignation	Water Services	04/11/13

MOTION: *After some discussion, Commissioner Allen moved to accept the Termination/Pension report for the dates and reasons stated. Seconded by Commissioner Vice-Chairman Corbitt 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>
Social Worker 3	Social Services	35	Open	08/02/13	E
Program Manager 2	Social Services	183	Open	08/02/13	E
Application Technician 1	Finance	90	Open	08/05/13	E
Circulation Supervisor	Library	5	Dept	08/07/13	E
Applications Technician 1	Auditorium	69	Open	08/07/13	E
Customer Service Assistant Manager	Water	29	Open	08/07/13	E
Historic Preservationist 1	Historical Comm.	197	Open	08/08/13	A
Greenskeeper 2	Parks	3	Dept	08/12/13	E
Custodial Services Supervisor	Parks	5	Dept	08/12/13	E
Equipment Operator 1	Public Works	45	Open	08/13/13	E
Equipment Operator 2	Public Works	40	Open	08/13/13	E
Equipment Operator 3	Public Works	48	Open	08/13/13	E
IS Advisor 1	ITS	4	Open	08/14/13	E
Fire Maintenance Supervisor	Fire	1	Dept	08/14/13	E
Administrative Services Manager	Police	23	Open	08/15/13	E
Beer Permit Inspector 1	Beer Board	82	Open	08/16/13	A

ELIGIBILITY REGISTER REPORT

<u>CLASSIFICATION</u>	<u>DEPT</u>	<u>ON LIST</u>	<u>TYPE</u>	<u>DATE</u>	<u>ESTABLISH/ABOLISH</u>
Custodian 1	Library	141	Open	08/16/13	A
Naturalist 3	Parks	59	Open	08/16/13	E
Maintenance & Repair Worker 2	Parks	56	Open	08/16/13	E
Engineering Technician 3	Water	11	Open	08/19/13	A
Technical Specialist 1	General Services	90	Open	08/19/13	E
Public Information Representative	Human Resources	75	Open	08/20/13	E
Information System Advisor I	ITS	15	Open	08/20/13	E
Finance Officer 2	Finance	57	Open	08/22/13	E
IS Operations Analyst 2	ITS	1	Dept	08/22/13	E
Police Crisis Counselor Supervisor	Police	1	Dept	08/22/13	E
Maintenance & Repair Leader 1	Public Works	20	Dept	08/26/13	A
Waste Management Supervisor	Public Works	1	Dept	08/26/13	A
Executive Administrator	Police	157	Open	08/26/13	E
Correctional Officer Lieutenant	Sheriff's Office	11	Dept	08/28/13	A
Application Technician 2	Finance	74	Open	08/28/13	E
Safety Inspector 2	Human Resources	28	Open	08/28/13	E

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

DEPARTMENTAL ITEMPOLICE

- (1: Chief Steve Anderson, represented by Sue Bibb, requested approval for an open range Hire Above Base of Ms. Kathy Morante, Director of the Office of Professional Accountability, SR 15

HR Analyst Seth Waltenbaugh said there has been an on-going search since 2012 to find the right candidate for this position. After several interviews, Ms. Morante was chosen and will report to the Chief of Police and the Mayor. She will be responsible for proper administration, general management and control of all matters related to the operations of the division. Ms. Morante will also be responsible for conducting investigations regarding complaints and accusations as well as coordinate / monitor the department's disciplinary procedures. She previously worked in the District Attorney's office as an Assistant District Attorney with the State of Tennessee and has over twenty five years of experience as an attorney.

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

HUMAN RESOURCES

Human Resources Assistant Director, Jim J. Kramer, submits the following for the Commission's consideration and appropriate action:

- (2: Appeal Medical Disqualification - RM, Applicant for Fire - Paramedic 1

Applicant RM was disqualified as a Paramedic 1 due to failure to pass a required physical examination administered by the Medical Examiner, Dr. Celia Goodson. She provided information under the NFPA 1582, Standard on Comprehensive Occupational Medical Program for Fire Departments. Dr. Goodson noted the applicant was disqualified because of a Coronary Artery Disease. Due to a heart attack in April 2013, the

most recent cardiology clinic notes described shortness of breath with exertion and areas of residual decreased heart muscle movement on the echocardiogram. There were several medical issues related to cardiovascular endurance and normal heart function as well as function and degree of anxiety in this high stress position. Dr. Goodson did not recommend a medical waiver. The applicant was advised to attend the meeting but was not present.

MOTION: *After some discussion, Commissioner Allen moved to deny the Medical Waiver. Seconded by Commissioner North and the Commission approved without objection.*

(3: Appeal Medical Disqualification for the following Police Officer Trainees:

Applicant A – ZV was disqualified as a Police Officer Trainee applicant due to his failure to pass a required physical examination administered the by Medical Examiner, Dr. Celia Goodson. She provided information under Metro Policy 2.12-I - *Metro Driver Safety Standards – Vision*.

Applicant A does not satisfy the minimum passing requirement for Farnsworth D-15 testing. Dr. Goodson noted under ACOEM (American College of Occupational & Environmental Medicine, 4.5 Eyes/ Vision and 4.5.7-LEO's should have normal color vision (i.e., be able to identify surface colors). Color vision is critical in a number of areas, including identification of vehicles and suspects, identifying evidence, and recognizing license plates, buildings, and containers. Color vision is also important in recognizing the status of brake and traffic lights, critical for pursuit driving. Drivers who are color vision defective have more accidents related to interpretation of traffic signals and recognition of brake lights. Those with defective color vision also have problems identifying items in visual searches when the target items are marked out by color. Dr. Goodson's findings are that his condition does not provide the safe performance of the duties of a police officer trainee or police officer and does not recommended a waiver.

1st Motion: *Chairman Farmer said absent any objection, the matter will be deferred for one month to look into the rationale and the history of the regulation that covers color vision. Commissioner North agreed and stated it seemed to be an antiquated policy. Commissioner Sanders moved for a second. Prior to moving the matter off the calendar, Chairman Farmer saw someone in the audience who wanted attention and asked if he had anything to say. The applicant's father gave a brief reason why his son should be given a waiver.*

Commissioner North raised a question as to whether the class began October 1, 2013. Ms. Bibb confirmed that it does and the next class would not be until January 2014. Chairman Farmer then asked if someone in Human Resources could search for the rationale for the existing rule. After searching previous minutes regarding corrective lenses, Mr. Sonny Lyons presented some evidence to the Commission from the June 2000 minutes that referenced color vision Policy 2.12-1

"....there is no need to define normal color vision in accordance with the current Army Regulations 40-501 as referenced in the Metro Charter and Rules. Medical Examiner, Dr. Cosby discussed the current standards and testing process from a medical perspective. This policy revision will clarify normal color vision and bring the medical testing process in line with the current Army testing practices and standards. Chairman Farmer said the revisions should specifically reference Army regulations rather than the broader term of military standards. After some discussion Commission Allen Moved for approval of the above. It was seconded by Commissioner Corbitt and the Commission approved without objection".

Chairman Farmer asked if that was the standard we apply today. Mr. Sonny Lyons said yes, that is the way he understood it. Ms. Eke thought there might be more information on this matter. To the extent this or other conditions may be ADA-qualifying, the organization must be able to argue to business necessity of the standard. Chairman Famer asked Dr. Goodson if, aside from the standard, her professional opinion was that wearing corrective color lenses presented a safety issue. Dr. Goodson opined it would not present a safety issue.

2nd MOTION: *After much discussion, Commissioner Sanders moved to approve Applicant A's Medical Wavier and that Applicant A be able to take the test contingent upon him wearing corrective lens. When it was confirmed that he had already taken and passed the color test while wearing corrective lenses, she amended her recommendation to simply approving his medical waiver. Seconded by Commissioner North. Vice-Chairman Corbitt and Commissioner Allen voted no. Chairman Farmer broke the tie and voted for the waiver. The vote was 3 to 2.*

Applicant B – MJ was disqualified as a Police Officer Trainee applicant due to his failure to pass a required physical examination administered by Medical Examiner Celia Goodson. Dr. Goodson refers to the Standards of Medical Fitness AR 40-501, 2-27 Learning, psychiatric and behavioral disorders. Applicant is currently on appropriate medical treatment for Attention Deficit Disorder. This condition does not prevent the safe performance of the duties of a Police Officer Trainee or Police Officer. Applicant has passed extensive psychological testing which is required for all Police Officer Trainee applicants. Dr. Goodson recommended a waiver for this applicant.

MOTION: *After some discussion, Commissioner North moved to approve Applicant B's Medical Wavier for Police Officer Trainee. Seconded by Vice-Chairman Corbitt and the Commission approved without objection*

Applicant C – RW was disqualified as a Police Officer Trainee due to his failure to pass a required physical examination administered by Medical Examiner Celia Goodson. Dr. Goodson refers to the Standards of Medical Fitness AR 40-501, 2-18 Heart. The applicant has a history of coronary artery disease that required surgery in 2011 for bypass blocked arteries. There has not been any further damage to the heart muscle or attacks. The Applicant is physically active without physical limitations/restrictions and is under care of a cardiologist with prescribed medical treatment. He has made healthy lifestyle choices to improve his health. The medical status is not felt to pose a safety risk in the performance of the duties of a Police Officer Trainee or Police Officer. If approved, the applicant would require yearly exercise stress testing as recommended.

MOTION: *After some discussion, Vice-Chairman Corbitt moved to approve Applicant C's Medical Wavier for Police Officer Trainee. Seconded by Commissioner Allen and the Commission approved without objection*

Applicant D – CS was disqualified as a Police Officer Trainee applicant due to his failure to pass a required physical examination administered by Medical Examiner Celia Goodson. Dr. Goodson refers to the Standards of Medical Fitness AR 40-501, 2-27 Learning, psychiatric and behavioral disorders. The applicant participated in an alcohol rehabilitation program in 2007. He has been active in a recovery program since that time and passed extensive psychological testing which is required for all Police Officer Trainee applicants. Based upon the length of sobriety, active participation in recovery and the recent psychological evaluation, Dr. Goodson does not anticipate the history would pose a safety risk in the performance of the duties of a Police Officer Trainee or Police Officer and recommends a waiver.

MOTION: *After some discussion, Vice-Chairman Corbitt moved to approve Applicant D's Medical Wavier for Police Officer Trainee. Seconded by Commissioner Allen and the Commission approved without objection*

Applicant E – JZ was disqualified as a Police Officer Trainee applicant due to his failure to pass a required physical examination administered by Medical Examiner Celia Goodson. Dr. Goodson refers to the Standards of Medical Fitness AR 40-501, 2-29 Spine and sacroiliac joints. Since time of surgery in 2010, the applicant has lost 60 pounds and actively participates in running and weight lifting. The neurosurgeon has released him with no physical restrictions. Dr. Goodson does not anticipate history of disc herniation and repair to pose a safety risk in the performance of the duties of a Police Officer Trainee or Police Officer and recommends a waiver.

MOTION: *After some discussion, Vice-Chairman Corbitt moved to approve Applicant E's Medical Wavier for Police Officer Trainee. Seconded by Commissioner Allen and the Commission approved without objection*

(4: Review – Order To Dismiss Appeal – James Estes, ITS

Mr. Estes was suspended from his position for violating Civil Service Rules Section 6.7, #4 – Absence without notification or approval for leave; #5 – Neglect or disobedience to the lawful and reasonable order given by a supervisor #20 – Violation of safety rules, regulations or procedures; and #22 – Damage to or loss of Metropolitan Government property caused by negligent acts of the employee.

Mr. Estes appealed his suspension to the Commission and the case was assigned to Administrative Law Judge Steve Darnell. Metro Attorney Rachelle Gallimore-Scruggs was assigned to represent Metropolitan Government. Attorney Robert L. DeLaney represented Mr. Estes.

The case was originally scheduled to be heard on June 28, 2013 but was moved to August 20, 2013. On August 15, 2013, Mr. DeLaney gave notice that Mr. Estes wished to dismiss the appeal. By counsel's notice to Judge Darnell, the appeal was dismissed and closed as dated by the order on August 21, 2013.

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

(5: Review – Order to Dismiss Appeal – Brian Gottschall, Police

Officer Brian Gottschall submitted an IOD grievance with the Police Department's Safety Coordinator regarding an injury to his shoulder received on August 11, 2011 during a Defensive Tactics class held at PD Academy. Officer Gottschall filled out the claim and was told the cost of the injury would be covered under IOD, but not the time off. This was due to the seven months between when the injury occurred and was reported. Officer Gottschall appealed his grievance to the Commission and the case was assigned to Administrative Law Judge Anthony Adgent. Metro Attorney Rachelle Gallimore-Scruggs was assigned to represent Metropolitan Government. Attorney John M.L. Brown represented Officer Gottschall.

The case was originally scheduled to be heard on August 28, 2013. On August 28, 2013, Mr. Brown gave notice that Mr. Gottschall wished to withdraw the appeal. By counsel's notice to Judge Adgent, the appeal was dismissed and closed as dated by the order on August 28, 2013.

MOTION: *After some discussion, Commissioner Sanders moved for approval of the Order of Dismissal as submitted by Administrative Law Judge Anthony Adgent. Seconded by Commissioner Allen and the Commission approved without objection.*

(6: Review – Order to Dismissal Appeal – Robert Plummer, Fire

Paramedic Robert Plummer was terminated from his position effective April 26, 2012 for the following violations: (1) #12 – Violation of any of the rules or regulations of the Metropolitan Civil Service Commission; #13 – Dishonesty; #17 – Neglect or failure of any employee to –properly and promptly make reports or furnish information specifically required by the Civil Service Commission; #32 – Any failure of good behavior which reflects discredit upon himself, the department and / or the Metropolitan Government; and #33 – Conduct unbecoming an employee of the Metropolitan Government.

Robert Plummer appealed his grievance to the Commission and the case was assigned to Administrative Law Judge Randall LeFevor. Metro Attorney Jason Bobo was assigned to represent Metropolitan Government. Attorney Phillip D. Barber represented Mr. Plummer.

The case was originally scheduled to be heard on September 27, 2012. On August 13, 2012, Judge Randall LaFevor submitted a Motion for an Agreed Order of Continuance for an available date in January 2013 or later to reset the hearing. On December 7, 2012, Judge Randall LaFevor submitted an Agreed Order continuing the hearing indefinitely and noted if the case has not been returned to an active docket by July 1, 2013, counsel would submit a written report advising the Judge. On July 19, 2013, Judge LaFevor submitted documentation to both parties asking each party confer and advise him. By August 20, 2013, an Order was submitted by Judge LaFevor stating each party agreed to dismiss the case without further action.

MOTION: *After some discussion, Commissioner Sanders moved for approval of the Order of Dismissal as submitted by Administrative Law Judge Randall LaFevor. Seconded by Commissioner Allen and the Commission approved without objection.*

(7: Departmental Equity Adjustment Requests

Under the fiscal year 2014 pay plan, seniority-based increments were reinstated based upon the employees' anniversary date. Under this plan, some departments have employees hired or promoted who have anniversary dates prior to more senior employees. In cases where both employees start the fiscal year making the same salary, the less senior employee receives an increment first. Policy 5.10-1 "Hire Above Base, Bonuses, Increment Advances, and Equity Adjustments" allows appointing authorities or the HR department to request adjustments in those situations. As multiple departments have asked to make those corrections, the HR department proposed the CS Commission approve the following standard:

Within a department, employees who share a classification will be eligible for an equity adjustment in those situations where a less-senior employee with the same salary receives an increment before they do. In those situations, employees with more seniority will have their increment date advanced to match the date of the less senior employee.

This standard complies with CS Policy 5.10-1. As appointing authorities request adjustments, the HR department would assure their request meets the approved standard, grant the request, and process it. Equity adjustments will be reported to the commission at the following Civil Service meeting. Equity adjustment requests that are outside the scope of the FY14 pay plan or do not match the approved standard would continue to come before the Commission.

Chairman Farmer expressed concerns that departments may fail to make the request. He asked if the HR department could request on the employee's behalf. Mr. Kramer confirmed that HR was authorized by policy to do that; Chairman Farmer asked if HR would do that and Mr. Kramer confirmed they would. Commissioner Sanders asked if HR could simply analyze the data themselves without involving departments. Mr. Kramer proposed that the HR department could pull the information and analyze it independent of the departments' submissions. This would be more labor intensive, but it would provide a parallel process where discrepancies could be identified and addressed, resulting in a more accurate assessment.

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

(5: Human Resources Updates

ACTION: *None*

(6: Communiqués from the public on pending hearings

ACTION: None

With nothing further, the regular meeting adjourned at 9:55 a.m.

ATTEST:

APPROVED:

Mr. Jim J. Kramer. Assistant Director
Secretary to the Commission

William H. Farmer, Chairman
Civil Service Commission