



METROPOLITAN CIVIL SERVICE COMMISSION

MINUTES

February 10, 2015

8:30 a.m.

Howard Office Building
Sonny West Room

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

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

MEMBERS ABSENT: none

OTHER MEMBERS PRESENT: Veronica T. Frazier, 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 **January 13, 2015**. With no changes or modifications, Vice-Chairman Corbitt moved to accept the minutes as submitted. Seconded by Commissioner North.

Appeals Process: Nicki Eke 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> | | | |
| Binkley, Julia R. | Application Tech 2 | Re-Employment | 01/13/15 |
| Hirschy, Rose M. | Finance Officer 2 | New Hire | 01/05/15 |
| Huynh, Loan C. | Finance Officer 2 | New Hire | 01/05/15 |
| Stewart Jr, Willie J. | Finance Officer 2 | New Hire | 01/05/15 |
| *Pedley, Rhonda M. | Finance Officer 3 | Dept. Transfer / Voluntary Reduction In Grade | 01/19/15 |

*Department Transfer from Social Services (Finance Manager, SR14) to Finance (Finance Officer 3, SR12)

FIRE

| | | | |
|-----------------------|-------------|----------------------|----------|
| *Brent, Kendall W. | Paramedic 1 | Class Change/Lateral | 01/01/15 |
| *Doss, Michael E. | Paramedic 1 | Class Change/Lateral | 01/01/15 |
| *Gilley, Chad Lee | Paramedic 1 | Class Change/Lateral | 01/01/15 |
| *Richburg, Natoyia C. | Paramedic 1 | Class Change/Lateral | 01/01/15 |

*Class change from EMT 2 (PS4) to Paramedic 1 (PS4)

INFORMATION TECHNOLOGY SERVICE

| | | | |
|--------------------|-------------------------------------|-------------------|----------|
| *Ferguson, John M. | Information Systems Media Analyst 3 | Re-Classification | 01/17/15 |
|--------------------|-------------------------------------|-------------------|----------|

*Re-Classification due to a position audit conducted by Human Resources

JUVENILE COURT

| | | | |
|--------------------|-----------------------------------|--|----------|
| *Head, Kimberly D. | Administrative Services Officer 2 | Dept. Transfer / Transition – Civil Service | 01/05/15 |
|--------------------|-----------------------------------|--|----------|

*Department Transfer from Circuit Court Clerk (Office Support Rep 3) to Juvenile Court (ASO 2)

METROPOLITAN CLERK

| | | | |
|-------------------|-----------------------------|----------|----------|
| Kelley, Howard D. | Office Support Specialist 1 | New Hire | 01/07/15 |
|-------------------|-----------------------------|----------|----------|

PARKS

| | | | |
|------------------------|-------------------------------|----------|----------|
| Chauncey, Johnathan R. | Maintenance & Repair Worker 2 | New Hire | 01/23/15 |
| Norman, Alexander G. | Maintenance & Repair Worker 2 | New Hire | 01/20/15 |
| Hamilton, Rachel E. | Specialized Skills Supervisor | New Hire | 01/12/15 |

APPOINTMENTS

| <u>NAME</u> | <u>CLASSIFICATION</u> | <u>TYPE</u> | <u>DATE</u> |
|-----------------------|-----------------------------------|--------------|-------------|
| <u>POLICE</u> | | | |
| Spencer, Donna A. | Administrative Specialist | Promotion | 01/16/15 |
| Kenderdine, Cheryl F. | Administrative Services Officer 4 | Promotion | 01/01/15 |
| *Stricklin, Jeremy W. | Police Officer 2 | Class Change | 01/12/15 |

*Class change from pension supplemented classification to original classification

PUBLIC LIBRARY

| | | | |
|----------------------|-----------------------------------|----------------------------|----------|
| Tognoni, Nicholas P. | Administrative Services Officer 4 | New Hire | 01/05/15 |
| Jackson, Anora D. | Circulation Assistant 1 | Re-Hire | 01/05/15 |
| Jones, Justin D. | Circulation Assistant 1 | Re-Hire | 01/19/15 |
| *Northern, Ebony M. | Circulation Assistant 1 | Transition - Civil Service | 12/22/14 |
| ^Brooks, Robert G. | Circulation Supervisor | Class Change/Lateral | 01/19/15 |
| Cone, Todd A. | Info Systems App Tech 1 | New Hire | 01/05/15 |
| Pawlak, Patricia A. | Librarian 2 | Promotion | 01/05/15 |
| Sheridan, Megan L. | Librarian 2 | New Hire | 01/05/15 |
| Starks, Vickie V. | Library Associate 1 | Re-Hire | 12/22/14 |
| Stevens, Timothy J. | Mail Clerk Carrier | New Hire | 01/19/15 |

*Transition to Civil Service from Part Time status

^Class change from Library Associate 1 (SR6) to Circulation Supervisor (SR6)

PUBLIC WORKS

| | | | |
|--------------------|----------------------|----------------------------|----------|
| Reynolds, Javan M. | Engineer In Training | New Hire | 01/05/15 |
| *Howard, Meri A. | Engineering Tech 2 | Transition - Civil Service | 01/19/15 |

*Transition to Civil Service from temporary status

SHERIFF

| | | | |
|------------------|------------------------|----------------------------|----------|
| *Lopez, Jhuliana | Correctional Officer 1 | Transition - Civil Service | 12/23/14 |
|------------------|------------------------|----------------------------|----------|

*Transition to Civil Service from a non-Civil Service position

WATER SERVICES

| | | | |
|-----------------------|--------------------------|------------------|----------|
| Johnson, Marques D. | Industrial Electrician 1 | New Hire | 01/22/15 |
| Key, Joshua D. | Industrial Mechanic 1 | Promotion | 01/17/15 |
| Sanchez, Louie M. | Industrial Mechanic 1 | Promotion | 01/17/15 |
| Rivers, Marco S. | Office Support Rep 3 | Re-Hire | 01/17/15 |
| Williams, David M. | Office Support Rep 3 | Re-Hire | 01/22/15 |
| Trentes, Erin K. | Service Rep 2 | New Hire | 01/22/15 |
| Dodson Jr, Thomas L. | Technical Specialist 2 | Promotion | 01/17/15 |
| King, Gene A | Technical Specialist 2 | Promotion | 01/17/15 |
| *Hayden Jr, Edward G. | Treatment Plant Tech 1 | Reclassification | 01/17/15 |

APPOINTMENTS

| <u>NAME</u> | <u>CLASSIFICATION</u> | <u>TYPE</u> | <u>DATE</u> |
|-----------------------|-----------------------------------|------------------|-------------|
| <u>WATER SERVICES</u> | | | |
| *Pigue, Daniel H. | Treatment Plant Tech 1 | Reclassification | 01/17/15 |
| *Ruiz, Hector Y. | Treatment Plant Tech 1 | Reclassification | 01/17/15 |
| White, Samantha A. | Treatment Plant Tech 1 | New Hire | 01/12/15 |
| Neumaier, Anthony J. | Water Services Assistant Director | Promotion | 01/17/15 |

*Reclassification due to a position audit conducted by Human Resources

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

TERMINATIONS/ PENSIONS

| <u>NAME</u> | <u>CLASSIFICATION</u> | <u>TYPE</u> | <u>DEPARTMENT</u> | <u>DATE</u> |
|-----------------------|---------------------------------|-------------|-----------------------|-------------|
| Cox, Erica I. | Emer Telecommunications Off 1 | Resignation | ECC | 12/23/14 |
| Cunningham, Tamika N. | Emer Telecommunications Off 4 | Resignation | ECC | 01/15/15 |
| Harrington, Daniel D. | Emer Telecommunications Off 4 | Resignation | ECC | 12/28/14 |
| Mariscal, Angel P. | Information Sys Oper. Analyst 1 | Resignation | ECC | 01/06/15 |
| Felts, Charles E. | Fire Captain | Pension | Fire | 01/05/15 |
| Frensley, Thomas E. | Fire Captain | Pension | Fire | 01/08/15 |
| Spears, Joel L. | Fire Engineer | Pension | Fire | 01/08/15 |
| Bouser, Michael B. | Paramedic 2 | Resignation | Fire | 01/06/15 |
| Carr Jr., Majel L. | Technical Specialist 2 | Pension | General Services | 01/14/15 |
| Asbrock, Allison K. | Office Support Rep 3 | Resignation | Historical Commission | 01/02/15 |
| Wilson, Jeremy L. | Recreation Leader | Dismissal | Parks | 01/02/15 |
| Garrett, Tanya R. | Crime Lab Forensic Scientist 3 | Resignation | Police | 01/02/15 |
| Webb, Lisa P. | Paralegal | Resignation | Police | 01/12/15 |
| Bowling, Wade T. | Police Officer 2 | Resignation | Police | 01/02/15 |
| Gafford, James A. | Police Officer 2 | Pension | Police | 12/30/14 |
| Gatwood, Tracy S. | Police Officer 2 | Pension | Police | 01/15/15 |
| Hamer, Patrick D. | Police Officer 2 | Resignation | Police | 12/24/14 |
| Johnson, Melissa A. | Police Officer 2 | Pension | Police | 01/05/15 |
| Marbach, Bradley K. | Police Operations Assistant 1 | Resignation | Police | 12/28/14 |
| Duncan, Rebekah E. | Police Operations Assistant 2 | Resignation | Police | 01/05/15 |
| Matthews, Antranette | Police Operations Coordinator 1 | Resignation | Police | 12/31/14 |
| Hills, Corey L. | Police Security Guard 1 | Resignation | Police | 01/13/15 |
| Gillmer, Eric W. | Equipment Operator 3 | Resignation | Public Works | 01/16/15 |
| Irwin, Joseph S. | Equipment Operator 3 | Pension | Public Works | 12/31/14 |
| O'Guin, Jeffrey S. | Equipment Operator 3 | Resignation | Public Works | 12/29/14 |
| Harper, Deshun M. | Maintenance & Repair Worker 1 | Resignation | Public Works | 01/16/15 |
| Armstead, Ashley M. | Correctional Officer 1 | Resignation | Sheriff | 01/10/15 |
| Ross, Tony R. | Correctional Officer Lt. | Pension | Sheriff | 01/15/15 |
| Emerson, Sonya D. | Nutrition Site Coordinator | Resignation | Social Services | 01/02/15 |
| Riley, Bernard K. | Plumber | Resignation | Water Services | 12/31/14 |
| Tamulis, James J. | Technical Services Coordinator | Pension | Water Services | 12/31/14 |
| Young, Jennifer A. | Treatment Plant Shift Supv. | Resignation | Water Services | 01/02/15 |
| Johnson, George W. | Water Maintenance Leader 1 | Deceased | Water Services | 01/15/15 |

MOTION: *After some discussion, Commissioner North moved to accept the Termination/Pension report for 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> |
|-----------------------------------|------------------|----------------|-------------|-------------|--------------------------|
| Correctional Officer Sergeant | Sheriff's Office | 50 | Dept | 01/06/15 | A |
| Correctional Officer Lieutenant | Sheriff's Office | 4 | Dept | 01/06/15 | A |
| Specialized Skills Supervisor | Parks | 39 | Open | 01/06/15 | E |
| Mail Clerk Carrier | Library | 206 | Open | 01/08/15 | E |
| Special Assistant to the Director | Library | 348 | Open | 01/12/15 | A |
| Maintenance & Repair Worker 1 | Public Works | 46 | Open | 01/13/15 | E |
| Industrial Mechanic 1 | Water | 25 | Open | 01/13/15 | E |
| Administrative Specialist | Police | 1 | Dept | 01/14/15 | E |
| Recreation Leader | Parks | 2 | Open | 01/14/15 | E |
| Water Services Assistant Director | Water | 1 | Dept | 01/20/15 | E |
| Equipment Operator 2 | Water | 17 | Open | 01/21/15 | E |
| Corrections Officer 2 | Sheriff's Office | 29 | Dept | 01/22/15 | E |
| Equipment Operator 2 | Public Works | 36 | Open | 01/23/15 | A |
| Sanitation Worker | Public Works | 109 | Open | 01/26/15 | E |
| Equipment Operator 3 | Public Works | 39 | Open | 01/27/15 | E |
| Administrative Services Officer 4 | General Services | 2 | Dept | 01/27/15 | E |
| Information Systems Technician 2 | ITS | 24 | Open | 01/27/15 | A |
| Police Crime Analyst | Police | 78 | Open | 01/16/15 | E |
| Technical Specialist 2 | Water Services | 2 | Dept | 01/20/15 | E |

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

DEPARTMENTAL ITEMLIBRARY

(1: **Director Kent Oliver, represented by Sherry Adams, requested approval to Hire Above Base Ms. Cheryl Markman, Administrative Services Manager/NAZA Coordinator – SR13.**

Ms. Adams stated Ms. Markman was selected from a pool of applicants for the position of Administrative Services Manager/Nashville After-Zone Alliance (NAZA) Coordinator. Because of her accomplishments, specialized training and experience as Director of Afterschool Initiatives, Ms. Markman is considered the best candidate for this position.

MOTION: *After some discussion, Commissioner North moved to approve the above as submitted. Seconded by Commissioner Sanders and the Commission approved without objection.*

HUMAN RESOURCES

(2: Request for Correction to Civil Service Policy Language

HR Manager Stephen Cain said during the last Civil Service meeting of January 2015, the Commission approved changes to the rules that pertained to IOD (Injury on Duty) pay and leave. It also modified the Civil Service policies to reflect the new rule change.

When making the changes, an error occurred where language was duplicated from the approved rule into the corresponding policy. Therefore, to correct the error, a change in the language is needed to show the word “may” should be “shall”. It is for clarification / clean-up.

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

(3: Request for Public Hearing to add Domestic Partnership to the Civil Service rule, Chapter 10 – Definition of Family.

HR Analyst Libby Cain said that Metro Council passed an Ordinance BL2014-779 (Domestic Partnership Benefits) in June 2014. The Ordinance would afford those employees the same type employment benefits, administered by Benefit Board as other Metro employees. It is by those changes that Human Resources requests a public hearing to consider the addition of the term “Domestic Partnership” be part of the definitions for “Immediate Family” (Chapter 10 – Definitions of Civil Service rules. The addition of this language would allow those employees access to approved leave privileges.

MOTION: *After some discussion, Commissioner Allen moved for approval to have a Public Hearing immediately following the regularly scheduled meeting in March. Seconded by Commissioner Sanders and the Commission approved without objection.*

(4: Review Initial Order of John Tuberville, Police / Suspension

Metro Legal Attorney Susan Jones made a request to defer the matter of John Tuberville until March due to Metro Attorney Jon Michael not being able to attend the meeting. Opposing council Brocklin Parks was contacted prior to the meeting and did not object to a deferral. Chairman Farmer explained to the Commission the circumstances and recommended the matter be heard next month.

ACTION: *The case was deferred until the March meeting.*

(5: Review Initial Order of Carey Adkerson, Police / Termination

Carey Adkerson was terminated from his position from the Police Department effective March 5, 2014 for the following violations:

Incident 1 (Control Number 073713C) – (1) MNPD Manual Section 4.20.040 (A), Adherence to Policy to wit; MNPD Manual Section 3.70.090(A) Appearing in Court; (2) Metro Civil Service Rules, Section 6.7 Grounds for Disciplinary Action – Deficient or Inefficient Performance of Duties

Incident 2 (Control Number 0584813C) – (1) MNPD Manual Section 4.20.040(B), Adherence to Law (unauthorized use of disabled parking space); (2) MNPD Manual Section 4.20.040 (G), Courtesy; (3) Metro Civil Service Rules, Section 6.7, Grounds for Disciplinary Action #11 – Violation of any written rules, policies, or procedures of the department in which the employee is employed.

Incident 3 (Control Number 068213D) – (1) MNPD General Order 09-03, Department and Personal Appearance Section VIII, Official Obligations (F) Deficient or Inefficient Performance of Duties; (2) MNPD General Order 09-03, Department and Personal Appearance Section VIII, Official Obligations (S) Failure to Cooperate/Withholding Information; (3) MNPD General Order 09-03, Department and Personal Appearance Section VIII, Official Obligations (F) Deficient or Inefficient Performance of Duties; (4) MNPD General Order 0-03, Department and Personal Appearance Section VIII, Official Obligations (E) Honesty & Truthfulness; (5) MNPD General Order 09-03, Department and Personal Appearance Section VIII, Official Obligations (F) Deficient or Inefficient Performance of Duties; (6) Metro Civil Service Rules Section 6.7, Grounds for Disciplinary Action (13) Dishonesty and (7) Metro Civil Service Rules Section 6.7, Grounds for Disciplinary Action (2) Deficient or Inefficient Performance of Duties.

Mr. Adkerson appealed his suspension to the Commission by his attorney Worrick Robinson on March 12, 2014. The case was assigned to Administrative Law Judge Rob Wilson. Metro Attorney Cynthia Gross represented Metropolitan Government. There was a substitution of legal counsel and Ms. Kim Gilleland became Mr. Adkerson attorney throughout his hearing.

The hearing was heard on August 12, 2014. After reviewing the case, **Judge Wilson entered an Initial Order on December 23, 2014, overturning the appointing authority's decision to terminate the grievant and reinstate Mr. Adkerson to his former position with full back pay and benefits, minus three (1) day suspension for violations of MNPD Manual Section 3.70.090(A), Appearing in Court, and MNPD Manual Section 4.20.040(B) Adherence to Law (unauthorized use of a handicapped parking space) and MNPD Manual Section 4.20.040(G), Courtesy.**

Metro Attorney Cyndi Gross and Attorney Kim Gilleland were both present before the Commission to discuss the case.

1st MOTION: After a considerable amount of discussion, Vice-Chairman Corbitt made a motion to modify the Initial Order with the following changes: (1) Set a five day suspension under incident one and two. Commissioner Sanders second the motion and the Commission approved without objection.

2nd MOTION: With continued discussion on the case under incident 3 for the Biaz matter, Vice-Chairman Corbitt made a motion for charge one (1) Gen. Order 09-03 (F) – to uphold the ten days suspension; charge two (2) Gen. Order 09-03 (S) – move to uphold the twenty days suspension; charge three (3) Gen. Order 09-03 (F) – move to uphold the four days suspension; charge four (4) Gen Order 09-03 (E) – dismiss the charge on honesty & truthfulness; charge five (5) Gen Order 09-03 (F) – terminate Mr. Adkerson's employment; charge six (6) Civil Service Rules Section 6.7 (13) dismiss charge and charge seven (7) Civil Service Rule Section 6.7 (2) – dismiss charge.

Chairman Farmer stated the charges be taken one by one and there was a motion to dismiss charges four (4), six (6) and seven (7). Commissioner North second the motion to dismiss 4, 6 and 7 and the Commission approved without objection.

Under the Biaz matter, Vice-Chairman recommended to keep charges one, two, three and five.

3rd MOTION: *Under Charge one (1) of Incident 3, Vice-Chairman Corbitt moved to modify the ALJ's Initial Order and uphold the departments suspending Mr. Adkerson for ten (10) days (inefficient performance of duties). It was seconded by Commissioner North. The Commission voted: Corbitt – yes; North – yes; Sanders – yes; Allen – no. The vote was three to one.*

4th MOTION: *Under Charge five (5) of Incident 3, Vice-Chairman Corbitt moved to modify the ALJ's Initial Order and to terminate Mr. Adkerson position from the Police Department. Commissioner North seconded the motion. The Commission voted: Corbitt – yes, North – yes, Sanders – no, Allen – no. Chairman Farmer voted no to break the tie. The vote was two to three.*

5th MOTION: *Under Charge two (2) of Incident 3, Vice-Chairman Corbitt moved to modify the ALJ's Initial Order to uphold a twenty day suspension for not cooperating with the DA. Seconded by Commissioner North. The Commission voted: Corbitt – yes; North – yes; Sanders – no; Allen – no. Chairman Farmer voted no to break the tie. The vote was two to three.*

6th MOTION: *Under Charge three (3) of Incident 3, Vice-Chairman Corbitt moved to modify the ALJ's Initial Order to uphold the four (4) day suspension. Seconded by Commissioner North. The Commission voted: Corbitt – yes, North – yes; Sanders yes; Allen – no. Chairman Farmer voted no. The vote was three to two.*

The total for suspension days came to nineteen (19).

7th MOTION: *Commissioner Allen moved to modify the Initial Order to be reinstated to his position and increase the suspension of three days to nineteen days. Seconded by Commissioner Sanders The Commission voted: Corbitt – no; Allen – yes; Sanders – yes; North – no. Chairman Farmer broke the tie and voted yes. The vote was three to two.*

(6: HR Director Search – Update

HR Assistant Director Sonny Lyons explained how the process was accomplished for the HR Director position. He said the position was posted according to the Civil Service rules and applications were reviewed / assessed by HR Managers Sherry Adams of the Public Library and Mike Taylor of Public Works. Seven candidates were selected and telephone interviews were conducted .

On January 30, 2015 , there was an on-site interview where the panel chose three final candidates. The panel consisted of: Joann North, Saul Solomon; Steve Anderson; Cynthia Croom and Tommy Lynch. The persons chosen were (rank order): Veronica Frazier, Joseph Smith and Michael Salvador.

As the Commission discussed the matter, it was stated by Commissioner Sanders that in order to consider what was provided to the panel, the materials and applications need to be furnished to the Commission for review. This will be brought back to the next meeting for a vote.

MOTION: *Vice-Chairman Corbitt moved to defer this until the next meeting on March 10, 2015. Seconded by Commissioner Allen. The Commission approved with one objection from Commissioner North.*

(7: Review Updated ALJ Hearing Calendar

Chairman Farmer thanked Ms. Sorrow for updating the Administrative Hearing Calendar each month. The calendar shows events that have been or will take place. He also asked that Metro Legal Department continue to work with Administrative Law Judges in an effort to move each case along and to complete as quickly as possible.

ACTION: This was for a report only.

(8: Human Resources Updates

Director Veronica Frazier said HR is working with the Health Department on a new policy health initiative across the government. We will work internally to come up with some policies and ways we can be healthy in Metro HR and across the government. We want to share information we have regarding benefits that can help all employees and agencies healthier. Also, the Mayor has established by Executive Order the Diversity Advisory Committee (DAC) and tasked this group with finding ways to increase the diversity of the workforce of Metro Government so that it better reflects the demographics of our city. The Committee has met once and assigned a sub-committee to review current regulations and policies related to Metro's hiring practices. The sub-committee has met once; Ms. Frazier serves on both committees.

ACTION: This was for a report only.

(9: Communiqués from the public on pending hearings

There were none.

ACTION: This was for a report only.

With nothing further, the regular meeting adjourned at 10:30 a.m.

ATTEST:

APPROVED:

**Veronica T. Frazier, Director
Secretary to the Commission**

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