



# METROPOLITAN CIVIL SERVICE COMMISSION

## MINUTES

March 10, 2015

8:30 a.m.

Howard Office Building  
Sonny West Room

700 2<sup>nd</sup> Avenue South and  
Lindsley Avenue  
Nashville, Tennessee 37210

▪ **MEMBERS PRESENT:** Chairman William H. Farmer; Vice-Chairman R. Steve Corbitt, D. Billye Sanders and Jo Ann North.

▪ **MEMBERS ABSENT:** C. Michael Allen

**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 **February 10, 2014**. There were none. Vice-Chairman Corbitt moved to accept the regular minutes. 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.

APPOINTMENTS  
TERMINATIONS / PENSIONS  
ELIGIBILITY REGISTER REPORT  
HUMAN RESOURCES ITEMS

PG. 2-3  
PG. 4  
PG. 5  
PG. 5-8

APPOINTMENTS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<u>CODES ADMINISTRATION</u>			
Roberts, Shannon A.	Mechanical/Gas Inspection Chief	Promotion	02/02/15
<u>FINANCE</u>			
Hess, Brandon S.	Finance Officer 2	New Hire	02/16/15
<u>GENERAL SERVICES</u>			
Lykins, Cynthia K.	Administrative Services Officer 4	Promotion	02/02/15
*Liles, David A.	Maintenance & Repair Supervisor	Department Transfer	02/16/15
*Department Transfer from Parks to General Services			
<u>INFORMATION TECHNOLOGY SERVICE</u>			
Aumann, Michael W.	Info Systems Comm Analyst 1	New Hire	02/14/15
Rawls, John A.	Info Systems Comm Analyst 1	New Hire	02/14/15
Keaton, Matthew B.	Information Systems Advisor 1	Promotion	02/14/15
<u>JUVENILE COURT</u>			
Schmidt, Dana M.	Program Manager 2	New Hire	02/23/15
<u>PARKS</u>			
*Bogle, Augusta K.	Recreation Leader	Transition - Civil Service	01/30/15
*Transition to Civil Service from a Part Time status			
<u>POLICE</u>			
Sanders, Darlene C.	Administrative Services Officer 3	Promotion	02/16/15
Burke III, Harold M.	Police Lieutenant	Promotion	02/16/15
*Ward, George N.	Police Officer 2	Demotion	01/19/15
Anderson, Dalton A.	Police Operations Assistant 1	New Hire	02/16/15
Bennett, Joel M.	Police Operations Assistant 1	New Hire	02/16/15
Arevalo, Alfredo O.	Police Sergeant	Promotion	02/16/15
Bearden, Rickey R.	Police Sergeant	Promotion	02/16/15
Buchanan, Michael A.	Police Sergeant	Promotion	02/16/15
Clark Jr, Jere B.	Police Sergeant	Promotion	02/16/15
Finnegan, Ryan M.	Police Sergeant	Promotion	02/16/15
Huddleston II, Richard H.	Police Sergeant	Promotion	02/16/15
Knight, Clifton L.	Police Sergeant	Promotion	02/16/15
Moseley, Jeffery T.	Police Sergeant	Promotion	02/16/15
Potts, Ryan K.	Police Sergeant	Promotion	02/16/15
Robinson, John B.	Police Sergeant	Promotion	02/16/15

**APPOINTMENTS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DATE</u>
<b><u>POLICE</u></b>			
Thomas, Adam R.	Police Sergeant	Promotion	02/16/15
Wheeler Jr, John D.	Police Sergeant	Promotion	02/16/15
Armstrong, Reed W.	Professional Spec	New Hire	02/01/15

\*Demotion from Police Sergeant (PS6) to Police Officer 2 (PS4)

**PUBLIC LIBRARY**

*Markman, Cheryl L.	Administrative Services Manager	Transition - Civil Service	02/16/15
^Green, Klani E.	Librarian 2	Vol Reduction In Salary Grade	02/16/15
**Fitzgerald, Lauren E.	Library Associate 1	Transition - Civil Service	02/16/15
Frederick, Corey M.	Library Associate 1	Promotion	02/02/15
^Johnson, Sade D.	Library Associate 1	Class Change/Lateral	02/16/15
Lovell, Emily R.	Library Associate 1	Promotion	02/16/15

\*Transition to Civil Service from Temporary Status

^Voluntary Reduction In Grade From Library Manager 1 (SR11) to Librarian 2 (SR10)

\*\*Transition to Civil Service from Part Time Status

^Class Change from Office Support Rep 3 (SR6) to Library Associate 1 (SR6)

**PUBLIC WORKS**

Frazier III, Fred L.	Equipment Operator 3	Promotion	02/16/15
Gooch, Dechel M.	Equipment Operator 3	Promotion	02/16/15
Martin Jr, Jerry W.	Equipment Operator 3	New Hire	02/17/15
McKibbens, Darrius L.	Maintenance & Repair Worker 1	New Hire	02/17/15
Jones Jr, Johnny W.	Sanitation Worker	New Hire	02/17/15

**WATER SERVICES**

*Nelson II, Lee A.	Administrative Services Officer 3	Class Change/Lateral	02/12/15
Hughes, Justin T.	Customer Service Field Rep 2	New Hire	02/23/15
Carter, Brett M.	Engineer In Training	New Hire	02/23/15
Thomas, Aaron C.	Engineer In Training	New Hire	02/06/15
^Boyd, Adam L.	Equipment Operator 2	Dept. Transfer / Transition - Civil Service	01/31/15
^Hughes, Julie V.	Treatment Plant Tech 1	Demotion	02/14/15
**Holland, Richard A.	Water Maintenance Leader 2	Class Change/Lateral	02/12/15
**Johnson, Gary A.	Water Maintenance Leader 2	Class Change/Lateral	02/12/15
**Madden, Frank D.	Water Maintenance Leader 2	Class Change/Lateral	02/12/15
**Shelton, Steve D.	Water Maintenance Leader 2	Class Change/Lateral	02/12/15

\*Class Change from Customer Service Supervisor (SR10) to ASO 3 (SR10)

^Department Transfer from State Trial Courts (Group Care Aide) to Water (Equipment Operator 2)

^Demotion from Environmental Comp Officer 1 (SR8) to Treatment Plant Tech 1 (TG8)

\*\*Class Change from M&R Leader 2 (TI9) to Water Maintenance Leader 2 (TI9)

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

**TERMINATIONS/ PENSIONS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>TYPE</u>	<u>DEPARTMENT</u>	<u>DATE</u>
Bass, Neil F.	Emer Telecomm Officer 2	Resignation	ECC	01/26/15
Williams, Christopher L.	Finance Officer 2	Resignation	Finance	02/13/15
Gray, Sandra R.	Finance Officer 3	Resignation	Finance	02/06/15
Morris, Mark D.	Fire Captain	Pension	Fire	02/09/15
Wilkinson, Kenneth W.	Fire Captain	Pension	Fire	01/23/15
Lanham Jr, Marvin H.	Fire Engineer	Pension	Fire	01/29/15
McClain, James D.	Fire Engineer	Pension	Fire	02/10/15
Ross Jr, Howard R.	Administrative Services Manager	Pension	Juvenile Court	01/30/15
Graham, William D.	Recreation Leader	Resignation	Parks	01/30/15
Williams, Demetria D.	Recreation Leader	Resignation	Parks	01/26/15
Bibb, Amanda S.	Administrative Services Officer 3	Resignation	Police	01/28/15
Black, Rachael R.	Police Officer 2	Resignation	Police	01/30/15
Massey, Stephen J.	Police Officer 2	Resignation	Police	02/08/15
Middleton, Willie J.	Police Officer 2	Pension	Police	02/02/15
Stockdale, Mark E.	Police Officer 2	Pension	Police	02/04/15
White, Zachary L.	Police Officer 2	Resignation	Police	02/13/15
Baxter, Taylor N.	Police Operations Assistant 1	Resignation	Police	02/03/15
Anderson, Ronald F.	Police Security Guard 1	Pension	Police	02/12/15
Claybrooks, Keith H.	Police Sergeant	Pension	Police	01/31/15
Perry, Susan A.	Library Manager 3	Pension	Public Library	01/31/15
Brown, David M.	Maintenance & Repair Worker 1	Resignation	Public Works	01/30/15
Brown, William	Maintenance & Repair Worker 1	Pension	Public Works	02/11/15
Marchese, Nicholas A.	Correctional Officer 1	Pension	Sheriff	02/03/15
Page, Christopher W.	Correctional Officer 1	Resignation	Sheriff	01/23/15
Washington, Aerin L.	Correctional Officer 1	Resignation	Sheriff	01/22/15
Willis Jr, Remond	Correctional Officer 1	Resignation	Sheriff	02/11/15
Dixon Jr, Donald R.	Correctional Officer Sergeant	Resignation	Sheriff	02/12/15
Winesett Jr, Preston S.	Envir Compliance Officer 3	Resignation	Water Services	02/02/15
Perigo, Jerry R.	Industrial Tech Master	Pension	Water Services	01/19/15
Schutt, Darryl W.	Treatment Plant Manager	Pension	Water Services	02/06/15

**MOTION:** After some discussion, Vice-Chairman Corbitt moved to accept the Termination/Pension report for dates and reasons stated. Seconded by Commissioner North and the Commission approved without objection.

**ELIGIBILITY REGISTER REPORT**

<u>CLASSIFICATION</u>	<u>DEPT</u>	<u>ON LIST</u>	<u>TYPE</u>	<u>DATE</u>	<u>ESTABLISH/ABOLISH</u>
Maintenance & Repair Worker 1	Public Works	43	Open	1/27/15	E
Library Associate 1	Library	88	Open	2/02/15	E
Administrative Services Officer 3	Police	6	Dept	2/06/15	E
Info Systems Comm. Analyst 1	ITS	29	Open	2/09/15	E
Equipment Operator 2	Public Works	43	Open	2/10/15	E

ELIGIBILITY REGISTER REPORT

<u>CLASSIFICATION</u>	<u>DEPT</u>	<u>ON LIST</u>	<u>TYPE</u>	<u>DATE</u>	<u>ESTABLISH/ABOLISH</u>
IS Advisor 1	ITS	1	Dept	2/10/15	E
Office Support Specialist 1	General Services	295	Dept	2/12/15	E
Mechanical Gas Inspection Chief	Codes	1	Dept	2/13/15	E
Electrical Inspector 1	Codes	20	Open	2/18/15	E
Building Inspector 1	Codes	35	Open	2/18/15	E
Safety & Security Manager	Library	134	Open	2/19/15	E
Info Systems Applications Analyst 3	ITS	1	Dept	2/18/15	E
Correctional Officer Lieutenant	Sheriff's Office	8	Dept	2/19/15	E
Finance Officer 3-Procurement	Finance	33	Open	2/25/15	A
Finance Officer 3-Procurement Contract Specialist	Finance	34	Open	2/25/15	A
Correctional Officer 1	Sheriff's Office	21	Open	2/16/15	E
Environmental Compliance Officer 1	Water	90	Open	2/26/15	A

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

HUMAN RESOURCES

Human Resources Director Veronica T. Frazier, submits the following for the Commission's consideration and appropriate action:

- ( 1: Request Waiver to Extend IOD Time in accordance with Civil Service Rule 4.8-D Period of Compensation

HR Manager Stephen Cain said he received a request for an Injury On Duty (IOD) waiver from Police Officer Pardicelli and noted this is the first waiver to extend IOD time. In the most recent rule change, it was stated that when an employee has exhausted their time but believes they have a reasonable amount of time documented to come back to work, may receive a waiver from the Commission.

Officer Pardicelli, who suffered an injury in the course of apprehending an individual has experienced difficulty recovering from his initial surgery. It wasn't until Officer Pardicelli obtained a second medical opinion that he found out the reason he was not healing properly and now needs additional surgery to correct the problem. The request in this matter is four (4) to six (6) months of additional rehabilitation in order that the injury can heal properly and Officer Pardicelli return to work as soon as possible.

**MOTION:** *After some discussion, Vice-Chairman Corbitt moved to approve the Medical Waiver for Officer Pardicelli for six (6) months. Seconded by Sanders and the Commission approved without objection.*

## ( 2: Review Initial Order of Jason Themm, Sheriff / Demotion and Suspension

Jason Themm was Demoted / Suspended from his position at the Sheriff's Office effective February 28, 2014 for the following violations:

DCSO Policy 1-1.312

"Employee Conduct" – Physical and Verbal Altercations: (A) To ensure its effective and efficient operation, the DCSO requires employees to display common courtesy and maturity. The actions described below are specifically prohibited and will be addressed accordingly...initiating any actions, behaviors, or words for the apparent purpose of antagonizing another person into a verbal or physical confrontation that violates maintenance of good order; (B) Physical fights and/or assaults may be treated as gross misconduct and may result in disciplinary action up to and including termination of employment.

Grounds for Disciplinary Action: (C) 5 – Failure to follow written orders, policies, and procedures; (D) 6 – Conduct that creates safety hazards; (E) 28 – Knowingly making false statements, deliberately omitting facts, or failing to cooperate during an inquiry or investigation, whether formal or informal; (F) 29 – Dishonest behavior; (G) #38 – Using, or threatening to use, violence or unauthorized force against any person; (H) #39 – Unnecessary or excessive use of force;

DCSO Policy 1-1.45 "Use of Force" Policy:

- (I) Use of physical force is restricted to instances of justifiable self-defense, protection of others, protection of property, and prevention of escapes, and then only when there is no other reasonable option and in accordance with appropriate statutory authority.

CJC Procedure 2-2.168: "2A Special Housing Unit" Personal Hygiene

- (J) Safe room cells will be searched upon entrance and exits to the safe room

Civil Service Rules, Section 6.7 "Grounds for Disciplinary Action" – (K) #11 – Violation of any written rules, policies or procedures of the department in which the employee is employed; (L) #13 – Dishonesty; (M) #20 – Violation of safety rules, regulations or procedures; (N) #28 – The use or threat of violence or intimidation when directed toward another person.

Mr. Themm made his appeal to the Commission on March 15, 2014. The case was then assigned to Administrative Law Judge Mary Collier. Metro Attorney Cynthia Gross represented Metropolitan Government. Mr. Themm represented himself. The hearing was heard on September 22, 2014. After reviewing the case, **Judge Collier entered an Initial Order on February 3, 2015, upholding the appointing authority's decision of Mr. Themm for a 40 hour suspension and demotion.**

Metro Attorney Cynthia Gross, who represented the Sheriff's Office, was present to discuss the case. Mr. Themm was notified to attend the meeting. He left a message by phone saying he would not be present.

**MOTION:** **After some discussion, Vice-Chairman Corbitt made a motion to Uphold the Initial Order as submitted by Administrative Law Judge Mary Collier. Commissioner North second the motion and the Commission approved without objection.**

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

John Tuberville was suspended from his position from the Police Department effective May 18, 2012 for the following violations:

Incident 1 (Suspended one (1) calendar day without pay and written reprimand) – Control #026311C - (1) General Order 09-03, Department and Personal Appearance –VIII - (f) Deficient or Inefficient Performance of Duties ; (2) General Order 09-03 Department and Personal Appearance – VII – Personal Behavior; (3) Civil Service Rule Section 6.7 - #11 Violation of any written rules, policies or procedures of the department in which the employee is employed;

Incident 2 (Suspended nine (9) calendar days without pay) – OPA Case IA2011-00054 – (1) General Order 09-03 Department and Personal Appearance – VII – Personal Behavior (A) Adherence to Policy & Rules of Metro Government; (2) General Order 09-03 Department and Personal Appearance – VII – Personal Behavior (A) Adherence to Policy & Rules of Metro Government to wit General Order 05-08 Police Vehicle Policy and Procedures – IX – Control Provisions – Vehicular Operation (A) General Operation and (3) Metro Civil Service Rules, Section 6.7 #11 Violation of any written rules, policies or procedures of the department in which the employee is employed.

Mr. Tuberville appealed his suspension to the Commission by his attorney on May 25, 2012 and the case was assigned to Administrative Law Judge Kim Summers. Metro Attorney Jon Michael represented Metropolitan Government. Mr. Tuberville was represented by Attorney Brock Parks. During the process of the hearing, the grievant withdrew his appeal of the smaller two (2) days and the total sum of nine (9) calendar days was reduced to seven (7) days suspension. The hearing was set four different times and finally heard on April 17, 2014. After reviewing the case, **Judge Summers entered an Initial Order on December 26, 2014, upholding the appointing authority's decision to suspend the grievant but amended the suspension from 10 to seven (7) days.**

Metro Attorney Jon Michael represented the Police Department. Officer Tuberville was represented by Attorney Brock Parks. Both Attorneys were present before the Commission to discuss the case.

**MOTION:** **After a considerable amount of discussion, Vice-Chairman Corbitt made a motion to Uphold the Initial Order as submitted by Administrative Law Judge Kim Summers. Commissioner Sanders second the motion and the Commission approved without objection.**

**( 4: Benefit Board Elections – Fire and Retired Employee Representatives**

**A. Fire Department Representative – April 13 thru May 15, 2015**

**B. Retired Employee Representative – April 17 thru May 22, 2015**

HR Analyst Seth Waltenbaugh said there are two members who sit on the Benefit Board whose term will be ending June 30, 2015. An election plan was submitted for review and approval for each election (one ending May 15 and the other May 22). It is a good timeline for candidates to qualify and the election to be held. All Fire Department employees will be notified by mail and notices will be posted in various areas in Metro. As for the retirees, a paper notice will be mailed to all retirees who will have an opportunity to return their ballot for the candidate of their choice.

**MOTION:** **After some discussion, Commissioner Sanders made a motion to approve the elections for both Fire and Retired candidates. Commissioner North second the motion and the Commission approved without objection.**

**( 5: HR Director Search – Final Review / Decision**

Asst. Director Sonny Lyons said information of each applicant and their resumes were provided to the Commission during the February meeting for review. It would be during the March meeting the Commission would need to discuss and vote on the person recommended by the committee. Chairman Farmer then asked the wishes of those members present. Commissioner North said after interviewing each candidate, the search committee recommended Ms. Veronica Frazier as permanent Human Resources Director. Each member present agreed with the endorsement.

**MOTION:** *After some discussion, Commissioner North moved to nominate and accept Ms. Veronica Frazier as permanent Director of the Metro Human Resources Department. Commissioner Sanders second the motion and the Commission approved without objection.*

**( 6: Review Updated ALJ Hearing Calendar**

Chairman Farmer thanked Ms. Sorrow for her continued efforts to keep the Administrative Hearing Calendar up to date each month. The calendar provides information of each hearing that has or will take place. He also charged that the Metro Legal Department move the cases along and complete each one as quickly as possible.

**ACTION:** *This was for a Report Only*

**( 7: Human Resources Updates**

HR Director Veronica Frazier said Vice-Chairman Corbitt had asked for information regarding all Police Officer Trainees that have been approved since 2012. Mr. Waltenbaugh prepared spreadsheets tracking those numbers and Human Resources will continue to keep the Commission updated as the numbers change. Also on February 24, 2015, Human Resources organized an information session with HR Representatives from various departments throughout Metro. Those meetings will continue quarterly. Last, in a previous meeting it was noted the Mayor has assigned a diversity advisory committee to look at ways that we can increase diversity among the workforce in Metro Government to better reflect diversity in the communities. There will be outreach listening sessions held on March 10<sup>th</sup> from 6 to 7:30 p.m. at Hadley Regional Community Center and then again on Thursday, March 12<sup>th</sup> from 6 to 7:30 p.m. at Coleman Regional Community Center and then Friday, March 13<sup>th</sup> from 11:30 to 1:00 p.m. in the Howard Office Building – Sonny West Conference Room.

**ACTION:** *This was for a report only.*

**(8: 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 10:05 a.m.

**ATTEST:**

**APPROVED:**

---

Veronica T. Frazier, Director  
Secretary to the Commission

---

William H. Farmer, Chairman  
Civil Service Commission