

# **METROPOLITAN CIVIL SERVICE COMMISSION**

## **SPECIAL CALLED MEETING MINUTES**

**MAY 5, 2015**

The Metropolitan Civil Service Commission met for a Special Called Meeting on **May 5, 2015** in the Parks Board Room, 511 Oman Street, Nashville, Tennessee, at approximately 8:30 a.m.

**Commission Members present:** Chairman William H. Farmer, Vice-Chairman R. Steve Corbitt, C. Michael Allen, D. Billye Sanders, and Jo Ann North

**Other Members present:** Ms. Veronica T. Frazier, Director of Human Resources –Secretary to the Commission and Mr. Michael Safley, Assistant Director of Metro Legal Department

### **HUMAN RESOURCES**

#### **( 1: Departmental Rules and Pay Plan Introduction**

Finance Director Rich Riebeling and John Kennedy came before the Civil Service Commission to present a 2.5% across-the-board increase for all Metro Employees for FY 2016 with an effective date of July 1, 2015.

Director Riebeling began by saying over the past eight (8) years there were a few years the economy did well and the city was able to help the employees. But there were some years (2009, 2010 and 2011) that the city didn't do well. Having come out of the recession, things are beginning to show improvement both for the city and for the public. He said that the administration wanted to do as much as they could for the employees within what we could afford.

The proposed FY 2016 budget was presented to Council last week for their consideration. Almost twenty-four (24) million dollars of that money is directly associated for the budget to pay Metro employees. He gave a brief overview of how that money funded different aspects of the proposed pay plan. What is being proposed for consideration is: (A.) a two and one half (2.5%) percent cost of living adjustment for all employees effective July 1, 2015; (B.) increments would be funded for FY16 as well; (C.) and a two (2%) percent Open Range funding. The Open Range is based on performance so increases will range from zero (0%) to four (4%) percent depending on the department head and the employee. So most employees will get two-half (2.5%) percent across the board. Some could get four-half (4.5%) percent and some could conceivably get as much as a six and one half (6.5%) percent pay raise based on performance for those in the Open Range area. And then finally, (D.) There is a compression issue in the Public Safety area which includes Fire, Police and a few Correctional Officers. Officers hired in different years are all at the same pay step. There were recruit classes of employees who were hired in different years, but are all currently paid at the same step. So it was suggested for those employees (approximately 1000) who are in the Public Safety arena, would receive a second increment during FY16. To begin to sort that out to keep some difference in the pay, that increment would be spread out during the four quarters of FY16. Some would receive it beginning on July 1, 2015, October 1, 2015, January 1, 2016 and then on April 1, 2016. It would be due when the employee was hired as a Public Safety Officer. During discussion, it was acknowledged that this would not solve the problem, but would be the most equitable way to address the issue.

Commissioner North asked if it was the discretion of the Department head to give an increase to the employees that are in the Open Range, would they automatically get the two and one half (2.5%) percent? Director Reibeling said that the across the board is automatic, but the open range increase is based on performance.

Commissioner Allen asked the worth of an increment and does it depend on the salary class pay? John Kennedy explained that the range was just under three (3%) to four (4%) percent, but the average was around three (3%) percent. Commissioner Allen then asked if that was in the Pay Plan effective January 1, 2015 and did everyone receive one (1%) percent and if Open Range employees got an additional two (2%) percent. In response to Commissioner Allen's question, Director Reibeling said it was two (2%) percent to be spread among the departmental employees.

Mr. Kennedy reviewed how employees progress through the steps. Commissioner Allen then asked if merit was the same way. Mr. Kennedy said the intent of Open Range merit pay is to reward you for your performance and progress the employee to a market range. The only difference would be there is some discretion in the amount of the increase, where a step is a fixed number. For example, if you had an employee that just started and might get a lower raise than someone who has been with Metro for a full year. The Department submits a plan on how they are going to run their system this year that would be approved by the Human Resources Director. Last year, just about everyone gave across the board because it had been so long since anything had been distributed. Commissioner Allen said theoretically you wouldn't give an individual more than someone else. Finance Director Reibeling said it should be based on performance. Human Resources Director Veronica Frazier said that is why the HR Director reviews the Open Range plans. Commissioner Allen then asked about the compression issue and if everyone fit into that or was that just new hires. Mr. Kennedy said as an example if someone was hired as a Fire Fighter, you recruited and shown the entire pay range and it's told to the employee they will progress through the pay range and you are going to be at this point in ten (10) years. Unfortunately because we had a down turn in the economy, we weren't able to live up to that. So people came with an expectation and it didn't come through. Most employees can simply quit and get a new job if they are upset that the salary did not meet expectations. As a firefighter or a police officer or correctional officer, you don't have that same opportunity. If you get mad and quit because you aren't going to get your increments, move to Memphis and be a firefighter, then you would start at the very beginning. You have no choice because they don't recognize your experience with Metro and won't let you come in at a mid-range firefighter. So you would have to initially start over. This is the difference that was focused on between Safety and the average employee. The US had some bad years and as we try to come out of this it's hard to sort out the perfect solution.

In response to a comment about the pay plan that had been in development, Mr. Kennedy said it is a very technical pay plan with raises based on your relationship to the "market" pay. However, since everyone has been through the same level of sacrifice, switching to an across the board increase was perceived by the administration to be a fairer option. Vice-Chairman Corbitt asked if there was any more work to be done to the Pay Plan. Mr. Kennedy responded by saying in January 1, 2015 all employees got a pay raise across the board. Open range was funded for the first time in a while. Employees received increments. There were market adjustments for employees who were below market. Now, we are in phase two which gives an across the board increase and funds increments / Open Range again. This has been a very thorough process of addressing the pay plan. Vice-Chairman Corbitt commented on the exceptional work that has been done with all on the information that has been gathered, compiled and submitted.

Commissioner North asked if this would go into effect July 1, 2015. Mr. Kennedy said yes. Commissioner Sanders asked if the information they received was the same that has been used for all employees. Mr. Kennedy said yes, it is the same and as far as the charts go, nothing is really changing. It has the same scales and the same process of moving through the steps. On the compression issue, it is the exception to what is on the charts in the public safety areas.

Chairman Farmer said this meeting is not a Public Hearing but asked if there was anyone who would like to be heard on this matter. The following came forward to address their concerns:

- (1) Danny Hale, President of Fraternal Order of Police
- (2) Brad Raison, SEIU Local 205
- (3) Rick Beasley, Communications Officer - ECC
- (4) Mark Young, Representative for Fire

Chairman Farmer thanked everyone for their comments.

**ACTION:** This matter will be brought back for a vote on May 19, 2015 at 8:30 a.m.

**( 2: Vote on Adding Domestic Partnership to the Civil Service Rules – Chapter 10 – Definition of Family**

Ms. Jamie Summers came before the Commission to review the information that was originally presented at a Public Hearing on February 10, 2015. In summary, Metro Council passed an Ordinance in June 2014 #BL2014-779, regarding Domestic Partnership benefits. The purpose of the Ordinance was to afford employees in a domestic partnership the same employment benefits as other Metro employees. These funds are administered by the Metro Benefit Board. The request to the Commission would be to only add the term “Domestic Partnership” in the Civil Service rules of Chapter 10 under definitions for Family. It would allow these employees access to approved leave privileges in accordance with the newly enacted Ordinance.

Chairman Farmer said the United States Supreme Court is currently considering making same sex marriages constitutional for those across the country. If that happens, will that action require domestic partners to be married. And if not, what about people who just live with someone and are not married in a heterosexual relationship. Are they considered domestic partners? Ms. Summers said yes. He also asked if the law were to pass, would they be in a different status if made legal or are they just simply domestic partners. Ms. Summers said she was not sure at this time but we should be good Stewards of the Federal Laws.

**1<sup>st</sup> MOTION:** After some discussion, Vice-Chairman Corbitt moved to defer adding the wording “Domestic Partnership” to the Civil Service rules – Chapter 10 under the definitions of Family until the Supreme Court has made a ruling on same sex marriages and then look at it again. The motion failed for a lack of a second.

**2<sup>nd</sup> MOTION:** After some discussion, Commissioner Sanders moved to approve the wording “Domestic Partnership” to be added to the Civil Service rules – Chapter 10 under the definitions of Family. Seconded by Commissioner North and the Commission approved with one objection from Vice-Chairman Corbitt.

**( 3: Petition for Reconsideration of the Final Order issued on February 10, 2015.**

On February 10, 2015, the matter regarding Officer Carey Adkerson, Police Dept., was reviewed and discussed by the Commission, Metro Legal Attorney Cynthia Gross and Attorney Kim Gilleland. After deliberating the case, the Commission overturned Administrative Law Judge Rob Wilson’s decision of termination and voted to reinstate Officer Adkerson back to his former position at MNPd with back pay and benefits minus a nineteen (19) day suspension. By March 6, 2015, Metro Attorney Cynthia Gross submitted a Petition for Reconsideration of the Final Order with the Civil Service Commission to reevaluate its findings. The case could not be reviewed at the regular meeting in April due to Commissioner Sanders absence. It was to be rescheduled for the next regular Civil Service meeting of May 12 but was moved to the Special Called meeting of May 5, 2015 due to Commissioner Allen not being able to attend.

Chairman Farmer stated the request could not be heard unless one of the Commissioners (Commissioner Sanders or Commission Allen) who voted at the meeting in February, make a motion to reopen the case.

**MOTION:** Commissioner Sanders moved to reopen and hear the case. Seconded by Vice-Chairman Corbitt. Commissioner Allen and Commissioner North voted against this and the vote ended with a tie 2 to 2.

Chairman Farmer broke the tie and voted not to reopen it. The vote was then 3 to 2 not to rehear the case. Chairman Farmer thanked both Attorneys for their time.

( 4: **Approval of Memorandum of Understanding between Metropolitan Government of Nashville and Davidson County and the Fraternal Order of Police.**

Ms. Jamie Summers stated the MOU between Metro Government and FOP was to extend the present one that would have expired on May 1, 2015. The MOU will expire three (3) years from the effective date (May 1, 2015 to April 30, 2018). All parties that may have questions or potential changes, if needed, will meet and confer during the prescribed dates of agreement. Mr. Danny Hale, President of FOP was present before the Commission to review and discuss the matter.

**MOTION:** *After some discussion, Commissioner Allen moved to approve the extension of the Memorandum Of Understanding between Metro Government and the Fraternal Order of Police. Seconded by Commissioner North and the Commission approved without objection.*

With nothing further, the meeting adjourned at 9:09 a.m.

**ATTEST:**

**APPROVED:**

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**Ms. Veronica T. Frazier**  
**Secretary to the Civil Service Commission**

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