AGENDA
CIVIL SERVICE MERIT BOARD MEETING
WEDNESDAY, JUNE 10, 1:30 P.M.
SMALL ASSEMBLY ROOM*, CITY COUNTY BUILDING

*This meeting will be held in the small assembly room to ensure adequate space for social distancing of board members and attendees.

CALL TO ORDER

1. Approval of the Minutes of the previous business meeting held on Wednesday, May 13, 2020.

REPORTS

2. Reports regarding litigation.

3. Staff Report.

UNFINISHED BUSINESS

NEW BUSINESS

4. Request by board member Debbie Helsley for the board to take a position on whether to have Mike Winchester take legal action based on Charter issues if Council votes to approve the ordinance as written on June 16, 2020.

5. In support of the City’s desire to ensure separation between the merit board and administration on matters of personnel and the City’s desire to strengthen core services of Civil Service, request by board member Debbie Helsley to discuss whether a City attorney should be part of all CSMB meetings or whether it would be more appropriate for the Law Department to request to speak at meetings if they have a matter to bring before the board, such as a report of litigation, or be invited by the board if the board has a matter they wish them to address.

6. In support of the City’s desire to ensure separation between the Merit Board and Administration on matters of personnel and the City’s desire to strengthen core services of Civil Service pursuant to Charter 1003 (F) (4), (8), and (11):

This meeting and all communications between members is subject to the provisions of the Tennessee Open Meetings Act, TENN. CODE ANN. § 8-44-101, et seq.
1003. - Civil service merit board.
(F) Powers and duties. The powers and duties of the civil service merit board shall be as follows:

(4) To make any investigation which it deems necessary concerning the administration of personnel under the authority of this charter with the power to administer oaths and to secure, by subpoena, in the name of the city, the attendance and testimony of witnesses and the production of records and papers relevant to such investigations.

(8) To hear allegations of any persons on matters of discrimination in hiring, transfer or promotion, neglect of duty, or other violations of merit system principles as established by the charter.

(11) To develop a program to provide for equal employment opportunities to all employees and applicants for employment with regard to all aspects of employment.

as well as recognition that two core powers/duties of the CSMB are mirrored in the Administrative Rules because these rules have been written and administered by the Executive Secretary, discussion to request that the Administration approve amendment of the following Administrative Rules by the Executive Secretary so that process/procedures under the powers/duties of the CSMB are moved from the Administrative Rules to the CSMB Rules and only statements of policy remain in the Administrative Rules:

- 1.06 – Harassment Policy – Removal of the following:
  Any employee who believes he or she has been the subject of harassment due to his or her race, color, gender, age, religion, national origin, ethnic origin, gender identity, sexual orientation, creed, genetic information, or disability should submit a written complaint of the alleged act immediately to the Civil Service Director. In the alternative, the written report may be made to the Director of Law. If such a report is made by an employee to a supervisor, Director, or Senior Director, the party to whom the report has been made must notify the Civil Service Director or the Director of Law as soon as possible. Supervisors must report harassment as a condition of employment. Failure to report known harassment may result in disciplinary action. If deemed necessary by the Civil Service Director, the Civil Service Director or alternatively the Director of Law or their representatives will work with Police Internal Affairs to make an investigation of the complaint immediately after the report is made. This investigation may include, but is not limited to, interviews of witnesses and examination of relevant documents. A summary report of facts will be submitted by the Civil Service Director or Director of Law.
to the Mayor and the Department Head of the accused employee. There will be no retaliation against an employee who brings a good faith complaint of unlawful harassment or against any employee who provides good faith testimony or evidence during an investigation. After the investigation of the complaint has been completed, and where the facts support the allegations made in the complaint, appropriate disciplinary action will be taken, up to and including termination. During any investigation, the City may also take any temporary action necessary to prevent further harassment until the investigation is completed and permanent action can be taken.

- 15.01 ADA Compliance Manual – Removal of Section III Reasonable Accommodations in Employment and Section IV ADA Grievance Procedures for Employees.

OTHER BUSINESS
Such other business as may come before this Board.

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