NOTICE OF MEETING

CIVIL SERVICE MERIT BOARD MEETING
WEDNESDAY, JULY 13, 2022 1:30 P.M.
CONFERENCE ROOM 461, CITY COUNTY BUILDING
400 MAIN STREET

Per City of Knoxville Executive Order, all persons attending this meeting are encouraged to follow current CDC and OSHA guidelines.

The City of Knoxville Civil Service Merit Board’s meetings will be conducted permitting the public and City/Board staff to participate or view the meeting either in person, or by electronic or other means of communication using Zoom’s webinar platform.

To join the meeting via Zoom, either to view live or to participate, you must register in advance by going to the following link and providing your name and email address:

https://us02web.zoom.us/webinar/register/WN_uLIPQGL6RNGrnBNm3VwD7g

After registering, you will receive a confirmation email containing information about joining the webinar for audible and/or live access by the public.

A copy of the agenda and agenda packet can be found on the CSMB website: https://www.knoxvilletn.gov/cms/One.aspx?portalid=109562&pageid=166147

Registering will only give you viewing access. If a member of the public wishes to be added to speak/participate on an agenda item, please email Vicki Hatfield at vhatfield@knoxvilletn.gov or call 215-2106 no later than Monday, July 11, 2022 at 1:30 p.m. and specify whether you plan to attend in-person or via the Zoom platform.

If a member of the public prefers to provide questions and/or comments on an agenda item to the board for their review prior to the meeting, please send those to Vicki Hatfield at vhatfield@knoxvilletn.gov or mail to: Civil Service Department, 400 Main Street Suite 569, Knoxville, TN 37902. All comments/questions must be received no later than Monday, July 11, 2022 at 1:30 p.m. so that they may be distributed to the board.

The City of Knoxville ensures meaningful access to City programs, services, and activities to comply with Civil Rights Title VI and ADA Title II laws and reasonably provides: translation, interpretation, modifications, accommodations, alternative formats, auxiliary aids and services. To request language translation services, contact Diversity and Inclusion Officer Tatia M. Harris at tharris@knoxvilletn.gov or 865.215.2831. For disability accommodations, contact City ADA Coordinator Stephanie Brewer Cook at scook@knoxvilletn.gov or 865.215.2034 at least 72 hours before the meeting.

If you need assistance, contact the Civil Service Department at 215-2106.
AGENDA
CIVIL SERVICE MERIT BOARD MEETING
WEDNESDAY, JULY 13, 2022 1:30 P.M.
CONFERENCE ROOM 461, CITY COUNTY BUILDING

CALL TO ORDER

1. Approval of the Minutes of the previous business meeting held on Wednesday, June 8, 2022.

REPORTS

2. Reports regarding litigation. (George Shields, Mike Winchester)

3. Staff Report. (Vicki Hatfield)
   - Update on Police Processes.
   - Update on Administrative Rule Changes (Rule 2 – Classification/Compensation)

UNFINISHED BUSINESS

NEW BUSINESS

4. Pursuant to CSMB 1806, request by Chief Paul Noel that Cadet Corina Buta be certified as a Police Officer Recruit upon successful completion of pre-employment requirements and entry into the September 2022 academy. (Attachment: Cadet Request)

5. Request that Matthew McDonald and Tyler Chastain be added to the list of qualified Civil Service Hearing Officers. (Attachments: Matthew McDonald Resume, Tyler Chastain Resume)

6. Discussion of process for future rule amendments.

OTHER BUSINESS
Such other business as may come before this Board.
A meeting of the Civil Service Merit Board (hereinafter referred to as the Board) held on Wednesday, June 08, 2022, at approximately 1:30 p.m. in Conference room 461. Bill Lyons called this meeting to order. Vicki Hatfield, Executive Secretary, and Michael Winchester, Board Attorney, were also present. George Shields, City Law Department, was also present via Zoom video.

Board members present:

Amanda Busby
Bill Lyons
Scott Schimmel

Stephanie Taylor was unable to attend.

Bill Lyons called for approval of the Minutes of the previous business meeting held on Wednesday, April 13, 2022; however, Ms. Busby noted that her name was not spelled correctly in those minutes. Bill Lyons made a motion to approve the amendment to the minutes to reflect the correction of Ms. Busby’s name. Scott Schimmel seconded the motion. All Board members present approved the motion.

George Shields, from the City Law Department, stated that he had nothing to report. Michael Winchester, Board Attorney, also stated that he had nothing to report.

For the staff report, Dr. Hatfield updated the Board of the Class/Comp Ordinance that a new provision had been placed in the code. Dr. Hatfield read an excerpt from code 2-450(c) which allows the HR Director to make equity adjustments to employee pay going forward. Dr. Hatfield stated because of the language regarding demotion or disciplinary action in the code, which implies downward adjustments, Dr. Hatfield was advised by Dr. Lyons and Mr. Winchester to seek clarification from Mr. George Shields on how the code is intended for use. Dr. Hatfield stated that Mr. Shields’ response was that the code did not discuss reductions. This was to formalize the informal process that had been used for equity adjustments back to 2008 beginning with the Mercer class/comp changes. Dr. Hatfield, noted at the second reading of the ordinance, Councilman Smith asked about the item and wanted to know if it would allow for a reduction in pay and noted the Charter language that stated no employee shall be reduced in pay without just cause. It was confirmed by Mr. Swanson that this would allow for a reduction in pay. Dr. Hatfield stated, should this become a concern, the Board would need to be notified.

Dr. Hatfield updated the Board that we are in the process of completing Police Officer/Recruit testing. Dr. Hatfield stated that we test every six months. Dr. Hatfield also stated that the referral has been sent to the department and HR is currently processing the selections for hire. Dr. Hatfield updated the Board that Cadet Certifications requests will be submitted to the Board to certify them prior to the start of the academy. Dr. Hatfield also updated the Board of the status of the implementation of the new PPT testing, and that she is waiting on the contract to be finalized.

Dr. Hatfield updated the Board on technology options that are currently being explored for use.

Dr. Lyons stated, as Chairman of the Board, he would be adhering more to the Roberts Rule of Order. Dr. Lyons stated it would be easier to reconstruct conversations at the Board meetings with Roberts Rules of Orders protocols. Dr. Lyons stated that City Council approved a change to the code of ordinances that had a technical correction to the Director/Executive Secretary’s title to be compliant with the Charter. Dr. Lyons stated that he had a discussion with Mr. Winchester and the Law Department regarding the title change. After a discussion, it was decided that there was no statute in the Charter prohibiting the continued use of the title Civil Service Director/Executive Secretary for operational purposes.

Request by Chad Weth, Director of Public Service, to permanently exempt from Civil Service four (4) temporary/part-time positions of Public Service Worker I. The basis for this exemption is to allow the department to hire temporary workers through their Second Chances Program. (Attachment: Exemption Request PS) Bill Lyons called for an approval of the
request. Scott Schimmel made a motion to approve. Amanda Busby seconded the motion. All board member present approved the motion.

Request by Lieutenant Mark Fortner, acting Police Chief, to permanently exempt from Civil Service three (3) positions of Deputy Chief. The basis for this exemption is to align them with Deputy positions in other departments. (Attachment: Exemption Request KPD) Bill Lyons called for an approval of the request. Scott Schimmel made a motion to approve. Bill Lyons seconded the motion.

Dr. Hatfield provided the Board relevant history regarding the request for exemptions to the positions of Deputy Chief. Mr. George Shields of the Law Department added that exemption of Deputy Directors is consistent with other departments of the City of Knoxville.

Lt. Fortner spoke in support of exemption request.

Police Captain Tony Willis stated that he is in support of the new Chief as well as the Merit Board. Captain Willis stated that he understands the reasons behind the requests however, he would move to defer the request at this time because KPD employees had not been advised of the change and wanted some time to discuss it and understand the changes better.

Police Captain Brian Evans shared his thoughts regarding the exemptions. Captain Evans stated that he understands the process and that he is concerned about future employment of ranking officers. Captain Evans stated that he is in favor of the Civil Service rules and quoted an excerpt from the City Charter, which listed in part; equitable procedures of merit principles.

Police Deputy Chief Cindy Gass stated that she had not learned of the request regarding the exemptions until the board agenda came out. She stated that she would like to have an opportunity to discuss the issues further and discuss how it will affect recruits also future employment retention. Deputy Chief Gass asked the Board to defer the request at this time.

Police Captain John Kiely asked for clarification of the reinstatement process.

Dr. Hatfield explained the process of retreatment back to a classified position from an unclassified position.

Ms. Amanda Busby asked about the competitiveness of individual applicants in the department versus outside applicants for the Deputy Chief’s position.

Mr. Winchester read an excerpt of section 303(L) from the City Charter, which states that the Mayor is responsible to the Council in regards to all city affairs to appoint or remove directors, officers, or other employees...

Mr. Swanson, Director of the City Law Department stated that the Mayor appoints department heads and department heads appoint Deputy Chiefs.

Mr. Scott Schimmel stated that if an individual was appointed Deputy Chief, then that person should be qualified.

Dr. Lyons spoke on the leadership team in terms of future chiefs and directors in the departments. Dr. Lyons stated that he was in support of the request.

Dr. Lyons called for a motion to approve the request to exempt from Civil Service three (3) positions of Deputy Chief. Scott Schimmel made a motion to approve. Bill Lyons seconded the motion. A roll call vote was held with Bill Lyons and Scott Schimmel voting yes and Amanda Busby voting no. The request was approved by majority vote.

Review of resumes for Hearing Officer and discussion of next steps. (Attachments: Matthew McDonald Resume, Tyler Chastain Resume)

Dr. Hatfield recapped for the Board that two of our hearing officers have resigned duty from the Civil Service Merit Board. Dr. Hatfield stated that she received nominations from two people. Dr. Hatfield explained the duties of hearing officer to nominees. Dr. Hatfield stated that she has submitted those resumes to the Board.

Mr. Winchester stated the purpose of the hearing officers, their qualifications and the Board’s responsibility to maintain qualified hearing officers list to hear disciplinary actions and grievances. Mr. Winchester suggests that the Board follow up by reviewing the resumes and place the item on the agenda for next month.
Dr. Hatfield updated the Board on the continued use of the Zoom platform for board meetings. Dr. Hatfield listed the pros and cons as well as costs and participation of use. Dr. Hatfield stated that CTV records all of the Board meetings if someone wishes to view them.

There was discussion by Mr. Scott Schimmel and Ms. Busby on the benefits of using the platform Zoom for now.

Dr. Lyons stated that he would like to keep it as an option on the agenda as part of unfinished business for an item to be discussed. It was decided that the Zoom option would be used for now and the board would revisit at some time in the future.

Mr. George Shields gave an update on Covid stats and discussed the occupational safety and health policies. Mr. Shields stated that the City’s Risk Management Department has decided to leave the Covid Policies in place at this time. He also stated, maintaining Zoom is consistent with the policies.

Dr. Lyons asked if there was any other business to discuss.

Dr. Lyons called for a motion to adjourn.

Scott Schimmel made a motion to adjourn. Amanda Busby seconded the motion. All board members present approved the motion.

The meeting was adjourned at approximately 3:00 p.m.

_______________________
Vicki Hatfield
Executive Secretary/Director

______________________________
Presiding Chair
Memo

To: Director Vicki Hatfield
Civil Service Merit Board

From: Chief Mark Fortner
Knoxville Police Department

Cc: Sgt. Samuel Henard
Personnel/ KPD

Date: 6/24/2022

Re: Request for Certification of Police Cadet to Police Officer Recruit

Please consider my request to certify the following Cadet as Police Officer Recruit.

Pursuant to CSMB 1806, I am requesting that the following Police Cadet, who will be attending the September 2022 academy, be certified as Police Officer Recruit as follows:

- Corina Buta be certified as a Police Officer Recruit on the academy start date contingent upon successful completion of any required pre-employment processes.

I appreciate the Merit Board's consideration of my request at their upcoming meeting.
April 29, 2022

VIA U.S. MAIL & EMAIL
City of Knoxville Civil Service Department
Attn: Vicki Hatfield
400 Main St., Suite 569
Knoxville, Tennessee 37902
vhatfield@knoxvilletn.gov

Re: Vacancy for Hearing Officer, City of Knoxville

Dear Ms. Hatfield,

I am writing to notify you of my interest in the vacancy that has opened in the rotation of Hearing Officers for the City of Knoxville. I appreciate you taking the time to speak with me by phone about the nature of the position and the responsibilities of each Hearing Officer. As stated in our call, my interest in the position continues and I hope that you and the Members of the Board would consider me to join the panel to assist the Board in its work.

I enclose herewith a copy of my résumé with details concerning my professional history. Briefly, I am a native of Knoxville and have lived here the majority of my life. After graduation from law school, I had the privilege of serving as a law clerk and as a Deputy Clerk and Master in the Chancery Court for Knox County. Late 2020, I decided to go into private practice and have practiced law with the firm of Bernstein, Stair & McAdams LLP since that time.

I believe my prior service to Knox County in the Chancery Court and my familiarity with the workings of local government would help facilitate my role as a Hearing Officer. Additionally, I have a working relationship with attorney Celeste Herbert, who will no doubt prove to be a great resource in my work in this role.

Please let me know if I can be of service to you and the Board.

Respectfully yours,

[Signature]

Matthew T. McDonald

Enclosure
MATTHEW T. MCDONALD
1104 Night Cap Lane
Knoxville, TN 37919
(865) 617-0325
mimcdonald@bsmlaw.com
B.P.R. # 033451

EDUCATION

J.D., University of Tennessee College of Law (2014)
M.A., University of Hawai‘i, Mānoa (Asian Religion) (2005)
B.A., University of Tennessee, Knoxville (Religious Studies/Philosophy) (2002)

RELEVANT EMPLOYMENT

Bernstein, Stair & McAdams LLP (2020-present)

Attorney
Practice areas include: probate, estate planning, conservatorships/guardianships and general civil litigation. Regularly argue motions and try cases before State courts.

Knox County Chancery Court (2013-2020)

Chancery Law Clerk
Five years as the Court's judicial clerk – researching and drafting memoranda, opinions and orders on the entire spectrum of cases within Chancery jurisdiction. Attended many hundreds of hours of courtroom proceedings, including motions and hearings – observing, reporting to and advising the Court as appropriate. Special assignments as directed by the Chancellors.

Chief Deputy Clerk and Master
Charged with supervision of the Court's deputy clerks in the administration of Chancery cases, from initiation through final disposition. Advise court personnel as to legal issues and assist attorneys on issues of Chancery practice, procedure and local custom. Ensure the office's procedural compliance by developing new or modifying existing procedures to facilitate periodic changes in law.

Conduct evidentiary hearings on petitions for name changes or correction of birth certificates in the Clerk and Master's absence.

Oversight of bookkeeping and accounting, including all funds held in the Court’s trust and investment accounts. Report directly to the Clerk and Master and Chancellors concerning Court financials and address county and state auditors. Signatory on the Court’s trust and investment accounts, including Probate Division accounts. Administer the delinquent tax sale and oversee accounting for same. Assist and advise in the filing and disposition of post-sale motions and disbursement of funds, including applications for excess funds and redemptions. Appear on behalf of Clerk and Master's office in court on hearings concerning same.

PROFESSIONAL ASSOCIATIONS

Knoxville Bar Association
- Professionalism Committee (member)
- Judicial Committee (member)

Tennessee Bar Association
- TBA Law Leadership Class (2022)
April 18, 2022

VIA HAND DELIVERY

City of Knoxville Civil Service Department
Attn: Vicki Hatfield
400 Main St., Suite 569
Knoxville, Tennessee 37902

Re: Hearing Officer - City of Knoxville Civil Service Merit Board

Dear Ms. Hatfield:

I am honored to be nominated for the vacancy as a Hearing Officer for the City of Knoxville Civil Service Merit Board. I am very much interested in receiving such an appointment. Please find my resume for consideration by the Board.

While the resume states the litany of the pertinent information as to professional experience and education, I feel compelled to go beyond the resume in expressing to you information that gives a better flavor of who I and why I am qualified to serve as a Hearing Officer.

For 29 years, I have practiced law in Knoxville, Tennessee and the surrounding counties and judicial districts. I initially joined Hodges, Doughty & Carson as an associate in 1993. I moved to Bernstein, Stair & McAdams LLP on July 31, 1997 as an associate. I became a member of the firm on January 1, 2005 and have enjoyed a general litigation practice as to civil, business and employment matter in state and federal court.

My practice has for the duration of my legal career been in civil trial practice. The areas fluctuate based on trends and needs of my clients. I have and continue to practice in the areas of insurance defense, business litigation, bankruptcy litigation, employment litigation, and now estate litigation.

I have been fortunate in my legal career that I have been exposed to and participated in many broad and diverse legal matters. The legacy of the practice at Bernstein, Stair & McAdams, established by Bernard E. Bernstein, Esq., put me in
the heart of a true litigation-based firm. I have extensive experience in Tennessee trial and appellate courts, Federal District Court, the 6th Circuit Court of Appeals, and have filed two Petitions for Writ of Certiorari in the United States Supreme Court. For the past fifteen years and presently, my primary practice litigating jury and non-jury civil matters in circuit, chancery, probate and bankruptcy court. I consider my practice areas to be extremely well developed over the years. This has prepared me to handle cases and disputes as a Hearing Officer.

As a litigator, I have had a multitude of bench trials. I have further taken, even in the last 4 years, jury trials to verdict. In a quick review of Westlaw cases, I would reference that I have listed under the Tennessee Appellate Courts and 6th Circuit Court of Appeals some seventy (70) cases. These range from business litigation, trust matters, tort cases, to federal court discovery issues. The amount of time spent in Court has prepared me to be able to take on a different role of taking evidence, ruling on objections, making findings of fact and issuing judgments. The many cases that have been tried and appealed over the years have tested, improved, and refined my legal and writing skills.

At this stage of my career, I am both qualified and eager to take on the additional role as a Hearing Office for the City of Knoxville Civil Service Merit Board.

I will be more than happy to discuss this application at any point. I appreciate your time and consideration of my application for the vacant Hearing Officer position.

With best regards,

W. TYLER CHASTAIN

WTC/cj
Enclosure
W. TYLER CHASTAIN  
Bernstein, Stair & McAdams LLP  
116 Agnes Road  
Knoxville, Tennessee 37919

(865) 546-8030 (w)  
(865) 696-9589 (c)  
wtylerc@bsmlaw.com

PROFESSIONAL EXPERIENCE

PARTNER, Bernstein, Stair & McAdams LLP, Knoxville, Tennessee (2007-present)

- Practice primarily in civil litigation, worker’s compensation, commercial and business litigation, insurance defense, creditor bankruptcy, human resources, employment consulting and litigation

- Provide legal representation to corporate entities, insurance carriers, and individuals in all areas of civil law, worker’s compensation, business matters, and private educational institutions and boards

ASSOCIATE, Bernstein, Stair & McAdams LLP, Knoxville, Tennessee (1997-2006)


EDUCATION

JURIS DOCTORATE, University of Tennessee College of Law, Knoxville, Tennessee (1993)

BACHELOR OF ARTS IN HISTORY WITH MINOR IN POLITICAL SCIENCE, cum laude, Vanderbilt University, Nashville, Tennessee (1990)

Bradley Central High School, Cleveland, Tennessee, Honors Graduate, 5th in graduating class (1986). Lettered in Baseball, Football and Golf.

MEMBERSHIPS AND ORGANIZATIONS

Fellow of the Tennessee Bar Foundation- 2020
Fellow of the Knox Bar Foundation- 2017

Member of Knox County Bar Association, Tennessee Bar Association, American Bar Association and Defense Research Institute.

INTERESTS

Coaching- Middle School Head Baseball Coach Christian Academy of Knoxville (2010-present)

Co-Founder and Board Member of Christian Youth Football Program at Christian Academy of Knoxville for ages 7-11 years old

Volunteer with Challenger Baseball and Basketball Leagues for handicapped children in Knoxville

Shoreline Church, Knoxville, Tennessee

Golf

REFERENCES AVAILABLE UPON REQUEST