

Regular Meeting

September 29, 2008  
12:30 p.m.

A regular meeting of the Municipal Civil Service Commission convened on Monday, September 29, 2008, at 12:45 p.m. with Grady Pettigrew, Jr., Eileen Paley, and Jeffrey Porter in attendance.

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*RE: Review and approval of the minutes from the August 25, 2008, regular meeting.*

A motion to approve the minutes was made, seconded, and approved unanimously.

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Called out of order were the Administrative/Jurisdictional Review appeals of Denise Kocheran, George Shaw, John Zupp, and Cynthia Smalls. It was determined that these four appeals will be deferred and a hearing date will be set to hear arguments from CMAGE/CWA Local 4502 and AFSCME Local 1632 regarding the layoffs of these four employees and their bumping rights.

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*RE: Review of the results of the pre-hearing conference review on the following appeals:*

- A. Jody Sagstetter vs. Columbus City Schools. Trial Board Hearing scheduled for November 3, 2008, Appeal Number 08-BA-0012.*
- B. Lisa Smith vs. Department of Public Safety/City of Columbus; Police Officer. Full Commission hearing scheduled for October 27, 2008, Appeal Number 08-CA-0006.*

**PRESENT:** Brenda Sobieck, Personnel Administrative Officer

Jody Sagstetter – Ms. Sagstetter was suspended for ten days from the position of Environmental Systems Technician (Controls). There will be a total of eight witnesses, four called by Columbus City Schools, and four called by the Appellant. They anticipate the hearing to last 3 - 3 ½ hours.

Lisa Smith - was suspended, then discharged from the position of Police Officer. Ms. Smith did not appear for this pre-hearing conference. There was a typographical error on her pre-hearing conference notification letter. Ms. Smith will be contacted and sent a new pre-hearing conference date and a new Full Commission hearing date. The City Attorney's Office will call three witnesses.

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*RE: Rule Revisions.*

No rule revisions were submitted this month.

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*RE: Request of the Civil Service Commission staff to reallocate designated positions, currently classified as Recreation Supervisor (Job Code 3163), to Education Program Supervisor (Job Code 1620) and to allow the affected employees to retain their current classification status and seniority.*

*RE: Request of the Civil Service Commission staff to reallocate designated positions, currently classified as Recreation Instructor (Job Code 3215), to Education Program Instructor (Job Code 1619) and to allow the affected employees to retain their current classification status and seniority.*

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented the request to reallocate certain positions in the Office of Education, Mayor's Office, to the recently created Education Program Supervisor classification (Job Code 1620) and Education Program Instructor classification (Job Code 1619).

In early 2008, the Office of Education requested that Civil Service Commission create two classifications, Education Program Instructor and Education Program Supervisor, to be used specifically in their out-of-school time programs. In February, 2008, the Commission approved the creation of these two classes. More recently, pay and bargaining unit have been assigned making these classifications now available for use by the Office of Education.

It was requested that the employees occupying these positions retain their classification seniority and status upon reallocation.

A motion to approve this request was made, seconded, and approved unanimously.

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*RE: Request of the Appellant Stephen Tweed to withdraw the appeal he filed July 29, 2008, regarding the results of his position audit, Appeal #08-CA-0017.*

A motion to withdraw the appeal of Stephen Tweed was made, seconded, and approved unanimously.

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*RE: Review of the Findings and Recommendation of the Investigative Hearing held on August 27, 2008, regarding an allegation of the alleged falsification of a Training and Experience Evaluation for the Safety Program Technician examination.*

It was determined no intentional falsification occurred. However, it was also determined that based on the information clarified, the applicant's exam should be re-graded.

A motion to adopt the findings and recommendation of the Hearing Officer was made, seconded, and approved unanimously.

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*RE: Request of the Commission staff to modify the Findings and Recommendation of the Investigative Hearing regarding an allegation that the Subject Matter Expert agreement for the 2006 Police promotional examination was violated.*

PRESENT: Barbara Gates McGrath, Executive Director of Civil Service

Director Barbara McGrath presented this request that two findings from this report be modified. First, the Commission was requested to reverse the prohibition of SMEs to self-identify their role in the testing process. Secondly, it was requested that based on errors in the investigation, the findings and recommendation that Lieutenant Scott Hyland be excluded from serving as a Subject Matter Expert on any Commission examinations be voided in its entirety.

A motion to adopt the modifications was made, seconded, and approved unanimously.

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*RE: Review and approval of the 2009 Civil Service Commission Trial Board Hearing Schedule.*

A motion to approve this request was made, seconded, and approved unanimously.

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*RE: Review and approval of the 2009 Regular Commission Meeting/Full Commission Hearing Schedule.*

A motion to approve this request was made, seconded, and approved unanimously.

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*RE: Request of the Columbus City Schools to create the specification for the classification Systems Administrator (Class Code 9240).*

PRESENT: Wayne Christie, Personnel Analyst Supervisor

Wayne Christie presented this request to create the specification for the classification Systems Administrator in order to be responsible for providing leadership for the administrative support of the school district's electronic timekeeping system and the Enterprise Resource Planning System. There was one correction under Compensation Plan. It should read CSCSA rather than CSEA.

A motion to approve this request was made, seconded, and approved unanimously.

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*RE: Request of the Columbus City Schools to revise the specification for the classification Maintenance Painter (Class Code 9575).*

PRESENT: Jacquelyn Chapman, Personnel Analyst

Jacquelyn Chapman presented this request to revise the specification for the classification Maintenance Painter in order to more accurately reflect the required educational background with respect to the classification.

A motion to approve this request was made, seconded, and approved unanimously.

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*RE: Request of the Civil Service Commission staff to approve the specification review for the classification Boiler Operator with no revisions (Job Code 3855).*

*RE: Request of the Civil Service Commission staff to approve the specification review for the classification Welder with no revisions (Job Code 3830).*

*RE: Request of the Civil Service Commission staff to approve the specification review for the classification Planner I with no revisions (Job Code 2010).*

PRESENT: Richard Cherry, Personnel Analyst

Richard Cherry presented these requests to approve the specification reviews for the classifications Boiler Operator, Welder, and Planner I with no revisions as part of Civil Service Commission's effort to ensure that all classifications have been reviewed at least every five years. Based on feedback from department representatives no changes were recommended at this time.

A motion to approve these requests was made, seconded, and approved unanimously.

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*RE: Request of the Civil Service Commission staff to revise the specification for the classification Automotive Tire Repairer (Job Code 3452).*

PRESENT: Richard Cherry, Personnel Analyst

Richard Cherry presented this request to revise the specification for the classification Automotive Tire Repairer as part of Civil Service Commission's effort to ensure that all classifications have been reviewed at least every five years. It was last reviewed in November 2005. There are currently three incumbents serving in this classification in the Fleet Management Division of the Finance and Management Department. Based on review of the current specification and feedback from department representatives, there were some revisions proposed.

There were no changes to the definition section. In the examples of work section, a duty that is no longer performed was replaced with one that is due to advancements in the tire industry. The knowledge, skills and abilities section was revised to delete one duty and state that incumbents must be able to consistently lift tires weighing approximately fifty pounds.

A motion to approve this request was made, seconded, and approved unanimously.

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*RE: Request of the Civil Service Commission staff to revise the specification for the classification Planner II (Job Code 2011).*

*RE: Request of the Civil Service Commission staff to revise the specification for the classification Planning Manager (Job Code 2012).*

PRESENT: Richard Cherry, Personnel Analyst

Richard Cherry presented these requests to revise the specifications for the classifications Planner II and Planning Manager as part of Civil Service Commission's effort to ensure that all classifications have been reviewed at least every five years. Based on questionnaires completed by incumbents and feedback from department representatives, a revision of both specifications was proposed.

In the minimum qualifications section, the experience requirement was revised to specify "professional experience." There were no other revisions recommended.

A motion to approve these requests was made, seconded, and approved unanimously.

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*RE: Request of the Civil Service Commission to revise the specification for the classification Public Health Quality Assurance Coordinator (Job Code 1747).*

PRESENT: Suzy Ulry, Personnel Analyst

Suzy Ulry presented this request to revise the specification for the classification Public Health Quality Assurance Coordinator as part of Civil Service Commission's effort to ensure that all classifications have been reviewed at least every five years. It was last reviewed in November 2003. There are currently no employees serving in this classification in the Columbus Public Health Department. Based on review of the specification and discussions with department representatives, some revisions were proposed.

Revisions to the definition section clarified the role of the Public Health Quality Assurance Coordinator and included proper and consistent reference to the Columbus Public Health Department. Revisions to the examples of work section included the deletion of duties which are no longer relevant to the current issues the department faces in assuring the quality of health care services provided. Additions to the examples

of work section included appropriate references to quality performance-based, home visitation-based, and community-based services, and the monitoring of documentation of health care services and clinician documentation.

There were no changes to the minimum qualifications and knowledge, skills and abilities section.

A motion to approve these requests was made, seconded, and approved unanimously.

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*RE: Request of the Civil Service Commission staff to revise the specification for the classification Public Health Physician (Job Code 1704).*

PRESENT: Suzy Ulry, Personnel Analyst

Suzie Ulry presented this request to revise the specification for the classification Public Health Physician as part of Civil Service Commission's effort to ensure that all classifications have been reviewed at least every five years. It was last reviewed in October 2003. There are currently eleven employees serving in this classification in the Columbus Public Health Department. Based on feedback from department representatives, a revision was proposed.

The definition section was revised to include proper and consistent reference to the Columbus Public Health Department. There were no other revisions recommended.

A motion to approve this request was made, seconded, and approved unanimously.

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*RE: Request of the Civil Service Commission staff to revise the specification for the classification Legislative Assistant (U) and retitle it to read Legislative Assistant I (U) (Job Code 0501).*

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request to revise the specification for the classification Legislative Assistant (U) and retitle it to read Legislative Assistant I (U) as part of Civil Service Commission's effort to ensure that all classifications have been reviewed at least every five years. It was last reviewed in February 2005. There are currently five employees serving in this classification in City Council/City Clerk. Based on information received from the department, it was suggested that within this one classification there are really two different performance levels. Therefore, the current classification was retitled to read Legislative Assistant I (U) and a second level was created and titled to read Legislative Assistant II (U).

The definition section was revised to read "under immediate supervision." In the examples of work section, several revisions were made to better illustrate the duties typically performed by employees in this classification. There were no proposed changes to the guidelines for class use.

A motion to approve this request was made, seconded, and approved unanimously.

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*RE: Request of the Civil Service Commission staff to create the specification for the classification Legislative Assistant II (U), and designate as part of the unclassified service.*

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request to create the specification for the classification Legislative Assistant II (U) as part of Civil Service Commission's effort to ensure that all classifications have been reviewed at least every five years. Based on information received from the department, it was suggested that within this one classification there are really two different performance levels. Therefore, this second level of Legislative Assistant was created and titled to read Legislative Assistant II (U).

By definition, the Legislative Assistant II would, under direction, be responsible for initiating and coordinating special assignments, projects and reports in support of City Council and/or City Clerk. The examples of work section include overseeing and maintaining the citywide Legistar database, conducting training classes on software programs, compiling, formatting, and proofing the weekly City Bulletin and annual reports, and preparing agenda, legislation, public notices, journal/minutes, and principal party reports for City Council.

A guidelines for class use was added which clarifies that positions allocated to this classification are unclassified and pursuant to City Charter section 148(1)(d).

A motion to approve this request was made, seconded, and approved unanimously.

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*RE: Request of the Civil Service Commission staff to revise the specification for the classification Police Sergeant (Job Code 3066).*

PRESENT: Gloria Urban, Personnel Analyst

Gloria Urban presented this request to revise the specification for the classification Police Sergeant as part of Civil Service Commission's effort to ensure that all classifications have been reviewed at least every five years. It was last reviewed in September 2003. There are currently two hundred twenty-nine incumbents in the Department of Public Safety, Division of Police. Based on discussions with department representatives, some revisions were proposed.

In the examples of work section, the words "electronically prepared" was added to the reviewing of reports, etc., and the phrase "Monitors calls for service and manages/controls the service response" was added as well. There were no proposed changes to the definition section, minimum qualifications section, or the knowledge, skills and abilities section.

A motion to approve this request was made, seconded, and approved unanimously.

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*RE: Request of the Civil Service Commission staff to revise the specification for the classification License Manager (Job Code 1805).*

PRESENT: Sheri White, Personnel Analyst

Sheri White presented this request to revise the specification for the classification License Manager as part of Civil Service Commission's effort to ensure that all classifications have been reviewed at least every five years. It was last reviewed in August 2004. There is currently one employee in the Department of Public Safety, Division of Support Services. Based on a questionnaire, with supervisory review, and discussions with department representatives, there were revisions proposed.

The minimum qualifications section was revised to reduce the current requirement of experience from seven years to five years and clarified to read, "enforcing business or licensing codes or issuing business or licensing permits" for

consistency within the classification plan. In the knowledge, skills and abilities section, the phrase "ability to communicate effectively" was added. There were no revisions to the definition section or the examples of work section.

A motion to approve this request was made, seconded, and approved unanimously.

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*RE: Request of the Civil Service Commission staff to revise the specification for the classification License Supervisor (Job Code 1893).*

PRESENT: Sheri White, Personnel Analyst

Sheri White presented this request to revise the specification for the classification License Supervisor as part of Civil Service Commission's effort to ensure that all classifications have been reviewed at least every five years. It was last reviewed in August 2004. There are currently no employees serving in this classification in the Public Safety Department, Division of Support Services. Based on a questionnaire with supervisory review and discussions with department representatives, some revisions were proposed.

There were no proposed changes to the definition section or the examples of work section. The minimum qualifications section was revised to include the possession of a valid motor vehicle operator's license, and the years of experience was changed from five years to three years of experience enforcing business or licensing codes, or issuing business or licensing permits. The phrase "ability to communicate effectively" was added to the knowledge, skills and abilities section.

A motion to approve this request was made, seconded, and approved unanimously.

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*RE: Request of the Civil Service Commission staff to revise the specification for the classification Fire Chief (Job Code 3089).*

PRESENT: Laura Hausman, Personnel Analyst

Laura Hausman presented this request to revise the specification for the classification Fire Chief as part of Civil Service Commission's effort to ensure that all classifications have been reviewed at least every five years. It was last reviewed in October 2003. Fire Chief is a single-position classification located in the Division of Fire. Based on a questionnaire completed by the incumbent and reviewed by the supervisor, revisions were proposed.

Revisions to the examples of work section were made to avoid repetition in the list of examples, to combine several similar examples of work, and to ensure consistency in language with other classification specifications within the job family, resulting in an accurate and comprehensive summation of the duties and responsibilities of the Fire Chief classification. The minimum qualifications section was revised to state "Possession of a bachelor's degree" instead of "Possession of a bachelor's degree is required beginning in the year 2007."

There were no proposed changes to the definition section or the knowledge, skills and abilities section.

A motion to approve this request was made, seconded, and approved unanimously.

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*RE: Motion to adjourn regular meeting to go into Executive Session to consider the remaining agenda items.*

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*RE: Personnel Actions.*

No personnel actions were submitted this month.

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*RE: Residency Hearing Reviews.*

No residency hearing reviews were submitted this month.

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*RE: Background Removals.*

#### Applicants Removed Pre-Exam

	Name of Applicant	Position Applied For
1.	Kladijah C. Daniels	Police Officer
2.	Phillip Norris	Police Officer
3.	Robert Jenny	Police Officer
4.	James McNutt	Police Officer
5.	Yousif Saleh	Police Officer
6.	Richard A. Hamlin	Police Officer
7.	Ron Jurden	Police Officer
8.	Donald Kirby	Police Officer
9.	Dustin Bosstic	Police Officer
10.	Kamus Griffin	Police Officer

After reviewing the files of Kladijah C. Daniels, Phillip Norris, Robert Jenny, and James McNutt, the Commissioners decided their names would not be reinstated to the testing process for Police Officer.

After reviewing the files of Yousif Saleh, Richard A. Hamlin, Ron Jurden, Donald Kirby, Dustin Bosstic, and Kamus Griffin, the Commissioners decided their names would be reinstated to the testing process for Police Officer

#### Applicants Removed Post-Exam

	Name of Applicant	Position Applied For	BAR #
1.	Raquel Robinson	Police Officer	08-BR-084
2.	Christopher Germany	Police Officer	08-BR-086
3.	Brian Johnson	Police Officer	08-BR-087
4.	Joshua Walker	Police Officer	08-BR-088
5.	Darrell Martin	Police Officer	08-BR-089
6.	Jarrold Lewis	Police Officer	08-BR-090
7.	Matthew Lamparyk	Firefighter	08-BR-091
8.	Jason Kirby	Firefighter	08-BR-092
9.	Melissa Newkirk	Police Communications Technician	08-BR-093
10.	Ronald Bullis	Police Officer	08-BR-094
11.	Joshua Rhyne	Firefighter	08-BR-095
12.	James Kee	Firefighter	08-BR-096
13.	Paul Kaperak	Firefighter	08-BR-097
14.	Michael Cullar	Firefighter	08-BR-098

After reviewing the files of Raquel Robinson, Christopher Germany, Brian Johnson, Joshua Walker, Darrell Martin, and Jarrold Lewis, the Commissioners decided their names would not be reinstated to the Police Officer eligible list.

After reviewing the file of Ronald Bullis, the Commissioners decided his name would be reinstated to the Police Officer eligible list.

After reviewing the files of Matthew Lamparyk, Jason Kirby, Joshua Rhyne, James Kee, Paul Kaperak, and Michael Cullar, the Commissioners decided their names would not be reinstated to the Firefighter eligible list.

After reviewing the file of Melissa Newkirk, the Commissioners decided her name would be reinstated to the Police Communications Technician eligible list.

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*RE: Other Administrative/Jurisdictional Reviews:*

*Review of the appeal of Abdurahman Haji, his discharge from the position of Instructional Assistant, Columbus City Schools – Appeal No. 08-BA-0016.*

The Commissioners reviewed the appeal that Mr. Haji filed on August 18, 2008 regarding his discharge from the position of Instructional Assistant with the Columbus City Schools.

Section 3319.088 of the Ohio Revised Code applies to Instructional Assistants employed at the Columbus City Schools whereby it indicates that “educational assistants” shall have all of the rights, benefits, and legal protection available to other non-teaching employees, “except that provisions of Chapter 124 of the Ohio Revised Code shall not apply to any person employed as an educational assistant.” The term “educational assistant” as defined in Section 3319.088(D) applies to Instructional Assistants with the Columbus City Schools.

Chapter 124 of the Ohio Revised Code pertains to Ohio Civil Service laws, and it includes a section that covers employees’ appeal rights regarding suspensions and discharges. The Commission determined that since Chapter 124 of the Ohio Revised Code does not apply to Instructional Assistants, Mr. Haji’s discharge is not appealable to the Civil Service Commission.

Based on this information, the Commission decided to dismiss Mr. Haji’s appeal without a hearing because of lack of jurisdiction.

*Review of the appeal of Greg Murphy-Dillow, regarding the denial of his Request for Review for Photography Technician, City of Columbus – Appeal No. 08-CA-0018.*

The Commissioners reviewed the appeal that Mr. Murphy-Dillow filed on August 4, 2008, regarding the denial of his Request for Review for failing to meet the minimum qualifications. The basis of the appeal was that Mr. Murphy-Dillow was interrupted during the on-line application process and instead of saving the application, he submitted an incomplete application, thereby indicating that he had no sufficient work experience.

Based on this information, the Commission granted Mr. Murphy-Dillow’s appeal.

*Review of the appeal of Scott Shepard, regarding his discharge from the position of Police Officer, Department of Public Safety, City of Columbus – Appeal No. 08-CA-0019.*

The Commissioners reviewed the appeal that Mr. Shepard filed on August 13, 2008 regarding his discharge from the position of Police Officer with the Division of Police.

Columbus City Charter Section 149-1 provides that classified employees of the City of Columbus who are discharged "may appeal from such decision...to the Civil Service Commission within ten days from and after the date of such decision or order." The decision on the hearing with the Public Safety Director ordering the termination of Mr. Shepard was dated November 28, 2007. Mr. Shepard's appeal was filed on August 13, 2008.

Mr. Shepard provided the Commission with a letter from the Fraternal Order of Police (F.O.P.) dated August 1, 2008 which stated that he had been given verbal notification in a meeting on July 17, 2008 that the Lodge would not be taking his discharge to arbitration. The appeal filed by Mr. Shepard requests that he be afforded the same due process as other employees.

The ten day filing deadline provided in the City Charter is jurisdictional. The Civil Service Commission determined that it has no authority or jurisdiction over Mr. Shepard's appeal because it was filed too late.

Based on this information, the Commission dismissed Mr. Shepard's appeal without a hearing because it lacks jurisdiction over the appeal.

*Review of the appeal of Stephen Parson, regarding the denial of his Request for Review for Photography Technician, City of Columbus – Appeal No. 08-CA-0020.*

The Commissioners reviewed the appeal of Stephen Parson regarding the denial of his Request for Review for the Photography Technician examination. Mr. Parson indicated in the appeal that he had more than two years of photography experience in the Navy. As stated in the response letter to his Request for Review dated August 20, 2008, Commission policy does not allow applicants to add jobs to an application. This work experience was not listed on the application.

Based on this information, the Commission dismissed Mr. Parson's appeal without a hearing pursuant to Commission Rule XIII(G)(1).

*Review of the appeal of Denise Kocheran, regarding her layoff from the position of Payroll Benefits Coordinator, Public Service, City of Columbus – Appeal No. 08-CA-0021.*

This item was deferred.

*Review of the appeal of George Shaw, regarding his layoff from the position of Recreation Supervisor, Recreation and Parks, City of Columbus – Appeal No. 08-CA-0022.*

This item was deferred.

*Review of the appeal of John Zupp, regarding his layoff from the position of Recreation Program Specialist, Recreation and Parks, City of Columbus – Appeal No. 08-CA-0023.*

This item was deferred.

*Review of the appeal of Cynthia Smalls, regarding her layoff from the position of Office Assistant III, Recreation and Parks, City of Columbus – Appeal No. 08-CA-0024.*

This item was deferred.

*Review of the appeal of Sharron Herd-Barnes, regarding her layoff from the position of Administrative Secretary (Unclassified), Recreation and Parks, City of Columbus – Appeal No. 08-CA-0025.*

The Commissioners reviewed the appeal of Sharron Herd-Barnes regarding her layoff from the position of Administrative Secretary, an unclassified position, with the Recreation and Parks Department, City of Columbus.

Three issues were raised in Ms. Herd-Barnes' appeal. First, Commission Rule II provides that "...these Rules shall apply to all positions and employees in the classified service." The position which she held is not in the classified service and as such the Commission Rules regarding layoffs, terminations and appeals do not apply to her. Ms. Herd-Barnes' appeal stated that her position as Administrative Secretary should be considered as classified as a matter of law because there is no basis for it being unclassified since she had never served as a secretary to a department director. It further stated that there is no other basis under which the unclassified status can be supported. The Civil Service Commission has long recognized that the Recreation and Parks Department has a Recreation and Parks Commission, and that this department is entitled to two unclassified positions pursuant to Section 148(1)(j), and two more pursuant to Section 148(1)(k), for a total of four unclassified positions. Because these positions are unclassified, the departments are afforded some latitude with respect to their use. Further, Ms. Herd-Barnes had previously applied to be a classified Administrative Secretary but failed the civil service examination. In order to obtain the protections of a classified position, one must first have met the qualifications, passed any tests, and have been selected from a certification list. Since Ms. Herd-Barnes did not successfully complete the Civil Service process, she is not entitled to the rights which are attached to the classified selection process.

Second, the appeal states that Ms. Herd-Barnes' termination raises an issue of age discrimination. This matter is outside the jurisdiction of the Civil Service Commission.

Third, the appeal raises the issue of bumping rights with Ms. Herd-Barnes claiming that her bumping rights were denied on the basis of an agreement between the City and the AFSCME bargaining unit. Since her position was not classified, bumping rights do not apply.

Based on this information, the Commission decided to deny her appeal.

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The Commissioners adjourned their regular meeting at 1:34 p.m. to hear the appeal of Garrett Bernard, from the action of the Department of Public Safety, Division of Police, suspending him for 240 hours from the position of Police Officer – Appeal No. 08-CA-0004. Testimony was taken and the hearing was continued to November 18, 2008 at 9:00 a.m.

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Grady L. Pettigrew, Jr., President

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Date