

From: George A. Wood, City Manager

Re: Recommendation on Detectives and Supervisor

I have met with Chief Reese and the City Attorney's Office to review the matter of detectives being temporarily assigned to detective duties, then rotated to other positions during their career, without this being a permanent position or promotion. In reviewing the policies as they now exist, it is our opinion that all existing detectives should be considered to have been promoted, and are therefore not subject to transfer except for unsatisfactory performance. Therefore, they should be paid as if promoted, and will receive this back pay.

We still believe that any newly-hired detectives should be hired as a flexible assignment, with the Chief having the discretion to move them to other duties and train additional personnel in detective work. A broadly trained and experienced department is dependent upon officers having actual field experience in most areas of police work. We cannot do that if positions in the detective area never become available. However, our current policies would need to be amended to accommodate this.

We also need to develop a similar policy on the master patrol officer classification. Therefore, I would like to present you with a recommendation on both at the next City Council meeting. Again, the new policy on flexible assignments for detectives would only apply to detectives appointed after this new policy is in effect, not the current detectives.

One last recommendation I would like to make. In reviewing this matter in detail, I have come to the conclusion that the sergeant position supervising the drug task force really ought to be classified as a lieutenant, the same as the lieutenant supervising the regular detectives. Both then answer to the detective captain. Both supervise a similar number of employees, and have similar duties. Therefore, I recommend that Sergeant Gary Hicks' position be reclassified to Lieutenant. This will result in a 2.5% increase in pay, and take him from Grade 19, Step F, to Grade 22, Step A.

Please call me if you have any questions, concerns, or comments about this matter.

Councilman Wade expressed that he had received several calls from the Police Department Personnel stating that this is a change in the personnel policy. City Manager George Wood stated that we are looking at a situation where a former lieutenant position was open and we put a sergeant in this position in hopes of saving money. The question is whether or not this position should have remained a lieutenant position. He stated that if we made an error, it was on the side of not bringing back to the board the recommendation of bringing a sergeant in to fill a lieutenant position. We had no promotion exam in effect when we gave Sgt. Hicks this promotion; we have since implemented promotion exams as part of the officers promotion. Mr. Wood continued to state that we are trying to correct a situation that we did not handle properly and therefore, he is recommending that Sgt. Hicks receive retroactive pay back to October 1994 and change his title to Lieutenant. This is the fairest way that he knows to do it. He is doing the same responsibilities as the other lieutenants. Councilman Bedwell asked if the Human Resource Committee signed off on this recommendation. Mr. Wood stated that there was no need in this situation. Councilman Bedwell then asked if any police officer could file a grievance with the Human Resource Committee. City Manager George Wood stated yes. Councilman May asked about the back pay from sergeant to lieutenant.

City of Cleveland
190 CHURCH STREET N.E.
P.O. BOX 1519
CLEVELAND, TENNESSEE 37364-1519

OFFICE OF
CITY CLERK

TELEPHONE (423) 472-4551
FAX (423) 559-3302



DATE: November 5, 1997
TO: Detectives Steve Bennett, Bobby Queen, John Dailey, Shelia Freeman, Eric Hampton,
Dewayne Scoggins, Brian Smith, Brent Clayton
FROM: Jeffery G. Davis, Personnel Director *J. Davis*
RE: Designation of Assignment to Detectives as Promotion

This memo is to serve as confirmation that your designation as Detective is considered a promotion and will not be subject to change pursuant to the recently adopted "flexible assignment" policy. Your designation as Detective would be subject to change only as a result of unsatisfactory job performance, any circumstance which would result in a transfer, promotion or demotion pursuant to the City of Cleveland Personnel Rules and Regulations Section V - Employment, Item J. Promotion, Item K. Transfer or Item L. Demotion, or any circumstance which would result in a transfer, promotion or demotion pursuant to the Cleveland Police Department Policies and Procedures. The "flexible assignment" policy will apply only to employees designated as Detectives after the effective date of the policy, or October 1, 1997.

You will be classified as a Detective in Grade 16+1 in the current classification plan. This is the recommended classification for Detectives as approved by the City Council. Although your Grade will be the same as new employees assigned to the position of Detective who will be subject to re-assignment, your status will be considered permanent and you will not be subject to re-assignment, unless for reasons as stated above. Some concern has been expressed that the 16-1 designation will somehow hinder future promotional opportunities for employees in this Grade. The Standard Operating Procedures of the Police Department state the minimum requirements for promotional eligibility. Based on the requirements stated in the policy, I am unable to determine how the classification of 16+1 would in any way adversely affect promotional opportunities. I would be glad to discuss this in more detail if you still have concerns in this particular matter.

I have attached a copy of the minutes of the Council meetings which includes discussion of the Detective designation and the flexible assignment policy. A copy of this letter will be placed in your personnel file. Please let me know if you have questions or would like additional information.

cc: George Wood
Janice Casteel
Lee Reese
Captain Snyder
Captain Renegar
Personnel Files

City of Cleveland

190 CHURCH STREET N.E.
P.O. BOX 1519
CLEVELAND, TENNESSEE 37364-1519

OFFICE OF
CITY CLERK

TELEPHONE (423) 472-4551
FAX (423) 558-4302



DATE: September 30, 1997
TO: Chief Lee Reese
FROM: Jeffery G. Davis
RE: Back Pay for Detectives

I have completed calculations of back pay for Detectives Hampton, Freeman, Scoggins, Clayton and Smith, and for Lieutenant Gary Hicks. The amounts listed below will be paid to them in their next regular paycheck. I have the calculations in my office if you or any of the Detectives would like to review them. I reviewed every payroll since their dates of transfer to Detective and listed all hours paid at both the regular and overtime rates. I determined the difference in what they were actually paid and what they would have been paid had they been given a step increase at the time of the transfer, including all increases since that date, then multiplied that by the actual hours paid, to arrive at a total amount of backpay due.

Eric Hampton	\$1462.00
Brent Clayton	\$2025.74
Shelia Freeman	\$1011.52
Brian Smith	\$852.85
Dewayne Scoggins	\$1868.04

In the case of Gary Hicks, the amount we would have owed Gary for the difference in non-exempt Sgt. pay and non-exempt Lt. pay for the period 10/10/94 thru 4/8/96 is \$2242.96. The difference in what we have paid Gary as a non-exempt Sgt. and what he would have been paid as an exempt Lt. for the period 4/9/96 thru 9/2/97 is an overpayment of \$3851.35. This is a net overpayment of \$1608.39. We agreed with Gary that if there was a resulting overpayment, we would not require a repayment to the City. With the approval of the City Council, Gary will be designated as Lt. retroactively to 10/10/94 with seniority.

Please let me know if you have any questions.

cc: George Wood
Janice Casteel
Captain Wes Snyder

City of Cleveland

CLEVELAND, TENNESSEE

Office of the City Manager

received
9-12-97
Hicks

George A. Wood
City Manager



Cleveland Municipal Building
190 Church Street, N.E.
P.O. Box 1519
Cleveland, Tennessee 37364-151
(615) 559-3352

September 12, 1997

Memo to: Jeff Davis, Personnel Director

From: George A. Wood, City Manager *GAW*

Re: Payment for Gary Hicks and Five Other Detectives

The purpose of this memo is to confirm that you are authorized to designate Gary Hicks as a Lieutenant retroactive to October 10, 1994. This is what the City Council action on September 8th authorized.

As to his retroactive pay or repayment, he made a formal grievance request on this issue, and I am authorized to decide grievances with advice from the City Attorney's Office. I authorized him not having to reimburse the City if the overtime we had paid from 10/10/94 was more than his salary as a lieutenant would have been. The reason for this is that he worked the overtime in good faith thinking he would be paid it. Had he been a lieutenant at that time, he may not have put in those extra hours being exempt from overtime. In addition, he should have been made a lieutenant at that time. For these reasons, I do not think he should be penalized for our mistake.

On the other detectives, I have authorized the back pay because they should have received the increases at the time they became detectives. Council did not need to take action on this, as this was also the result of a grievance process, which I am authorized to decide. The Council was informed by my memo in the Agenda packet of how we were proceeding on it. Therefore, you are authorized to make these back payments to the five detectives discussed in your memo of September 10th.

Thank you for your assistance and call me if you need anything further to complete these two matters.

Cc: Janice Casteel, City Clerk
Lee Reese, Chief of Police ✓