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10-15-2007

Millicent Watkins

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**BEFORE THE CIVIL SERVICE COMMISSION OF  
NASHVILLE AND DAVIDSON COUNTY**

**IN THE MATTER OF:**

**Millicent Watkins**

**DOCKET NO: 43.02-095787J**

**INITIAL ORDER**

This matter was heard on October 15, 2007, in Nashville, Tennessee, before Joyce Carter-Ball, Administrative Judge, assigned by the Secretary of State to sit for the Civil Service Commission of Nashville and Davidson County. Theodore G. Morrissey, Assistant Metropolitan Attorney, represented the Metropolitan Government of Nashville and Davidson County (“Metropolitan Government”). Millicent Watkins, (“Grievant”) was represented by legal counsel W. Gary Blackburn.

The issue of this hearing was whether the Metropolitan Government properly suspended Grievant for two (2) days for conduct unbecoming an employee of the Metropolitan Government. After consideration of all of the evidence, arguments of counsel, and the entire record in this matter, it is determined that Grievant’s disciplinary suspension of two (2) days was proven to be **appropriate** by a preponderance of the evidence, and should therefore be **UPHELD**.

This decision is based upon the following:

## **PROCEDURAL HISTORY**

Grievant is an employee of the Human Resources Department of the Metropolitan Government. At the time of her suspension, Grievant was serving in the capacity of Administrative Specialist, which is a Civil Service position. The more complicated cases were assigned to Grievant. Grievant began working for the Metropolitan Government on March 2, 1983.

Grievant's immediate supervisor is Kim Garrett, the Benefits supervisor. Ms. Garrett oversees the day-to-day operational functions for Human Resources in terms of all of the Benefits that Metro Government offers. Ms. Garrett reports to Ginger Hall, the Benefits Manager. Ms. Hall oversees the Disability Compliance Division, the Benefits Division and the Pension Calculation Division.

## **FINDINGS OF FACT**

1. On April 25, 2007, the Metropolitan Civil Service Rules, §6.7 "Employee Conduct, Disciplinary Action, and Grievance Procedures," was in full force and effect, including subsection 33: "Conduct unbecoming an employee of the Metropolitan Government."
2. On the afternoon of April 25, 2007, Ms. Garrett came into Ms. Hall's office to discuss a series of events that took place between Grievant and Ms. Garrett in the weekly staff meeting.
3. On April 25, 2007, Ms. Watkins demonstrated inappropriate behavior in a staff meeting and in follow-up meetings with her supervisors.

4. Ms. Garrett met with her supervisor, Ms. Hall, and informed her of Grievant's disruptive behavior, and informed Ms. Hall that she planned to meet with Grievant to discuss the behavior.
5. Grievant refused to speak with Ms. Garrett when Ms. Garrett came to meet with her to discuss Grievant's attitude.
6. Ms. Garrett and Ms. Watkins then proceeded to Ms. Hall's office to discuss the situation.
7. While Ms. Garrett explained to Ms. Hall and Ms. Watkins that they were meeting as a result of Ms. Watkins behavior from the staff meeting, Ms. Watkins jumped out of her chair.
8. After jumping up out of her chair, Grievant, visibly upset, walked across the room in front of Ms. Hall's desk, to within two steps of Ms. Garrett.
9. While coming toward Ms. Garrett, Ms. Watkins' hands were shaking and she made gestures "like somebody wanted to strangle somebody."
10. Grievant accused her supervisor of lying.
11. Before her supervisors were finished with the meeting, Grievant abruptly turned and left the meeting, leaving her supervisors in the office.
12. By letter dated April 26, 2007, Grievant was notified of the charges against her.
13. In a hearing held on May 7, 2007, the Department concluded that Grievant had violated Civil Service Rule 6.7 (33) and recommended that Grievant be suspended for two days and be allowed to have the two days deducted from her accrued vacation time.
14. The Department required Grievant to enter and complete two training programs, Anger Management and Dealing with Difficult People.

## CONCLUSIONS OF LAW

1. It is the responsibility of an employee of the Metropolitan Government of Nashville and Davidson County to abide by the rules and regulations of the Civil Service Commission and the department in which the employee is employed.
2. The Metropolitan Civil Service Commission, through the adoption of Rule 33 of Chapter 6, Section 6.7, has clearly stated that disciplinary action will result for conduct unbecoming an employee of the Metropolitan Government.
3. By the disciplinary action taken in this case, the Human resources Department of the Metropolitan Government has attempted to enforce the Metropolitan Civil Service Commission Rules in a manner so as to discipline an employee who fails to conduct herself in a manner becoming of a Metropolitan Government employee.
4. It is determined that, based upon the evidence presented at the hearing, the Human Resources Department had just cause to find Grievant guilty of violating the stated rule of the Civil Service Commission.
5. Although Grievant's relationship with her immediate supervisor has been strained, it is reasonable to expect **professional** behavior from Grievant, having once been a supervisor herself. Even under stressful conditions, Grievant's behavior on April 25, 2007 was unacceptable, and is determined to have been conduct unbecoming an employee of the Metropolitan Government.
6. Grievant was aware of the process, however, she never once came to Ms. Berry to complain about Ms. Garrett.
7. Based on the above, it is **concluded** that Grievant's disciplinary suspension of two (2) days was proven to be **appropriate** by a preponderance of the evidence.

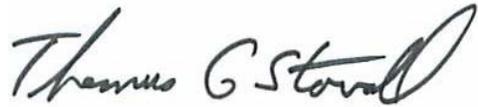
8. Accordingly, it is **ORDERED** that the suspension of Grievant from her employment for two (2) days be **UPHELD**.

This Initial Order entered and effective this 29th day of January, 2008.

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Joyce Carter-Ball  
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,  
this 29th day of January, 2008.



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Thomas G. Stovall, Director  
Administrative Procedures Division