

## Captain files job complaint in court after board ruling

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Metro Police Capt. Mickey Miller has asked a judge to give him back his old job of assistant chief and to stop the department from "rolling back" his rank again.

In a complaint filed Tuesday in Davidson County Chancery Court, Miller, who has been with the department since 1977, argued that he was illegally demoted as part of a departmental reorganization earlier this year.

Under the Metro Charter, police jobs are civil service jobs, said Miller's attorney, David Raybin. That means that anyone with a permanent rank — from a patrol officer up to the rank of assistant chief before that rank was eliminated in the reorganization — can't be demoted or have their pay cut without a reason.

"The reason for that is police officers should be concentrating on protecting us instead of protecting their jobs," Raybin said.

Miller had not had any disciplinary actions justifying his demotion, the complaint said.

When Police Chief Ronal Serpas got rid of the position of assistant chief in April and created the new, non-civil service assignment of deputy chief, Miller was "rolled back" to captain.

The new position paid about \$10,000 less per year and reduced his pension benefits, the court filing said.

The positions, which are directly under the police chief, are "functionally indistinguishable" in their duties except that the assistant chief position was protected by civil service and the new one is not, the complaint argued.

Metro police officials and the lawyer who represented them before the Metro Civil Service Commission said Tuesday that they had not seen the complaint and did not want to comment on it.

Assistant Chiefs Valerie Meece, Judy Bawcum and Richard Briggance opted to retire at the higher rank rather than be "rolled back" to captain.

At 48, Miller was too young to retire with a full pension, the filing says.



*Metro Police Capt. Mickey Miller*

The commission denied Miller's appeal of the change in August. During his appeal, Miller, who now heads the department's West Precinct, was given a non-civil service assignment of "commander," which pays slightly higher than his position as assistant chief did. As a commander, however, he could be demoted at any time because the position does not have civil service protections, Raybin said.

Metro Attorney Mike Safely said the reorganization was proper and that the commission made the right decision in denying Miller's appeal.