

CIVIL SERVICE BOARD MEETING

OCTOBER 2, 2013

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, October 2, 2013, in the Commissioners' Board Room.

Members present: Larry A. Bartlett, Chairman
 Troyce B. Lancaster, Vice-Chair
 Gbenga Osagie, Member
 J. Mark Trimble, Member
 Lori Favre, Member

Also present: Human Resources Director Renee Bright and various staff members; Civil Service Board Attorney Joe Harris; County Attorney Michelle Terry; Police Department Legal Advisor Kenneth Green; Police Deputy Chief Chris Butler; Sheriff's Assistant Chief Deputy Shawn Southerland; Tax Commissioner Terry Baskin; Police Chief Gregory Porter; Deputy Chief Tax Commissioner James Grant; Interim Director Senior Services Tori Strawter; Captain Deeann Cash; Attorney Regan Keebaugh; Larry Logan; William Souder; John Stephens; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:12 a.m., and noted for the record that all Board members were present. Chairman Bartlett called for a motion to adopt the October 2nd Agenda. Mr. Trimble made a motion to adopt and amend the agenda as follows: remove item 6 and insert item 8c – request to extend probationary period, second by Vice-Chair Lancaster. **Discussion on the motion made:** Vice-Chair Lancaster asked if 'Other business' should be moved before any appeals were heard. There was no response. No further discussion on the motion made. Motion carried by unanimous vote.

1. Considered for approval the Civil Service Board Meeting minutes that was held on September 4, 2013.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the minutes, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.

2. Considered for approval the Civil Service Board's Executive Session Minutes to discuss a personnel and legal issue on September 4, 2013.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the minutes, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

3. Considered for approval the Civil Service Boards' Executive Session Minutes for the Crystal Thompson, Sheriff's Office, appeal that was heard on September 4, 2013.
 - a. Chairman Bartlett asked Civil Service Board Attorney Joe Harris should the Board hold off from approving the Minutes.

- b. Mr. Harris replied in the affirmative.
 - c. Item 5 was removed, as the Board was not prepared to vote.
4. Considered for approval the Civil Service Board's Decision regarding Crystal Thompson, Sheriff's Office, appeal that was head on September 4, 2013.
- a. Chairman Bartlett asked Mr. Harris if the Board should hold off from approving the Decision.
 - b. Mr. Harris replied in the affirmative.
 - c. Item 6 was removed, as the Board was not prepared to vote.
5. Considered request from Deeann Cash, Sheriff's Office, to use reserve sick leave.
- a. Chairman Bartlett asked Assistant Chief Deputy Shawn Southerland if there were any objection from the department. Assistant Chief Deputy Shawn Southerland stated there were none.
 - b. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the request, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
6. Considered request from Chief Gregory Porter to extend the probationary period of Melvin Snell for six (6) months (until April 14, 2014).
- a. The Board did not have any questions for Police Legal Advisor Kenneth Green.
 - b. Mr. Green addressed the Board and explained in detail the Chief's request.
 - c. Chairman Bartlett questioned Mr. Green. He responded in detail to all questions posed by Chairman Bartlett.
 - d. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the request, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
7. Considered request from Interim Director Senior Services Tori Strawter to extend the probationary period of William Souder for six (6) months.
- a. Interim Director Strawter and Mr. William Souder were in attendance.
 - b. Mr. Souder addressed the Board and stated he objected to the extension and explained in detail.
 - c. Chairman Bartlett explained the Board's perspective when it came to hearing probationary extensions.

- d. Interim Director Strawter addressed the Board and explained in detail the need for the probationary period extension.
 - e. A discussion among the Board and Ms. Strawter occurred.
 - f. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the request, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
8. Considered request from Tax Commissioner Terry Baskin to discuss the "August 7th approval of Ms. McKinnon's grievance".
- a. Tax Commissioner Terry Baskin addressed the Board and outlined in detail the grievance process and explained his need for clarification.
 - b. A lengthy discussion between the Board and Tax Commissioner Baskin occurred and it was confirmed that Ms. McKinnon's request was not a grievance.
 - c. The Board recommended that Human Resources could notify Tax Commissioner Baskin and his assistant when an item pertaining to his department is listed on an agenda.
 - d. Human Resources Office Manager Tamara Duggans addressed the Board and noted for the record that she had respect for Tax Commissioner Baskin as a department head and would never tell anyone to circumvent the system.
9. Considered request from Civil Service Board Attorney Joe Harris.
- a. Chairman Bartlett presented Mr. Harris' request that he be allowed to record certain things involving the appeal/grievance cases in order to help him recall pertinent information when drafting final decisions.
 - b. Mr. Trimble made a motion to allow Mr. Harris to record, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote.
10. Chairman Bartlett did an open call for the appeals on today's agenda:
- a. *Appeal* – Chairman Bartlett asked if Larry Logan was in attendance. Mr. Logan was in attendance.
 - b. *Appeal* – Chairman Bartlett asked if John W. Stephens was ready to proceed. He replied in the affirmative.
 - c. *Appeal* – Chairman Bartlett asked if Demita Daniels was in attendance. Ms. Daniels was not in attendance.
 - i. County Attorney Michelle Terry made a motion to have the decision of the Sheriff's Office upheld.

- ii. Mr. Trimble made a motion that the termination of Demita Daniels be upheld, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- d. *Appeal* - John W. Stephens, Police Department, appeal filed on December 22, 2010 with regards to: My termination.
 - i. Chairman Bartlett addressed counsel and asked them to communicate with their witnesses the need to be back in the Commissioners' boardroom at 1:30 p.m. this afternoon.
 - ii. Chairman Bartlett excused all parties in attendance until 1:30 p.m.
 - iii. Chairman Bartlett made a motion for a short break, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - iv. Chairman Bartlett called the meeting back to order.
- 11. *Appeal* - Considered appeal that was filed on December 15, 2010, by Larry A. Logan, Police Department, with regards to: Being terminated.
 - a. Chairman Bartlett asked if County Attorney Michelle Terry was ready to proceed. Ms. Terry responded in the affirmative.
 - b. Chairman Bartlett asked if Larry Logan was ready. Mr. Logan responded in the affirmative and confirmed he was not represented by an attorney.
 - c. There was no rule of sequestration.
 - d. Chairman Bartlett explained the hearing process in detail to Mr. Logan.
 - e. Civil Service Board Attorney Joe Harris swore in all witnesses.
 - f. Ms. Terry presented the County's opening statement. Mr. Logan did not present an opening statement on his behalf.
 - g. Ms. Terry called Deputy Chief Christopher Butler to the witness stand. He stated his name, where employed, tenure and responsibility. Ms. Terry began questioning Deputy Chief Butler. Deputy Chief Butler responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned **County Exhibit 7 (pages 3, 4, 6 and 12)**.
 - h. Ms. Terry continued questioning Deputy Chief Butler. Deputy Chief Butler responded in detail to all questions posed by Ms. Terry.
 - i. Mr. Logan did not have any questions for Deputy Chief Butler.
 - j. The Board questioned Deputy Chief Butler. He responded in detail to all questions posed by the Board.

- k. There being no further questions, the witness was released. Mr. Logan did not have any objections.
- l. Ms. Terry called Captain Craig Hammer to the witness stand. He stated his name, where employed, tenure, position and tenure in Internal Affairs. Ms. Terry began questioning Capt. Hammer. Capt. Hammer responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned **County Exhibit 7**.
- m. Ms. Terry continued questioning Capt. Hammer. Capt. Hammer responded in detail to all questions posed by Ms. Terry.
- n. Mr. Logan did not have any questions for Capt. Hammer.
- o. The Board did not have any questions for Capt. Hammer.
- p. There being no further questions, the witness was released.
- q. Ms. Terry called Major Johnny Robinson to the witness stand. He stated his name, where employed, tenure and position held. Ms. Terry began questioning Major Robinson. Major Robinson responded in detail to all questions posed by Ms. Terry.
- r. Mr. Logan did not have any questions for Major Robinson.
- s. The Board questioned Major Robinson. He responded in detail to all questions posed by the Board.
- t. There being no further questions, the witness was released.
- u. Ms. Terry called Police Chief Gregory Porter to the witness stand. He stated his name, where employed, tenure, and current position. Ms. Terry began questioning Chief Porter. Chief Porter responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned **County Exhibits 8, 9 and 10**.
- v. Ms. Terry continued questioning Chief Porter. Chief Porter responded in detail to all questions posed by Ms. Terry.
- w. The Board questioned Chief Porter. He responded in detail to all questions posed by the Board.
- x. There being no further questions, the witness was released.
- y. Ms. Terry rested the County's case and tendered the following exhibits: **County Exhibits 7, 8, 9, 10, 11 and 12**.
- z. Chairman Bartlett explained to Mr. Logan that if he testified he would be cross-examined by the County's attorney.
- aa. Mr. Trimble made a motion for a short break, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

- bb. Chairman Bartlett called the meeting back to order.
- cc. Mr. Logan took the witness stand. He stated his name and began testifying.
- dd. Ms. Terry cross-examined Mr. Logan. Mr. Logan responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned **County Exhibits 9 and 13**.
- ee. Ms. Terry continued the cross-examination of Mr. Logan. Mr. Logan responded in detail to all questions posed by Ms. Terry.
- ff. The Board questioned Mr. Logan. He responded in detail to all questions posed by the Board.
- gg. There being no further questions, the witness stepped down.
- hh. Ms. Terry reserved the County's right to present closing arguments last.
- ii. Mr. Logan presented his closing arguments. Ms. Terry presented the County's closing arguments.
- jj. For the record, Chairman Bartlett stated Mr. Logan asked to be allowed to resign and to be reimbursed for lost wages.
- kk. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the appeal that was filed on December 15, 2010, by Larry A. Logan, Police Department, with regards to: Being terminated. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- ll. Chairman Bartlett called the meeting back to order.
- mm. Chairman Bartlett called for a motion on the appeal that was filed on December 15, 2010, by Larry A. Logan, Police Department, with regards to: Being terminated. Mr. Trimble made a motion that the Board uphold Chief Porter's decision to terminate, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- nn. Chairman Bartlett gave Mr. Logan best wishes.
- oo. Chairman Bartlett called for a motion to break for lunch until 1:30 p.m. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- pp. Chairman Bartlett called the meeting back to order.

12. *Appeal* – Considered appeal that was filed on December 22, 2010, by John W. Stephens, Police Department, with regards to: My termination.
- a. Chairman Bartlett stated for the record that he was recusing himself and explained in detail. There were no comments or suggestions from the Board.
 - b. Chairman Bartlett turned the meeting over to Vice-Chair Lancaster, who would chair the Stephens' matter.
 - c. Chair Lancaster asked if all witnesses were present. Attorney Regan Keebaugh advised that some of the Appellant's witnesses were not.
 - d. Mr. Harris swore in all witnesses who were present.
 - e. Chair Lancaster advised both sides of the Board's procedures and that Mr. Trimble would be the official timekeeper.
 - f. Chair Lancaster asked for Mr. Harris' expertise regarding a conflict that the County has with **Appellant Exhibit 1**.
 - g. Mr. Harris stated he would like to hear arguments from both sides and explained.
 - h. Mr. Keebaugh explained in detail. Ms. Terry explained the County's objection.
 - i. Mr. Harris recommended to the Board that **Appellant Exhibit 1** be excluded.
 - j. Mr. Keebaugh asked to preserve any appeal rights and was permitted to put evidence on the matter.
 - k. A discussion among the Board, Mr. Keebaugh, Mr. Harris, and Ms. Terry occurred.
 - l. Police Legal Advisor / Major Kenneth H. Green, took the witness stand. Mr. Keebaugh questioned Mr. Green. Mr. Green responded in detail to all questions posed by Mr. Keebaugh.
 - m. After hearing evidence on the matter, Mr. Harris advised the Board that **Appellant Exhibit 1** should not be in evidence.
 - n. Mr. Trimble made a motion that the document be excluded as it has attorney-client privilege, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - o. There being no further questions from Mr. Keebaugh of Mr. Green, Mr. Green was released as a witness.
 - p. Ms. Terry gave the County's opening statement. Mr. Keebaugh gave the Appellant's opening statement.

- q. Ms. Terry called Sgt. Renee Ferachi to the witness stand.
- r. Chair Lancaster called for a break. Mr. Trimble made a motion, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- s. Chair Lancaster called the meeting back to order.
- t. Sgt. Ferachi started her name, rank, tenure, and where employed. Ms. Terry began questioning Sgt. Ferachi. Sgt. Ferachi responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned **County Exhibit 7 (pgs. 25, 29, 31 and 45-46)**.
- u. Ms. Terry continued questioning Sgt. Ferachi. Sgt. Ferachi responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned **County Exhibit 7 (pgs. 39-40)**.
- v. Ms. Terry continued questioning Sgt. Ferachi. Sgt. Ferachi responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned **County Exhibit 7 (pg. 20)**.
- w. Ms. Terry continued questioning Sgt. Ferachi. Sgt. Ferachi responded in detail to all questions posed by Ms. Terry.
- x. Mr. Keebaugh mentioned that he would use **County Exhibit 7**, instead of **Appellant Exhibit 1**.
- y. Chair Lancaster called for a short break. Mr. Trimble made a motion, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- z. Chair Lancaster called the meeting back to order.
- aa. Mr. Keebaugh cross-examined Sgt. Ferachi. Sgt. Ferachi responded in detail to all questions posed by Mr. Keebaugh. Mr. Keebaugh mentioned **County Exhibit 7 (pgs. 25 and 45)**.
- bb. Mr. Keebaugh continued the cross-examination of Sgt. Ferachi. Sgt. Ferachi responded in detail to all questions posed by Mr. Keebaugh.
- cc. Mr. Keebaugh mentioned that he may re-call Sgt. Ferachi later during hearing.
- dd. The Board questioned Sgt. Ferachi.
- ee. Ms. Terry questioned Sgt. Ferachi. She responded in detail to all questions posed by Ms. Terry.
- ff. Mr. Keebaugh questioned Sgt. Ferachi. She responded in detail to all questions posed by Mr. Keebaugh.

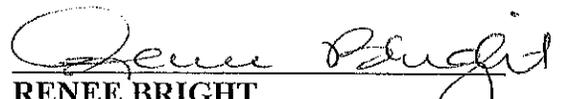
- gg. Ms. Terry called Major Johnny Robinson to the witness stand. He stated his name, rank and tenure. Ms. Terry began questioning Major Robinson. Major Robinson responded in detail to all questions posed by Ms. Terry.
- hh. Mr. Keebaugh cross-examined Major Robinson. Major Robinson responded in detail to all questions posed by Mr. Keebaugh.
- ii. Ms. Terry asked follow-up questions to Major Robinson. Major Robinson responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned **County Exhibit 7 (pgs. 3, 4, 5, 6 and 10)**.
- jj. Ms. Terry continued asking follow-up questions to Major Robinson. Major Robinson responded in detail to all questions posed by Ms. Terry.
- kk. Mr. Keebaugh asked additional questions to Major Robinson. Major Robinson responded in detail to all questions posed by Mr. Keebaugh. Mr. Keebaugh mentioned **County Exhibit 7 (page 10)**.
- ll. Mr. Keebaugh continued asking additional questions to Major Robinson. Major Robinson responded in detail to all questions posed by Mr. Keebaugh.
- mm. The Board questioned Major Robinson. He responded in detail to all questions posed by the Board.
- nn. There being no further questions, the witness was retained for rebuttal purposes and told to be available on October 3, 2013, for testimony.
- oo. Chair Lancaster advised Civil Service Board Executive Secretary Renee Bright to release Sgt. Ferachi for today and tell to be back at 9:00 a.m., on October 3, 2013.
- pp. Ms. Terry called Police Chief Gregory Porter to the witness stand. He stated his name, where employed, tenure and tenure as Chief. Ms. Terry began questioning Chief Porter. Chief Porter responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned **County Exhibits 13, 14, 15, 16, 17, 18, 19 and 20**.
- qq. Ms. Terry continued questioning Chief Porter. Chief Porter responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned **County Exhibits 7, 9 and 11**.
- rr. Ms. Terry continued questioning Chief Porter. Chief Porter responded in detail to all questions posed by Ms. Terry.
- ss. Mr. Keebaugh cross-examined Chief Porter. Chief Porter responded in detail to all questions posed by Mr. Keebaugh. Mr. Keebaugh mentioned **County Exhibits 13, 14, 15, 16, 17, 18, and 19**.
- tt. Mr. Keebaugh continued the cross-examination of Chief Porter. Chief Porter responded in detail to all questions posed by Mr. Keebaugh. Mr. Keebaugh mentioned **County Exhibits 4 and 5**.

- uu. Mr. Keebaugh continued the cross-examination of Chief Porter. Chief Porter responded in detail to all questions posed by Mr. Keebaugh. Ms. Terry objected to Mr. Keebaugh not allowing Chief Porter to answer the question before asking another and explained. Mr. Keebaugh explained he had no time for Chief Porter to ramble on and on. Chair Lancaster stated "asked and answered". The objection was sustained.
- vv. Mr. Keebaugh continued the cross-examination of Chief Porter. Chief Porter responded in detail to all questions posed by Mr. Keebaugh. Mr. Keebaugh mentioned **County Exhibit 15**.
- ww. Mr. Keebaugh continued the cross-examination of Chief Porter. Chief Porter responded in detail to all questions posed by Mr. Keebaugh. Mr. Keebaugh mentioned **County Exhibit 7 (page 10)**.
- xx. Mr. Keebaugh continued the cross-examination of Chief Porter. Chief Porter responded in detail to all questions posed by Mr. Keebaugh.
- yy. Ms. Terry asked follow-up questions to Chief Porter. Chief Porter responded in detail to all questions posed by Ms. Terry.
- zz. The Board questioned Chief Porter. He responded in detail to all questions posed by the Board.
- aaa. Chair Lancaster called for a short break. No one made a motion. All Board members said this matter should be continued until tomorrow.
- bbb. Chair Lancaster stated she had only a few questions remaining.

Chair Lancaster stated that all matters have been concluded and called for a motion to adjourn this meeting. Mr. Trimble made a motion to adjourn, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

Meeting adjourned.


TROYCE LANCASTER
CHAIR


RENEE BRIGHT
HUMAN RESOURCES DIRECTOR