

REGULAR CIVIL SERVICE BOARD MEETING

JULY 9, 2014

A regular meeting of the Clayton County Civil Service Board was held on Wednesday, July 9, 2014, in the Commissioners' Board Room.

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

Member absent: Lori Favre, Member (resigned effective immediately July 8, 2014)

Also present: Human Resources Director Renee Bright and various staff members; Civil Service Board Attorney Joe Harris; County Attorney Michelle Youngblood; Sheriff Assistant Chief Deputy Shawn Southerland; Police Legal Advisor Kenneth Green; Rhonda Stephens-Peace; Attorney Lansing Kimmey; Scott Smith; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:01 a.m., and noted for the record that all Board members were present, except Lori Favre, who resigned. Chairman Bartlett and the Board expressed their appreciation for Mrs. Favre's service.

Chairman Bartlett called for a motion to adopt the July 9th agenda. Mr. Trimble made a motion to adopt the agenda with an amendment: add item 3A – Sick leave from Ms. Peace, second by Vice-Chair Lancaster. Discussion on the motion made: Chairman Bartlett stated there was a case settled and it would be mentioned during the calendar call. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

1. Considered for approval the Civil Service Board's Meeting minutes that was held on June 11, 2014.
 - 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 (4-0).
 - b. Chairman Bartlett stated that there were no Executive Session Minutes as the Board did not hear any cases in June.

2. Considered for approval the request from Rhonda Stephens-Peace, Sheriff's Office, for sick leave usage for the care of her mother.
 - a. Chairman Bartlett questioned Ms. Peace, who was in attendance. Ms. Peace responded in detail to all questions posed.
 - b. Sheriff Assistant Chief Deputy Shawn Southerland stated the Sheriff's Office supported the request (no objection).

- c. 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 (4-0).
 - d. The Board wished Ms. Peace all the best.
3. Calendar call.
- a. **Barry Cauthen, Sheriff's Office** - Termination Appeal continued at the request of Appellant's Attorney Thomas Florio due to court conflicts.
 - b. **Scott Smith, Sheriff's Office** - Termination Appeal (pending objection).
 - 1. County Attorney Youngblood was present and ready to proceed. Appellant Attorney Lansing Kimmey was present and ready to proceed with his objection to allowing the County to substitute one of its witnesses.
 - c. **Sherice Jones, Police/Animal Control** - Termination Appeal continued at the request of Appellant's Attorney Keith Martin due to court conflicts.
 - d. **Cassandra Pitts, Sheriff's Office** - Demotion Appeal continued at the request of Appellant's Attorney Janet Scott due to Appellant's unavailability.
 - e. **Sonja Sanchez, Sheriff's Office** - Termination Appeal continued at the request of Appellant's Attorney Keith Martin due to court conflicts.
 - f. **Crystal Harris, Police/Communications** - Termination Appeal.
 - 1. County Attorney Youngblood was present and ready to proceed. Ms. Crystal Harris was not in attendance.
 - g. **Herbert Feemster, Sheriff's Office** - Termination Appeal withdrawn.
 - h. **Enrique St. Louis, Sheriff's Office** - Termination Appeal continued at the request of Appellant's Attorney Thomas Florio due to court conflicts.
 - i. **Nicholas Swaim, Sheriff's Office** - Termination Appeal.
 - 1. County Attorney Youngblood was present and ready to proceed. Appellant Attorney Don English was present but stated he lost contact with Mr. Swaim and could not proceed without his client.
 - j. **Cory Bowen, Fire/EMS** - Grievance withdrawn.
 - k. **David Robinson, Police Department** - Termination Appeal was settled. Kenneth Green, Legal Advisor, Police Department confirmed this matter.

4. Considered objection from Attorney Lansing Kimmey (Scott Smith (Sheriff's Office – Termination Appeal)).
 - a. Attorney Kimmey presented his objection. Attorney Youngblood presented the County's response to the objection.
 - b. A lengthy discussion occurred regarding substituting and allowing witnesses.
 - c. Chairman Bartlett made a motion to allow the witness (Gloria Mayo) but allow the County time to question the witness and to add any witness(es) for rebuttal or relation to what the witness testifies to, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a 3-1 vote (Mr. Osagie – nay).
 - d. Chairman Bartlett stated he would allow Attorney Kimmey time to contact his witness, who was not in attendance and would go forward with the meeting in 30 minutes.
 - e. Chairman Bartlett called for a motion (break). Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
5. *Appeal* – Considered appeal that was filed on March 23, 2012, by Crystal Harris, Police/Communications, with regards to: Termination.
 - a. Attorney Youngblood stated the County was ready to proceed. Ms. Crystal Harris was not in attendance.
 - b. Attorney Youngblood moved for the appeal to be dismissed.
 - c. Mr. Trimble made a motion that the County's request be upheld, second by Mr. Osagie. Discussion on the motion made: Chairman Bartlett stated "Case Dismissed". No further discussion on the motion made. Motion carried by unanimous vote (4-0).
6. *Appeal* – Considered appeal that was filed on June 7, 2012, by Nicholas Swaim, Sheriff's Office, with regards to: Termination.
 - a. Attorney Youngblood stated the County was ready to proceed. Appellant Attorney Don English stated he could not go forward with the case as he had lost contact with Mr. Swaim.
 - b. Human Resources Director Renee Bright confirmed her department did not have any contact with Mr. Swaim.
 - c. Attorney Youngblood moved that the appeal be dismissed.
 - d. Mr. Trimble made a motion that the appeal be dismissed, second by Vice-Chair Lancaster. Discussion on the motion made: Chairman Bartlett stated "Case

Dismissed". No further discussion on the motion made. Motion carried by unanimous vote (4-0).

- e. Chairman Bartlett thanked Attorney English and his presence on behalf of the Police.
- f. Chairman Bartlett called for a short break. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- g. Chairman Bartlett called the meeting back to order.

7. ***Appeal*** – Considered appeal that was filed on September 23, 2011, by Scott Smith, Sheriff's Office, with regards to: Terminated by employer on 9/23/11.

- a. Attorney Kimmey stated he did not reach his witness, Gloria Mayo and explained.
- b. Civil Service Board Attorney Joe Harris swore in all witnesses who were present.
- c. Attorney Kimmey asked for an order of sequestration.
- d. Chairman Bartlett explained the 90 minute time limit in detail.
- e. Attorney Youngblood gave the County's opening statement. Attorney Kimmey gave the Appellant's opening statement.
- f. Attorney Youngblood called Major Samuel Smith to the witness stand. He stated his name, where employed, position and tenure. Attorney Youngblood began questioning Major Smith. Major Smith responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C-9 (pgs. 8-12 and 22-25).
- g. Attorney Youngblood continued questioning Major Smith. Major Smith responded in detail to all questions posed by Attorney Youngblood.
- h. Attorney Kimmey cross-examined Major Samuel Smith. Major Smith responded in detail to all questions posed by Attorney Kimmey. Attorney Kimmey mentioned Appellant Exhibit A-2.
- i. Attorney Kimmey continued the cross-examination of Major Smith. Major Smith responded in detail to all questions posed by Attorney Kimmey.
- j. The Board questioned Major Smith. He responded in detail to all questions posed by the Board.
- k. There being no further questions, the County's witness was held as a rebuttal witness.
- l. Attorney Youngblood called Captain K.T. Smith to the witness stand.

- m. Vice-Chair Lancaster made a motion for a short break, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- n. Chairman Bartlett called the meeting back to order.
- o. He stated his name, where employed, position, tenure and position in 2011. Attorney Youngblood began questioning Capt. Smith. Capt. Smith responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C-9 (pgs. 8 and 12).
- p. Attorney Youngblood continued questioning Capt. Smith. Capt. Smith responded in detail to all questions posed by Attorney Youngblood.
- q. Attorney Kimmey cross-examined Capt. Smith. Attorney Kimmey mentioned County Exhibit C-9. Capt. Smith responded in detail to all questions posed by Attorney Kimmey.
- r. The Board questioned Capt. Smith. He responded in detail to all questions posed by the Board.
- s. There being no further questions, the County's witness was held as a rebuttal witness.
- t. Chairman Bartlett called for a lunch break (until 1:00 p.m.), second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- u. Chairman Bartlett called the meeting back to order.
- v. Attorney Youngblood called Major Robert Sowell to the witness stand. He stated his name, position, tenure and advised he was the Jail Administrator in 2011. Attorney Youngblood began questioning Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit 9 (pgs. 5 and 7).
- w. Attorney Youngblood continued questioning Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Youngblood.
- x. Attorney Kimmey cross-examined Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Kimmey. Attorney Kimmey mentioned County Exhibit C-9 (pg. 8).
- y. Attorney Kimmey continued the cross-examination of Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Kimmey.
- z. The Board questioned Major Sowell. He responded in detail to all questions posed by the Board.
- aa. There being no further questions, the County's witness was held as a rebuttal witness.

- bb. Attorney Youngblood called Assistant Chief Deputy Shawn Southerland to the witness stand. He stated his name, where employed, position and duties. Attorney Youngblood mentioned County Exhibit C-0 (pgs. 1, 3 and 4). Attorney Youngblood began questioning Assistant Chief Deputy Southerland. Assistant Chief Deputy Southerland responded in detail to all questions posed by Attorney Youngblood.
- cc. Attorney Youngblood continued questioning Assistant Chief Deputy Southerland. Attorney Youngblood mentioned County Exhibits C-10 and C-12 – C-23. Attorney Youngblood continued questioning Assistant Chief Deputy Southerland. Assistant Chief Deputy Southerland responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits C-4 – C-8.
- dd. Attorney Kimmey cross-examined Assistant Chief Deputy Southerland. Assistant Chief Deputy Southerland responded in detail to all questions posed by Attorney Kimmey. Attorney Youngblood objected to Attorney Kimmey placing a copy of a transcript into the record, as there was none previously provided. Attorney Kimmey responded a transcript service prepared the document. Civil Service Board Attorney Joe Harris stated he could use the transcript to recollect.
- ee. Attorney Kimmey continued the cross-examination of Assistant Chief Deputy Southerland. Attorney Youngblood objected to use of the document (she had not seen). Chairman Bartlett asked Attorney Kimmey to share with County's counsel to review.
- ff. Chairman Bartlett called for a short break. Mr. Trimble made a motion, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- gg. Chairman Bartlett called the meeting back to order.
- hh. A lengthy discussion occurred regarding use of the transcript provided by Attorney Kimmey. Attorney Youngblood renewed her objection that it was not an official record. Chairman Bartlett allowed the document to refresh the witness' memory.
- ii. The Board questioned Assistant Chief Deputy Southerland. He responded in detail to all questions posed by the Board.
- jj. There being no further witnesses, besides rebuttal, the County rested and asked to tender the following exhibits: C-4 – C-10 and C-12 – C-23. Attorney Kimmey did not have any objections.
- kk. Mr. Trimble advised Attorney Youngblood she had used 1 hour and 15 minutes and Attorney Kimmey had used 58 minutes.
- ll. Attorney Kimmey called Scott Smith to the witness stand. He stated his name, position with Sheriff's Office, tenure, five years with the Explorer Program and that his duties had stayed the same. Attorney Kimmey began questioning Mr. Smith. Mr. Smith responded in detail to all questions posed by Attorney Kimmey.

- mm. Mr. Trimble advised Attorney Kimmey he had 10 minutes remaining.
- nn. Attorney Kimmey continued questioning Mr. Smith. Mr. Smith responded in detail to all questions posed by Attorney Kimmey.
- oo. Attorney Youngblood cross-examined Scott Smith. Mr. Smith responded in detail to all questions posed by Attorney Youngblood.
- pp. The Board questioned Scott Smith. He responded in detail to all questions posed by the Board.
- qq. Chairman Bartlett called for a break. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- rr. Chairman Bartlett called the meeting back to order.
- ss. Mr. Trimble advised Attorney Youngblood she had 10 minutes and 25 seconds remaining and Attorney Kimmey had 9 minutes and 6 seconds remaining.
- tt. Attorney Kimmey stated he had no further witnesses and tendered the following exhibits: Appellant Exhibits A-1 and A-2. Attorney Youngblood objected to A-1 as there was no testimony given, but had no objection to A-2.
- uu. A discussion among the Board occurred as to whether or not to hear rebuttal witnesses and closing arguments, as one of its members had another meeting to attend.
- vv. Mr. Osagie made a motion to hear the rebuttal witnesses, second by Chairman Bartlett. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- ww. Attorney Youngblood called Major Samuel Smith as a rebuttal witness. Attorney Youngblood asked additional questions. He responded in detail to all questions posed by Attorney Youngblood.
- xx. Attorney Kimmey questioned Major Smith. He responded in detail to all questions posed by Attorney Kimmey.
- yy. The Board questioned Major Smith. He responded in detail to all questions posed by the Board.
- zz. There being no further questions, the witness was released.
- aaa. A discussion among the Board, HR Manager Tamara Duggans, Attorney Kimmey, Attorney Youngblood and Mr. Harris occurred regarding scheduling the continuation of the *Scott Smith* appeal hearing.
- bbb. Chairman Bartlett asked HR Manager Duggans to check if the board room was available on Thursday, July 17, 2014. She replied in the affirmative.

ccc. Chairman Bartlett made a motion to continue the Scott Smith termination appeal hearing until Thursday, July 17, 2014, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

ddd. Chairman Bartlett asked to have all sequestered witnesses released.

8. Discussion item.

a. Selected second meeting date for August 2014.

i. Chairman Bartlett advised the second meeting date for August would be selected on July 17, 2014.

9. Other business.

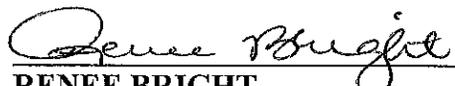
a. There was no other business.

Chairman Bartlett 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 Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

Meeting adjourned.



LARRY BARTLETT
CHAIRMAN



RENEE BRIGHT
HUMAN RESOURCES DIRECTOR