

CIVIL SERVICE BOARD MEETING

OCTOBER 5, 2016

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, October 5, 2016, in the Commissioners' Board Room.

Members present: Larry A. Bartlett, Chairman
 Troyce B. Lancaster, Vice-Chair
 Dr. Cephus Jackson, Member
 Virginia Phillips-Hall, Member

Member absent: J. Mark Trimble, Member

Also present: Human Resources Director Pamela Ambles and staff; Civil Service Board Attorney Joe Harris; Police Department Legal Advisor Kenneth Green; Fire Chief Landry Merkison; Sheriff's Office Assistant Chief Deputy Shawn Southerland; Magistrate Chief Judge Wanda Dallas; County Attorney Michelle Youngblood; Attorney Keith Martin; Frances White; Daniel Harper; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:14 a.m.

As a matter of record: Chairman Bartlett stated Board member, J. Mark Trimble was not in attendance at today's meeting.

Chairman Bartlett called for a motion to adopt the October 5th agenda. Dr. Jackson made the motion to adopt the agenda, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

1. Considered for approval the Civil Service Board Meeting minutes that was held on September 7, 2016.
 - a. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the minutes, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

2. Considered for approval the Executive Session Minutes regarding Lethris Murray, Transportation and Development, suspension appeal heard September 7, 2016.
 - a. Chairman Bartlett called for a motion. Vice-Chair Lancaster made the motion to approve the minutes, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

3. Considered for approval the Civil Service Board's Decision regarding Lethris Murray, Transportation and Development, suspension appeal heard September 7, 2016.
 - a. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the Decision, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
4. Considered for approval the Civil Service Board's Decision regarding Hillton Scott, Transportation and Development, suspension appeal called September 7, 2016.
 - a. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the Decision, second by Vice-Chair Lancaster. Discussion on the motion made: Chairman Bartlett confirmed Mr. Scott was a no-show and the County presented a motion to dismiss in order to resolve the case. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
5. Considered request from Police Chief Michael Register to extend the probationary period of **Faibeen Alexandre** for an additional six (6) months (until March 27, 2017).
 - a. Police Department Legal Advisor Kenneth Green presented the request in detail.
 - b. Chairman Bartlett confirmed the Board would receive another request to extend Officer Alexandre's probationary period at a later date.
 - c. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the request, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
6. Considered request from Fire Chief Landry Merkison to extend the promotional probationary period of **Daniel Harper** for an additional six (6) months.
 - a. Fire Chief Landry Merkison presented the request in detail.
 - b. Sergeant Daniel Harper was in attendance when called and presented his side of the issue in detail.
 - c. A lengthy discussion between the Board and Sergeant Harper occurred.
 - d. A discussion between the Board and Fire Chief Merkison occurred where the sentiments of the Board were echoed in that he sees potential in Sergeant Harper.
 - e. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - f. Chairman Bartlett commended Fire Chief Merkison with interceding in an issue of an employee who moved out of state and no longer had a Georgia driver's

license. The employee was still employed in the State of Georgia which was in conflict with the County's policy. The issue was resolved because by being proactive instead of reactive, the employee was able to continue his career with Clayton County. The Board appreciated Fire Chief Merkison for doing that!

7. Considered request from **Ayana Adams, Sheriff's Office**, to receive annual leave donations.
 - a. Assistant Chief Deputy Shawn Southerland advised the Board the department did not have any opposition to the request.
 - b. Ms. Ayana Adams was not in attendance when called (out of the office sick).
 - c. The Board did not have any questions for Asst. Chief Deputy Southerland.
 - d. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

8. Calendar Call.
 - a. **Frances White (Magistrate Court)** – Appeal filed October 21, 2013, regarding: "Termination due to job performance".
 - i. Attorney Keith Martin and Frances White were in attendance and ready to proceed.
 - ii. County Attorney Michelle Youngblood and Chief Magistrate Court Judge Wanda Dallas were in attendance and ready to proceed.
 - iii. Chairman Bartlett advised all parties that Ms. White's appeal would be the first case heard today.

 - b. **Toni Richmond (Sheriff's Office)** – Appeal filed October 30, 2015, regarding: "I was demoted and I had no other choice but to resign no to the position they were trying to give me".
 - i. Attorney Youngblood was in attendance and ready to proceed.
 - ii. Ms. Toni Richmond was not in attendance when called.
 - iii. Human Resources Director Pamela Ambles advised the Board that Ms. Richmond was no longer represented by counsel and there were no communication from Ms. Richmond to the County or HR Department.
 - iv. Attorney Youngblood made the motion to dismiss the appeal.
 - v. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the County's motion to dismiss the appeal, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - vi. A discussion among the Board, Attorney Harris, Asst. Chief Deputy Southerland and Attorney Youngblood occurred regarding why this matter

- was placed on the agenda; and how much would have been owed if the former employee won her case.
- vii. The Board asked Attorney Harris to look into the matter of an employee being demoted then resigned (terminated).
 - viii. Attorney Youngblood addressed the Board and stated Judge Tammi Hayward had a calendar waiting and that it could continue this conversation later.
- c. **Jason Foster (Sheriff's Office)** – Appeal filed November 2, 2015, regarding: “Suspension without pay, working without being compensated” (three day suspension).
- i. Deputy Sheriff Jason Foster was in attendance and ready to proceed.
 - ii. Deputy Sheriff Foster advised the Board some of his witnesses were not present but he could proceed.
 - iii. Attorney Youngblood was present and ready to proceed.
 - iv. Chairman Bartlett asked if both sides were willing to combine the two appeals. Both parties agreed, as there were no objections.
 - v. Chairman Bartlett confirmed that the appeals would be continued to the November Meeting.
- d. **Jason Foster (Sheriff's Office)** – Appeal filed January 15, 2016, regarding: “12 day suspension for missing training”.
- i. Deputy Sheriff Jason Foster was in attendance and ready to proceed.
 - ii. Deputy Sheriff Foster advised the Board some of his witnesses were not present but he could proceed.
 - iii. Attorney Youngblood was present and ready to proceed
 - iv. Chairman Bartlett asked if both sides were willing to combine the two appeals. Both parties agreed, as there were no objections.
 - v. Chairman Bartlett confirmed that the appeals would be continued to the November Meeting.
- e. Chairman Bartlett mentioned holding the Board meeting toward the middle or end of the month instead of the first Wednesday. The Board would look at the second week of November.
- f. Chairman Bartlett dismissed all witnesses except for the Frances White (Magistrate Court) appeal.
9. (*Appeal*) – **Frances White (Magistrate Court)** filed October 21, 2013, regarding: “Termination due to job performance”.
- a. County Attorney Michelle Youngblood and Attorney Keith Martin both advised each would use the full 90 minutes to present their case.

- b. Chief Judge Wanda Dallas and Attorney Youngblood were ready to proceed.
- c. Attorney Martin represented Frances White and both were ready to proceed.
- d. Attorney Youngblood stated all its witnesses were present.
- e. Attorney Martin stated some of the Appellant's witnesses were present but some had not arrived.
- f. Attorney Harris swore in all witnesses that were present.
- g. Chairman Bartlett explained the hearing guidelines in detail and asked if there was an order of sequestration.
- h. Attorney Martin requested an order of sequestration.
- i. Chairman Bartlett excused all witnesses to the lobby area.
- j. Side Note: Chairman Bartlett congratulated newly appointed Human Resources Director Pamela Ambles.
- k. Vice-Chair Lancaster made a motion for a short break, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- l. Chairman Bartlett called the meeting back to order.
- m. Attorney Youngblood presented the County's opening statement.
- n. Attorney Martin waived the Appellant's opening statement.
- o. Attorney Youngblood called Judge Tammi Hayward to the witness stand. She stated her name, where currently employed and where employed during 2013. Attorney Youngblood began questioning Judge Hayward. Judge Hayward responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C-6.
- p. Attorney Martin cross-examined Judge Hayward. Judge Hayward responded in detail to all questions posed by Attorney Martin.
- q. The Board questioned Judge Hayward. She responded in detail to all questions posed by the Board.
- r. There being no further questions, the witness was allowed to return to State Court but would be called back for rebuttal.
- s. Attorney Youngblood called Valencia Dillon to the witness stand. She stated her name, where currently employed and where employed during 2013. Attorney

Youngblood began questioning Ms. Dillon. Ms. Dillon responded in detail to all questions posed by Attorney Youngblood.

- t. Attorney Martin cross-examined Ms. Dillon. Ms. Dillon responded in detail to all questions posed by Attorney Martin.
- u. The Board questioned Ms. Dillon. She responded in detail to all questions posed by the Board.
- v. There being no further questions, the witness was allowed to return to work but subject to rebuttal. There were no objections from Attorney Martin.
- w. Attorney Youngblood called LaTasha Myers to the witness stand. She stated her name, where currently employed and where employed during 2013. Attorney Youngblood began questioning Ms. Myers. Ms. Myers responded in detail to all questions posed by Attorney Youngblood.
- x. Attorney Martin cross-examined Ms. Myers. Ms. Myers responded in detail to all questions posed by Attorney Martin.
- y. The Board questioned Ms. Myers. She responded in detail to all questions posed by the Board.
- z. There being no further questions, the witness was returned to sequestration (subject to rebuttal).
- aa. Attorney Youngblood made a motion for a short break before the next witness was called.
- bb. Chairman Bartlett called for a motion. Ms. Phillips-Hall made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- cc. Chairman Bartlett called the meeting back to order.
- dd. Attorney Youngblood called Magistrate Court Chief Judge Wanda Dallas to the witness stand. She stated her name, where employed and tenure. Attorney Youngblood began questioning Chief Judge Dallas. Chief Judge Dallas responded in detail to all questions posed by Attorney Youngblood. Attorney Martin objected to a question posed by Attorney Youngblood as it was "not attributed to anyone". Chairman Bartlett sustained the objection (on hold). Attorney Youngblood asked to let her respond. Attorney Martin stated he would withdraw if it was limited to "name" but still objected to the "content". Chairman Bartlett over-ruled the objection at this time.
- ee. Attorney Youngblood continued questioning Chief Judge Dallas. Chief Judge Dallas responded in detail to all questions posed by Attorney Youngblood.

Attorney Martin objected to a question as to “relevance” – saying “someone indicated to me” is hearsay it is an anonymous tipster at best. Attorney Youngblood stated her witness could elaborate if she has more details. Chairman Bartlett would sustain the objection (but would poll the Board) all Board members agreed with its Chairman. Chairman Bartlett sustained the objection.

- ff. Attorney Youngblood mentioned County Exhibit C-9, C-6 and C-7 and continued questioning Chief Judge Dallas. Chief Judge Dallas responded in detail to all questions posed by Attorney Youngblood.
- gg. Attorney Youngblood mentioned County Exhibit C-5 and continued questioning Chief Judge Dallas. Chief Judge Dallas responded in detail to all questions posed by Attorney Youngblood.
- hh. Attorney Martin cross-examined Chief Judge Dallas. Chief Judge Dallas responded in detail to all questions posed by Attorney Martin. Attorney Youngblood objected to a question posed by Attorney Martin as to “relevance”. Attorney Martin withdrew the question.
- ii. Attorney Martin continued the cross-examination of Chief Judge Dallas. Chief Judge Dallas responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned Appellant Exhibit A-1 pages 4-5.
- jj. Attorney Martin continued the cross-examination of Chief Judge Dallas. Chief Judge Dallas responded in detail to all questions posed by Attorney Martin.
- kk. The Board questioned Chief Judge Dallas. She responded in detail to all questions posed by the Board.
- ll. There being no further questions, the witness stepped down from the witness stand.
- mm. Attorney Youngblood asked to tender the following County Exhibits: C-5, C-6, C-7 and C-9. Attorney Martin did not have any objections.
- nn. Attorney Youngblood rested the County’s case subject to its rebuttal witnesses.
- oo. Attorney Martin advised the Board that Judge Richard Brown was needed but had departed from the building.
- pp. Chairman Bartlett advised Attorney Youngblood to have Chief Judge Dallas to reach out to Judge Brown for his availability, as he was listed as a witness for the Appellant.
- qq. Chairman Bartlett stated he would be willing to stay now and take a later lunch break and would give Attorney Martin time to confer with his client.

- rr. Chairman Bartlett called for a lunch break motion. Dr. Jackson made the motion for a lunch break until 1:30 p.m., second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- ss. Chairman Bartlett called the meeting back to order.
- tt. Chairman Bartlett confirmed the County rested its case subject to rebuttal witnesses.
- uu. Attorney Keith Martin called LaTanya Marks to the witness stand. She stated her name and where currently employed in Clayton County. Attorney Martin began questioning Ms. Marks. Ms. Marks responded in detail to all questions posed by Attorney Martin.
- vv. Attorney Youngblood cross-examined Ms. Marks. Ms. Marks responded in detail to all questions posed by Attorney Youngblood.
- ww. The Board questioned Ms. Marks. She responded in detail to all questions posed by the Board.
- xx. There being no further questions, the witness was released. There were no objections from the County.
- yy. Attorney Martin called Judge Daphne Walker to the witness stand. Attorney Harris swore-in Judge Walker. She stated her name. Attorney Martin began questioning Judge Walker. Attorney Martin mentioned Appellant Exhibit A-1 p. 4 (center section) and p. 5.
- zz. Attorney Martin continued questioning Judge Walker. Judge Walker responded in detail to all questions posed by Attorney Martin.
- aaa. Attorney Youngblood cross-examined Judge Walker. Judge Walker responded in detail to all questions posed by Attorney Youngblood.
- bbb. The Board questioned Judge Walker. She responded in detail to all questions posed by the Board.
- ccc. There being no further questions, the witness was returned to sequestration (subject to rebuttal).
- ddd. Vice-Chair Lancaster made the motion for a quick break, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- eee. Chairman Bartlett called the meeting back to order.

- fff. Attorney Martin called Frances White to the witness stand. She stated her name and confirmed she was previously sworn-in. Attorney Martin began questioning Ms. White. Ms. White responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned Appellant Exhibit A-1-4.
- ggg. Attorney Martin continued questioning Ms. White. Ms. White responded in detail to all questions posed by Attorney Martin.
- hhh. Attorney Youngblood cross-examined Ms. White. Ms. White responded in detail to all questions posed by Attorney Youngblood.
- iii. The Board questioned Ms. White. She responded in detail to all questions posed by the Board.
- jjj. There being no further questions, the witness stepped down from the witness stand.
- kkk. Attorney Martin rested the Appellant's case and asked to tender the following Appellant Exhibit A-1 pages A1-1 thru A1-5. Attorney Youngblood did not have any objections.
- lll. Attorney Youngblood called LaTasha Myers as a rebuttal witness.
- mmm. Timecheck: Appellant used 1 hr 10 minutes and County used 46 minutes.
- nnn. Attorney Youngblood asked additional rebuttal questions of Ms. Myers. Ms. Myers responded in detail to all questions posed by Attorney Youngblood.
- ooo. Attorney Martin asked additional rebuttal questions of Ms. Myers. Ms. Myers responded in detail to all questions posed by Attorney Martin. Attorney Youngblood objected to a question posed as to a "mischaracterization of testimony". Attorney Martin withdrew his question.
- ppp. Attorney Martin continued asking rebuttal questions of Ms. Myers. Ms. Myers responded in detail to all questions posed by Attorney Martin.
- qqq. The Board asked additional questions of rebuttal witness, Ms. Myers. She responded in detail to all questions posed by the Board.
- rrr. There being no further questions, the witness was released.
- sss. Attorney Youngblood called Chief Judge Wanda Dallas as a rebuttal witness. Attorney Youngblood asked additional rebuttal questions of Chief Judge Dallas. Chief Judge Dallas responded in detail to all questions posed by Attorney Youngblood.

- ttt. Attorney Martin asked additional rebuttal questions of Chief Judge Dallas. Chief Judge Dallas responded in detail to all questions posed by Attorney Martin.
- uuu. The Board questioned Chief Judge Dallas. She responded in detail to all questions posed by the Board.
- vvv. There being no further questions, the witness stepped down from the witness stand.
- www. Attorney Youngblood advised the Board the County did not have any more rebuttal witnesses.
- xxx. Chairman Bartlett called for a short break.
- yyy. Timecheck: County had used 1 hour and 8 minutes and Appellant had used 1 hour and 14 minutes.
- zzz. Dr. Jackson made the motion for a short break, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- aaaa. Chairman Bartlett called the meeting back to order.
- bbbb. Attorney Youngblood reserved the County's right to present closing arguments last.
- cccc. Attorney Martin presented the Appellant's closing arguments.
- dddd. Attorney Youngblood presented the County's closing arguments.
- eeee. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the **Frances White (Magistrate Court)** appeal filed October 21, 2013, regarding: "Termination due to job performance". Dr. Jackson made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- ffff. Chairman Bartlett called the meeting back to order.
- gggg. Chairman Bartlett called for a motion regarding the **Frances White (Magistrate Court)** appeal filed October 21, 2013, regarding: "Termination due to job performance". Dr. Jackson made the motion to overturn the termination and return Ms. White to work with full back-pay, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

10. Discussion items.

- a. Additional meeting date for November 2016.
 - i. Dr. Jackson made the motion not to meet an additional date in November 2016, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - ii. A brief discussion among the Board members regarding changing the Regular Meeting date from November 2 to November 9.
 - iii. Chairman Bartlett called for a motion to move the November 2, 2016, meeting date to November 9, 2016. Vice-Chair Lancaster made the motion to move the date, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- b. **Revision to Civil Service Rule 7.301** – Review revision and draft memorandum to Board of Commissioners.
 - i. A lengthy discussion among the Board, Attorney Harris, HR Director Ambles, and Attorney Youngblood occurred regarding whether or not Code Enforcement Officers and 911 Dispatchers fell under the umbrella of the Rule revision.
 - ii. Chairman Bartlett asked Attorney Youngblood to get with Chief of Police Register and to forward his response to Attorney Harris.
- c. Upcoming Cases.
 - i. **Phillip Richards (Sheriff's Office)** – Termination Appeal filed April 16, 2014.
 - (1) Attorney Youngblood advised the Board according to her last communication with Attorney Thomas Florio, an Estate had not been opened or family members had not been reached.
 - (2) A lengthy discussion among the Board, Attorney Harris and Attorney Youngblood occurred regarding how to proceed with the appeal.
 - (3) Chairman Bartlett advised HR Director Ambles to send a notification letter to Attorney Florio for November's Meeting.
 - ii. **Francisco Santos (Police Department)** – Two suspension appeals filed November 24, 2014.
 - (1) Attorney Youngblood advised the Board Officer Santos' suspension appeals should be going away.

iii. Andrew White (Sheriff's Office) – Termination appeal filed January 10, 2014.

- (1) HR Director Ambles confirmed that Mr. White's appeal was priority for the November Meeting and to place it on the agenda.
- (2) Attorney Youngblood confirmed that it would take all day to hear both sides of the appeal.
- (3) Chairman Bartlett advised HR Director Ambles to send a notification letter to Attorney Martin for November's Meeting.

iv. Jason Foster (Sheriff's Office) – Two suspension appeals filed November 12, 2015 and January 15, 2016.

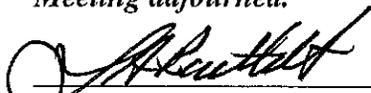
- (1) Attorney Youngblood mentioned the Appellant subpoenaed 15 witnesses and County subpoenaed 8 witnesses. This was an issue, as the number of officers subpoenaed for this appeal would be off duty at the same time while waiting to testify.
- (2) Chairman Bartlett advised HR Director Ambles to contact Officer Foster and advised the Board thought it would get to his case in November but other cases took seniority and would be heard in November. Also, his case would be heard later at some point.

11. Other business.

a. None.

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

Meeting adjourned.


LARRY BARTLETT
CHAIRMAN


PAMELA R. AMBLES
HUMAN RESOURCES DIRECTOR