

CIVIL SERVICE BOARD MEETING

SEPTEMBER 4, 2013

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, September 4, 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; IT Director Brett Lavender; Interim Fire Chief Dwayne Jackson; Attorney Keith Martin; Crystal Thompson; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:16 a.m., and noted for the record that all Board members were present. Chairman Bartlett called for a motion to adopt the September 4th Agenda. Mr. Trimble made a motion to amend the agenda and add item 8a – request for sick leave and item 8b – personnel matter, second by Vice-Chair Lancaster. 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 August 7, 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.

2. Considered for approval the Civil Service Board's Executive Session Minutes for the Nicol Arrington, Sheriff's Office, appeal that was heard on August 7, 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 Board's Decision regarding Nicol Arrington, Sheriff's Office, appeal that was heard on August 7, 2013.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the Decision, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote.

4. Considered request from Interim Fire Chief Dwayne Jackson to extend the probationary period of the following employees for an additional six (6) months: (1) Zedrick Carter, (2) Austin Hahn, (3) Travis Jones, (4) Jeffery Maday, (5) Christopher Parker, (6) Renae Robinson, and (7) Dylan Reyes.
 - a. Chairman Bartlett asked Human Resources Director Renee Bright if the request met the Civil Service guidelines. Director Bright responded in the affirmative.
 - b. For the record, Chairman Bartlett read Interim Fire Chief Dwayne Jackson's memorandum he submitted and explained in detail.
 - c. Chairman Bartlett addressed all employees present and explained the reason for the request in detail.
 - d. Interim Fire Chief Jackson addressed the Board and explained in detail the need for the extension.
 - e. Chairman Bartlett made a motion to approve the request for "up to six (6) months", second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
5. Considered for approval request from Ronreaco Lee, Information Technology, to receive annual leave donations.
 - a. IT Director Brett Lavender addressed the Board from the audience, explained in detail and stated he approved the request for both of his employees listed on the agenda.
 - b. Chairman Bartlett asked Director Bright if the request met the Civil Service requirements. Director Bright replied in the affirmative.
 - c. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
6. Considered for approval request from Maria Teresa-Feria, Information Technology, to receive annual leave donations.
 - a. Chairman Bartlett asked Director Bright if the request met the Civil Service requirements. Director Bright replied in the affirmative.
 - b. Mr. Trimble made a motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

7. Considered request from Peggy Lacey, Information Technology, to use sick leave for her parents.
 - a. Chairman Bartlett stated that the Civil Service Board needed to approve since it was outside the Civil Service Rules.
 - 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.
8. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss a personnel matter. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - a. Chairman Bartlett called the meeting back to order at 10:30 a.m.
9. **Appeal** – Considered appeal that was filed on October 25, 2010, by Crystal L. Thompson, Sheriff's Office, with regards to: All alleged charges brought before me.
 - a. Keith Martin represented the Appellant and Michelle Terry represented the Sheriff's Office.
 - b. Chairman Bartlett asked Civil Service Board Attorney Joe Harris to swear in all witnesses who were present.
 - c. Attorney Keith Martin asked for a rule of sequestration. Ms. Terry had no objections.
 - d. Chairman Bartlett explained the Board's policies in detail.
 - e. Ms. Terry presented the County's opening statement. Mr. Martin waived his opening statement on behalf of the Appellant.
 - f. Ms. Terry called Lt. K.T. Smith to the witness stand. He stated his name, where employed, tenure, position, tenure in rank and duties. Ms. Terry began questioning Lt. Smith. Lt. Smith responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned **Appellant Exhibit 1**.
 - g. Ms. Terry continued questioning Lt. Smith. Lt. Smith responded in detail to all questions posed by Ms. Terry.
 - h. Mr. Martin began cross-examination of Lt. Smith. Lt. Smith responded in detail to all questions posed by Mr. Martin. Mr. Martin mentioned and tendered **Appellant Exhibit 2**. Ms. Terry objected to this exhibit as it was not a complete record. Mr. Martin explained in detail. The objection was over-ruled.
 - i. Mr. Martin tendered **Appellant Exhibit 1**. There were no objections from Ms. Terry.

- j. Ms. Terry asked re-direct questions of Lt. Smith. Lt. Smith responded in detail to all questions posed by Ms. Terry.
- k. The Board questioned Lt. Smith. He responded in detail to all questions posed by the Board.
- l. Mr. Martin asked the Board if he could ask additional questions to Lt. Smith. Ms. Terry objected and explained the Board's guidelines.
- m. There being no further questions, the witness was retained and returned to sequestration.
- n. Ms. Terry called Major Robert Sowell to the witness stand. Mr. Harris swore in Major Sowell. He stated his name, where employed, tenure, position, tenure in current position, rank and duties. Ms. Terry began questioning Major Sowell. Ms. Terry mentioned **County Exhibit 11**. Major Sowell responded in detail to all questions posed by Ms. Terry.
- o. Ms. Terry continued questioning Major Sowell. Major Sowell responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned **County Exhibits 14 and 12 (last page)**.
- p. Ms. Terry continued questioning Major Sowell. Major Sowell responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned **County Exhibit 13**.
- q. Ms. Terry continued questioning Major Sowell. Major Sowell responded in detail to all questions posed by Ms. Terry.
- r. Mr. Martin began cross-examination of Major Sowell. Mr. Martin mentioned **County Exhibit 11**.
- s. Mr. Martin continued the cross-examination of Major Sowell. Major Sowell responded in detail to all questions posed by Mr. Martin. Mr. Martin mentioned **Appellant Exhibit 4**.
- t. Mr. Martin continued the cross examination of Major Sowell. Major Sowell responded in detail to all questions posed by Mr. Martin.
- u. The Board questioned Major Sowell. He responded in detail to all questions posed by the Board.
- v. Mr. Martin stated the Major Sowell was subject to recall.
- w. Chairman Bartlett called for a motion to adjourn for a lunch break until 1:00 p.m. Vice-Chair Lancaster made a motion, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
- x. Chairman Bartlett called the meeting back to order at 1:08 p.m.

- y. Ms. Terry called Kerri Hathaway to the witness stand. Mr. Harris swore in Kerri Hathaway. She stated her name, where employed, position and duties. Ms. Terry mentioned **Appellant Exhibit 2**. Ms. Hathaway stated the document was not complete (it was missing page 2). Mr. Martin objected and stated the document was not tendered. Ms. Terry explained the objection that it was “incompleteness of record”. Mr. Martin explained that **County Exhibit 20** was incomplete and asked the Board to “play by the same rules”. The objection was sustained. Chairman Bartlett stated the document could be used to refresh her memory.
- z. Ms. Terry continued questioning Ms. Hathaway. Mr. Martin objected as it was “not in compliance with the ruling” and explained in detail.
- aa. Mr. Osagie asked to consult with the Board’s attorney, Joe Harris. After consulting with Mr. Harris, the objection was sustained.
- bb. A discussion among Mr. Harris, the Board and Mr. Martin occurred.
- cc. Chairman Bartlett stated he would allow the witness to testify as to what is generally found on page two (2).
- dd. Ms. Terry continued questioning Ms. Hathaway. Mr. Martin objected as the “question was as to this employee”.
- ee. Chairman Bartlett explained to Ms. Hathaway what she could and could not testify to.
- ff. Ms. Terry continued questioning Ms. Hathaway. Ms. Hathaway responded in detail to questions posed by Ms. Terry.
- gg. Mr. Martin began cross-examination of Ms. Hathaway. Ms. Hathaway responded in detail to all questions posed by Mr. Martin.
- hh. The Board did not have any questions for the witness.
- ii. There being no further questions, the witness was dismissed.
- jj. Ms. Terry called Assistant Chief Shawn Southerland to the witness stand. He stated his name, where employed, position and tenure. Ms. Terry began questioning Asst. Chief Southerland. Asst. Chief Southerland responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned **County Exhibits 5, 6, 7, 8, 9, 12, 14, 15, and 16**.
- kk. Ms. Terry continued questioning Asst. Chief Southerland. Asst. Chief Southerland responded in detail to all questions posed by Ms. Terry.
- ll. Mr. Martin began cross-examination of Asst. Chief Southerland. Asst. Chief Southerland responded in detail to all questions posed by Mr. Martin.

- mm. Mr. Martin continued the cross-examination of Asst. Chief Southerland. Mr. Martin mentioned **County Exhibit 12**. Asst. Chief Southerland responded in detail to all questions posed by Mr. Martin.
- nn. The Board questioned Asst. Chief Southerland. He responded in detail to all questions posed by the Board.
- oo. There being no further questions, the witness was dismissed.
- pp. Ms. Terry stated the County rested but reserved the right to re-call certain witnesses.
- qq. Ms. Terry tendered the following: **County Exhibits 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, and 16**. There were no objections from Mr. Martin.
- rr. Mr. Martin called Crystal Thompson to the witness stand. She stated her name, where employed, and tenure. Mr. Martin began questioning Ms. Thompson. Ms. Thompson responded in detail to all questions posed by Mr. Martin. Mr. Martin mentioned **County Exhibit 12**.
- ss. Mr. Martin continued questioning Ms. Thompson. Ms. Thompson responded in detail to all questions posed by Mr. Martin.
- tt. Chairman Bartlett called for a motion (short break). Vice-Chair Lancaster made a motion, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
- uu. Chairman Bartlett called the meeting back to order at 2:15 p.m.
- vv. Mr. Martin continued questioning Ms. Thompson. Ms. Thompson responded in detail to all questions posed by Mr. Martin. Mr. Martin mentioned **Appellant Exhibit 1**.
- ww. Mr. Martin continued questioning Ms. Thompson. Ms. Thompson responded in detail to all questions posed by Mr. Martin. Mr. Martin mentioned **Appellant Exhibit 2**.
- xx. Mr. Martin continued questioning Ms. Thompson. Ms. Thompson responded in detail to all questions posed by Mr. Martin.
- yy. Ms. Terry began cross-examination of Ms. Thompson. Ms. Thompson responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned **County Exhibit 12**.
- zz. Ms. Terry continued the cross-examination of Ms. Thompson. Ms. Thompson responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned **Appellant Exhibit 2**.

- aaa. Ms. Terry continued the cross-examination of Ms. Thompson. Ms. Thompson responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned **County Exhibits 14 and 15**.
 - bbb. Ms. Terry continued the cross-examination of Ms. Thompson. Ms. Thompson responded in detail to all questions posed by Ms. Terry.
 - ccc. The Board questioned Ms. Thompson. She responded in detail to all questions posed by the Board.
 - ddd. There being no further questions, the witness was dismissed.
 - eee. Mr. Martin rested the Appellant's case.
 - fff. Chairman Bartlett called for a motion (short break). Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - ggg. Chairman Bartlett called the meeting back to order at 3:10 p.m.
 - hhh. Ms. Terry reserved the County's right to present closing arguments last.
 - iii. Mr. Martin presented the Appellant's closing arguments. Ms. Terry presented the County's closing arguments. Mr. Martin objected to a statement made by Ms. Terry regarding evidence. The objection was over-ruled.
 - jjj. Ms. Terry continued the County's closing arguments.
 - kkk. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the appeal that was filed on October 25, 2010, by Crystal L. Thompson, Sheriff's Office, with regards to: Termination. Mr. Trimble made a motion, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
 - lll. Chairman Bartlett called the meeting back to order at 4:16 p.m.
 - mmm. Chairman Bartlett called for a motion regarding the appeal that was filed on October 25, 2010, by Crystal L. Thompson, Sheriff's Office, with regards to: Termination. Mr. Trimble made a motion to uphold the department's decision to terminate, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote.
10. Discussion item.
- a. Selected a second meeting date for December 2013.
 - i. A discussion among the Board occurred regarding a second meeting date.

- ii. Chairman Bartlett called for a motion. Mr. Trimble made a motion not to set a second meeting date for December, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote.

11. Other business.


- a. 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 Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.

Meeting adjourned.



LARRY A. BARTLETT
CHAIRMAN



RENEE BRIGHT
HUMAN RESOURCES DIRECTOR