

SPCECIAL CALLED CIVIL SERVICE BOARD MEETING

AUGUST 5, 2014

A special called meeting of the Clayton County Civil Service Board was held on Tuesday, August 5, 2014, in the Commissioners' Board Room.

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

Also present: Human Resources Director Renee Bright and various staff members; Tamara Duggans, Human Resources Manager; Civil Service Board Attorney Joe Harris; County Attorney Michelle Youngblood; Sheriff's Office Assistant Chief Deputy Shawn Southerland; Deputy Chief of Police Gina Hawkins; Police Chief Gregory Porter; Police Legal Advisor Kenneth Green; Attorney Keith Martin; Attorney Dale Preiser; Brian Freeman; Lynda Cook; Satira Walker; Rodney Lee; India Smith; Mark Cain; Kevin Humphries; Clide Moss; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:08 a.m., and noted for the record that all Board members were present.

Chairman Bartlett called for a motion to adopt the August 5th agenda. Mr. Trimble made a 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. Calendar Call.

- a. **Brian L. Freeman, Police Department** – Grievance filed on May 6, 2013, with regards to: Miscalculation of pay grade at the end of my administrative appointment as set forth in the attached letter.
 - i. County Attorney Michelle Youngblood, Appellant and his attorney, Dale Preiser, were present and ready to proceed.
 - ii. Chairman Bartlett dismissed Mr. Freeman and his attorney until 10:00 a.m., today.

- b. **Satira Walker, Sheriff's Office** – Grievance filed November 11, 2013, with regards to: Change in employment status "involuntary".
 - i. County, Grievant and her attorney, Keith Martin, were present.
 - ii. Attorney Martin mentioned his motion but reserved further announcement and explained in detail.

- c. **Mark Cain, Sheriff's Office** – Grievance filed November 14, 2013, with regards to: Involuntary transfer.
 - i. County, Grievant and his attorney, Keith Martin, were present.

- d. **Lynda Cook, Sheriff's Office** – Grievance filed November 19, 2013, with regards to: Personnel Assignment of Deputy Ricky Melendez employee #17403, Deputy Derrick Taylor #18261, Deputy Mekhi Tyre #18990 and Deputy Bruce Jordan #23670 being assigned to Court Services replacing the eliminated positions that was moved involuntarily to CCPD. This move is effective today November 13, 2013.
 - i. County, Grievant and her attorney, Keith Martin, were present.
 - ii. County advised the Board it was ready to proceed on all grievances but had an objection on Lynda Cook's grievance (motion was filed).

- e. **Lynda Cook, Sheriff's Office** – Grievance filed November 19, 2013, with regards to: My position with the Clayton County Sheriff's Office being eliminated and moved to the Clayton County Police Department.
 - i. County, Grievant and her attorney, Keith Martin, were present.

- f. **Kevin Humphries, Sheriff's Office** – Grievance filed November 19, 2013, with regards to: I was released from the Sheriff's Dept. without a reason.
 - i. County, Grievant and his attorney, Keith Martin, were present.

- g. **Clide Moss, Sheriff's Office** – Grievance filed November 25, 2013, with regards to: Involuntary transfer/lay-off (firing), and the selection process.
 - i. County, Grievant and his attorney, Keith Martin, were present.

- h. **Rodney Lee, Sheriff's Office** – Grievance filed November 26, 2013, with regards to: Involuntary transfer.
 - i. County, Grievant and his attorney, Keith Martin, were present.

- i. **Yolanda Shumaker, Sheriff's Office** – Grievance filed November 26, 2013, with regards to: Involuntary transfer.
 - i. County was present and ready to proceed.
 - ii. Yolanda Shumaker was properly notified but was not in attendance.
 - iii. Human Resources Director Renee Bright checked to see if Ms. Shumaker had made contact with her office. She had not.
 - iv. Attorney Youngblood moved to dismiss the grievance.
 - v. The Board dismissed the grievance and removed it from the agenda.

- j. **India Smith, Sheriff's Office** – Grievance filed November 26, 2013, with regards to: Involuntary transfer.
 - i. County was present and ready to proceed.
 - ii. India Smith was in attendance but stated her attorney, Michael King, would not be present.
 - iii. Ms. Smith advised the Board that she was now represented by Keith Martin and wanted to be combined with the other grievances.

- k. **Kevin Humphries, Sheriff's Office** – Grievance filed November 27, 2013, with regards to: I was released from the Sheriff Dept. without a reason. I feel that this was unwarranted.
 - i. County was present and ready to proceed subject to its motion filed regarding Kevin Humphries' grievance.

- l. **Kenneth H. Green, Police Department** – Grievance filed on January 9, 2014, with regards to: On December 17, 2013, The Board of Commissioners adjusted the Sheriff's Legal Advisor pay from grade 31/ step 1 to grade 31/ step 14.
 - i. Chairman Bartlett confirmed Mr. Green's notice of a court conflict, but would be in attendance this afternoon.
 - ii. Attorney Youngblood advised Mr. Green was expected to be in attendance by the end of the day.

- m. **Kenneth H. Green, Police Department** – Grievance filed on February 7, 2014, with regards to: Denial of due process due to County's delay in responding to a Title VII race discrimination complaint.
 - i. Chairman Bartlett confirmed Mr. Green's notice of a court conflict, but would be in attendance this afternoon.
 - ii. Attorney Youngblood advised Mr. Green was expected to be in attendance by the end of the day.

- n. **Harold Harden, Jr., Sheriff's Office** – Grievance filed on November 26, 2013, with regards to: Involuntary change in employment status from Sheriff's Office to Police Department. Grievance is moot; retired as of November 22, 2013.
 - i. Chairman Bartlett confirmed that the grievance is resolved.

- o. **Sharon Pauls, Sheriff's Office** – Grievance filed on November 26, 2013, with regards to: Involuntary transfer from Sheriff's Office to Police Department. Grievance withdrawn.
 - i. Chairman Bartlett confirmed the removal of the grievance from the agenda.

- p. *Phyllis Gant, Sheriff's Office* – Grievance filed on November 26, 2013, with regards to: Involuntary transfer/discriminatory selection. Grievance withdrawn.
- i. Chairman Bartlett confirmed the removal of the grievance from the agenda.
- q. Chairman Bartlett advised all grievances will be addressed individually.
- r. Chairman Bartlett asked all parties involved if he needed to recuse himself since he may have supervised some in his chain of command at the Sheriff's Office. All responded he did not need to. For the record: Attorney Youngblood, Lynda Cook, Mark Cain and Satira Walker had no objections to Chairman Bartlett hearing their grievances.
- s. Keith Martin's Objection to Non-Issuing of Subpoenas.
- i. Lengthy discussion among the Board, Civil Service Board Attorney Joe Harris, County Attorney Michelle Youngblood, Attorney Keith Martin and Human Resources Director Renee Bright regarding subpoenas not being issued for grievances.
 - ii. Board member, Mr. Osagie made the motion to allow all exhibits to be presented and not subpoena any witnesses, second by Chairman Bartlett. Discussion on the motion made: All exhibits are entered. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- t. Keith Martin's Motion to Consolidate Grievances Hearing.
- i. Lengthy discussion among the Board, Civil Service Board Attorney Joe Harris, County Attorney Michelle Youngblood, Attorney Keith Martin and Human Resources Director Renee Bright regarding hearing all (6) grievances listed – for the record, Mark Cain, Lynda Cook, Kevin Humphries, Clide Moss, Rodney Lee and Satira Walker.
 - ii. Attorney Youngblood stated the County did not have any objections to the consolidation.
 - iii. Board member, Mr. Trimble made the motion to allow Attorney Keith Martin to combine the grievances and to proceed as one, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- u. Keith Martin's Motion to Extend Grievance Hearing Time to 90 minutes.
- i. A discussion among the Board, Attorney Martin and Attorney Youngblood occurred.

- ii. Attorney Youngblood stated the County did not have any objections to grievants receiving more than 30 minutes or to a 90-minute time limit.
 - iii. Mr. Osagie made the motion to allow the time limit be extended to 90 minutes, second by Vice-Chair Lancaster. Discussion on the motion made: There will be a 90-minute time hearing. No further discussion on the motion made. Motion carried by unanimous vote (3-1). Mr. Trimble voted against.
 - iv. Attorney Martin advised the Board he had a court conflict on August 6, 2014.
 - v. Chairman Bartlett stated the Board would proceed with the Freeman hearing and did not see the possibility of hearing the grievance(s) today. However, there is a possibility the Board may hear Kenneth H. Green's grievances.
2. Scheduling of Grievances and Appeals for September 2014 agenda.
- a. A discussion among the Board, Attorney Martin, Sheriff's Office Assistant Chief Deputy Shawn Southerland, HR Director Bright occurred.
 - b. The Board confirmed Wednesday, September 3, 2014, as its Regular Meeting date (will hear grievances that were scheduled for August) and Thursday, September 4, 2014, as its Special Called Meeting date.
3. **Grievance** – Considered grievance filed November 26, 2013, by India Smith, Sheriff's Office with regards to: Involuntary transfer.
- a. A discussion among the Board, Attorney Youngblood and India Smith occurred regarding how to proceed with grievance hearing.
 - b. Ms. Smith asked to be excused from the meeting for a moment. She was excused.
 - c. Chairman Bartlett called for a motion. Mr. Osagie made the motion to go forward with India Smith's case, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - d. Chairman Bartlett asked HR Director Bright to inform Ms. Smith that her case would proceed and that she was excused until this afternoon at 1:00 p.m.
 - e. Chairman Bartlett called for a motion (short break). Mr. Osagie made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - f. Chairman Bartlett called the meeting back to order.
 - g. Chairman Bartlett made an announcement that India Smith is now represented by Attorney Keith Martin and her case would be combined with the other grievances.

- h. Attorney Martin advised the Board that the issues are identical and that no additional time would be needed and asked for the same ruling as for as admissibility.
 - i. Attorney Martin advised he did not have the County's exhibits for Ms. Smith. Attorney Youngblood advised she would get those exhibits to Attorney Martin.
 - j. Attorney Martin stated that all the other clients consented to this consolidation.
4. **Grievance** – Considered grievance filed November 26, 2013, by Yolanda Shumaker, Sheriff's Office with regards to: Involuntary transfer.
- a. HR Director Bright confirmed that her department had not received any contact from Yolanda Shumaker.
 - b. Attorney Youngblood moved to dismiss the grievance.
 - c. Mr. Trimble made the motion to remove the case from the agenda, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
5. **Grievance** – Considered grievance filed May 6, 2013, by Brian Freeman, Police Department with regards to: Miscalculation of pay grade at the end of my administrative appointment as set forth in the attached letter.
- a. Attorney Dale Presier stated he represented Brian Freeman.
 - b. Attorney Youngblood stated that Kerri Hathaway was outside and needed to be sworn in.
 - c. Chairman Bartlett explained in detail that Mr. Trimble was the timekeeper and the procedures.
 - d. Chairman Bartlett confirmed the witnesses as follows: Police Chief Gregory Porter, Kerri Hathaway, HR Director Bright and Brian Freeman.
 - e. Mr. Harris swore in all witnesses. There was no request for sequestration.
 - f. Attorney Preiser presented the opening statements for Mr. Freeman. Attorney Youngblood reserved her opening statement.
 - g. Attorney Preiser called Brian Freeman to the witness stand and began questioning Officer Freeman. Officer Freeman responded in detail to all questions posed by Attorney Preiser. *Attorney Preiser stated he stipulated to County's exhibits and mentioned County Exhibit C-4.
 - h. Attorney Preiser continued questioning Officer Freeman. Officer Freeman responded in detail to all questions posed by Attorney Preiser.

- i. Attorney Youngblood cross-examined Officer Freeman. Attorney Youngblood mentioned County Exhibit C-4 and C-4 par. 5. Officer Freeman responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C-5. Officer Freeman again responded in detail to all questions posed by Attorney Youngblood.
- j. The Board questioned Officer Freeman. He responded in detail to all questions posed by the Board.
- k. There being no further questions, the witness was dismissed from the stand.
- l. Attorney Preiser stated he had no further witnesses.
- m. Attorney Youngblood called Human Resources Renee Bright to the witness stand. She stated her name, position and tenure. Attorney Youngblood began questioning HR Director Bright. HR Director Bright responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned the following County Exhibits: C-1 pgs. 6 and 8-9; C-10 pgs. 7 and 10-21; C-7 pg. 4 and C-13.
- n. Attorney Youngblood continued questioning HR Director Bright. HR Director Bright responded in detail to all questions posed by Attorney Youngblood.
- o. Attorney Preiser cross-examined HR Director Bright. Attorney Preiser mentioned County Exhibit C-1 pgs. 6 and 7 (read first full sentence). HR Director Bright responded in detail to all questions posed by Attorney Preiser.
- p. Attorney Preiser continued the cross-examination of HR Director Bright. Attorney Preiser mentioned County Exhibits C-1 pg. 4 and C-4. HR Director Bright responded in detail to all questions posed by Attorney Preiser.
- q. The Board questioned HR Director Bright. She responded in detail to all questions posed by the Board.
- r. There being no further questions, the witness was dismissed from the stand.
- s. Attorney Youngblood called Kerri Hathaway to the witness stand.
- t. Mr. Trimble made the motion for a 10-minute break, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- u. Chairman Bartlett called the meeting back to order.
- v. She stated her name, where employed, position and tenure. Attorney Youngblood began questioning Ms. Hathaway. Ms. Hathaway responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits C-13 (pgs. 2 and 3 and C-1 pg. 8).
- w. Attorney Youngblood continued questioning Ms. Hathaway. Ms. Hathaway responded in detail to all questions posed by Attorney Youngblood.

- x. Attorney Preiser did not have any questions for Ms. Hathaway.
- y. The Board questioned Ms. Hathaway. She responded in detail to all questions posed by the Board.
- z. There being no further questions, the witness was released. There were no objections.
- aa. Attorney Youngblood called Chief of Police Gregory Porter to the witness stand. He stated his name, title, tenure. Attorney Youngblood began questioning Chief Porter. Chief Porter responded in detail to all questions posed by Attorney Youngblood.
- bb. Attorney Preiser did not have any questions for Chief Porter.
- cc. The Board questioned Chief Porter. He responded in detail to all questions posed by the Board.
- dd. There being no further questions, the witness was dismissed from the stand.
- ee. Attorney Youngblood stated she had no further witnesses and that all exhibits were stipulated to.
- ff. Chairman Bartlett called for a motion (lunch break until 1:15 p.m.). Vice-Chair Lancaster made the motion, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- gg. Attorney Youngblood asked for a time check. Mr. Trimble advised she had used 19 minutes and 12 seconds and that Attorney Preiser had used 15 minutes and 43 seconds.
- hh. Chairman Bartlett called the meeting back to order.
- ii. Attorney Youngblood reserved closing arguments after Attorney Preiser.
- jj. Attorney Preiser presented closing arguments. Attorney Youngblood presented closing arguments.
- kk. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the grievance filed May 6, 2013, by Brian Freeman, Police Department with regards to: Miscalculation of pay grade at the end of my administrative appointment as set forth in the attached letter. Mr. Osagie made the motion, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- ll. Chairman Bartlett called the meeting back to order.
- mm. Chairman Bartlett called for a motion regarding the grievance filed May 6, 2013, by Brian Freeman, Police Department with regards to: Miscalculation of pay grade at the end of my administrative appointment as set forth in the attached

letter. Mr. Trimble made the motion that the pay was calculated correctly and found in favor of the Police Department. Discussion on the motion: Chairman Bartlett stated this was the most contentious deliberation and commented in detail that the majority of the Board felt it was not fair. Seconded by Chairman Bartlett. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

nn. Chairman Bartlett further addressed Officer Freeman in detail, thanked him and wished him luck.

6. **Grievance** – Considered grievance filed on January 9, 2014, by Kenneth H. Green with regards to: On December 17, 2013, the Board of Commissioners adjusted the Sheriff's Legal Advisor pay from grade 31/ step 1 to grade 31/ step 14.

Grievance – Considered grievance filed on February 7, 2014, by Kenneth H. Green with regards to: Denial of due process due to County's delay in responding to a Title VII race discrimination complaint.

a. Chairman Bartlett stated the Board's recommendation would be to reconvene at 9:00 a.m., on August 6, 2014.

b. Police Department Legal Advisor Kenneth Green stated his case would take a half hour or less depending on how long Attorney Youngblood would take.

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 (4-0).

Meeting adjourned.


LARRY BARTLETT
CHAIRMAN


RENEE BRIGHT
HUMAN RESOURCES DIRECTOR