

REGULAR CALLED CIVIL SERVICE BOARD MEETING

AUGUST 6, 2014

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, August 6, 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; Deputy
 Chief of Police Gina Hawkins; Police Chief Gregory Porter; Police Legal
 Advisor Kenneth Green; Fire Chief Landry Merkison; Police Captain
 Rebecca Brown; various employees from County departments; and other
 individuals.

Chairman Bartlett called the meeting to order at 9:05 a.m., and noted for the record that all Board members were present.

Chairman Bartlett called for a motion to adopt the August 6th agenda. Mr. Trimble made a motion to adopt the agenda with the addition of item 14 – Board's Policy on Continuance, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

1. Considered for approval the Executive Session Minutes regarding Scott Smith, Sheriff's Office, termination appeal heard on July 9 and 17, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the minutes, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
2. Considered for approval the Civil Service Board's Decision regarding Scott Smith, Sheriff's Office, termination appeal heard on July 17, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the Decision, second by Mr. Osagie. 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 Crystal Harris, Police Department, termination appeal called on July 9, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the Decision, second by Mr. Osagie. 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 Nicholas Swaim, Sheriff's Office, termination appeal called on July 9, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the Decision, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
5. Considered for approval the request from Fire Chief Landry Merkison concerning a clarification of calling for a new promotional list and issue with filing a vacancy in training.
 - a. Fire Chief Merkison presented his requests in detail (referenced the current Promotional Procedures). The Board was provided a current copy.
 - b. A lengthy discussion among the Board, Human Resources Director Renee Bright and Fire Chief Landry Merkison occurred.
 - c. Board member, Mr. Trimble, made the motion to allow Chief Merkison a one-time request of HR Director to make a new list for Lieutenant, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
6. Considered for approval the request from Police Chief Gregory Porter to extend the probationary period of Captain Rebecca Y. Brown, Police Department, for six months (until March 28, 2015).
 - a. Police Department Legal Advisor Kenneth Green presented the request in detail.
 - b. Chairman Bartlett noted that Chief Porter's memorandum was not in line with the verbal request.
 - c. Chief Porter explained that the request was for medical reasons.
 - d. Captain Rebecca Brown addressed the Board and stated her concerns regarding the request and that she had no problem with the request being for medical reasons.
 - e. Mr. Trimble made the motion to extend the promotional probation for Captain Rebecca Brown, for six months, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
7. Considered for approval the request from Assistant Chief Shawn Southerland to extend the probationary period of Jeron Maklanron, Sheriff's Office, for six months.
 - a. Chairman Bartlett addressed Human Resources Director Renee Bight.
 - b. HR Director Bright explained the request in detail as no one from the Sheriff's Office was in attendance. (Mr. Maklanron submitted a memorandum consenting to the extension).

- c. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the request, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
8. Calendar call.
- a. **Barry Cauthen, Sheriff's Office** – Chairman Bartlett confirmed termination appeal was continued.
 - b. **Cassandra Pitts, Sheriff's Office** – Chairman Bartlett confirmed demotion appeal was continued due to Appellant's Attorney being on vacation.
 - c. **Sherice Jones, Police Department** – Chairman Bartlett confirmed termination appeal was continued and that there was a letter on file.
 - d. **Sonja Sanchez, Sheriff's Office** – Chairman Bartlett confirmed termination appeal was continued.
 - e. **Enrique St. Louis, Sheriff's Office** – Chairman Bartlett confirmed termination appeal was continued.
 - f. **Kenneth H. Green, Police Department** – Chairman Bartlett confirmed the two grievances were on today's calendar.
9. ***Grievance*** – Considered grievance filed February 7, 2014, by Kenneth H. Green, Police Department, with regards to: Denial of due process due to County's delay in responding to a Title VII race discrimination complaint.
- a. Mr. Kenneth Green made a motion to withdraw this grievance. There were no objections from the County.
 - b. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the withdrawal, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - c. A brief discussion between Chairman Bartlett and Mr. Green occurred.
 - d. Chairman Bartlett called for a short break. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - e. Chairman Bartlett called the meeting back to order.

10. **Grievance** – Considered grievance filed January 9, 2014, by Kenneth H. Green, Police Department, 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.
- a. Mr. Green stated he did not have any witnesses to call, but he would testify. Attorney Youngblood advised the County's only witness would be Police Chief Porter and she did not anticipate calling HR Director Renee Bright as a witness.
 - b. Civil Service Board Attorney Joe Harris swore in the witnesses.
 - c. Mr. Green gave his opening statement. Attorney Youngblood reserved her opening statement.
 - d. Mr. Green took the witness stand and stated his name. Mr. Green explained in detail his grievance and mentioned Employee Exhibit E-2.
 - e. The Board and Attorney Youngblood began questioning Mr. Green. He responded in detail to all questions posed by the Board and Attorney Youngblood.
 - f. A discussion among the Board, HR Director Bright, Police Chief Porter and Attorney Youngblood occurred.
 - g. There being no further questions, Mr. Green stepped down.
 - h. Attorney Youngblood called Police Chief Gregory Porter to the witness stand. Attorney Youngblood began questioning Police Chief Porter. Police Chief Porter responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C-4 pg. 13.
 - i. The Board questioned Police Chief Porter. He responded in detail to all questions posed by the Board.
 - j. Attorney Youngblood stated the County had no further witnesses.
 - k. Mr. Green presented his closing arguments. Attorney Youngblood presented the County's closing arguments.
 - l. A discussion among the Board, Mr. Harris, HR Director Bright and Attorney Youngblood occurred regarding whether or not the Board of Commissioners was notified of this hearing.
 - m. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the grievance filed January 9, 2014, by Kenneth H. Green, Police Department, 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. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

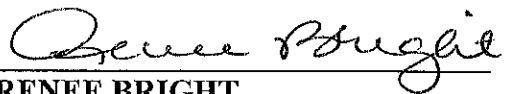
- n. Chairman Bartlett called the meeting back to order.
 - o. Chairman Bartlett called for a motion regarding the grievance filed January 9, 2014, by Kenneth H. Green, Police Department, with regards to: On December 17, 2013, The Board of Commissioners adjusted the Sheriff's Legal Advisor pay from grade 31/ step 1 to grade 31/ step 14. Mr. Trimble made the motion: Mr. Green's pay should be adjusted to at a minimum step 31/14 but to be patently fair considering his years of service to the County that his pay should go to 31/21 which will be a 13 step increase in accordance with what the Legal Advisor for the Sheriff's Department was granted. Motion included that the adjustment should be retroactive to December 17, 2013 or the first effective date that Mr. Oliver Hunter received his increase in pay. Motion was second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - p. The Board addressed Mr. Green in detail.
 - q. Chairman Bartlett asked Mr. Green to relay the Board's recommendation to Chief Porter (who was not in attendance). Mr. Green stated that would be a conflict of interest and Chairman Bartlett agreed. Chairman Bartlett then asked Attorney Youngblood to convey the information to the Chief.
 - r. Chairman Bartlett asked Mr. Harris to prepare the recommendation as soon as possible and the Board would come by Human Resources Department to sign, since the next Board of Commissioners' meeting would be August 19, 2014.
11. Discussion items.
- a. Appointment of new Civil Service Board member.
 - i. HR Director Bright informed the Board that the BOC appointed Dr. Cephus Jackson to complete the term left vacant by former Board member, Lori Favre.
 - ii. HR Director Bright advised the Board she would reach out to Dr. Jackson for him to be present for the September meetings.
 - iii. The Board welcomed its new member.
12. Other business.
- a. Civil Service Board's Continuance Policy
 - i. Chairman Bartlett made the motion to table this matter until other issues were resolved, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

- ii. A lengthy discussion occurred among the Board, Mr. Harris, HR Director Bright and Attorney Youngblood regarding suggested changes.
 - iii. The Board asked Mr. Harris to work on the revisions and to share with Attorney Youngblood.
- b. Civil Service Board's Compensation
- i. A discussion among the Board members occurred regarding its being fairly compensated for hearing appeals and grievances.
 - ii. Chairman Bartlett stated for the record that the Civil Service Board asks for compensation to be in line with regular scheduled meetings but less, and that he Board be allowed to meet three days a week, three weeks out of a month.
 - iii. Mr. Trimble stated this in the form of a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

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