

CIVIL SERVICE BOARD MEETING POST SUMMARY



November 9, 2016

Members Present: **Larry A. Bartlett, Chairman
Virginia Phillips-Hall, Member
Troyce Lancaster, Vice-Chair
Dr. Cephus Jackson, Member
J. Mark Trimble, Member**

Others Present: **Human Resources Director Pamela Ambles and staff; Civil Service Board Attorney Joe Harris; Police Department Legal Advisor Kenneth Green; Sheriff's Office Assistant Chief Deputy Shawn Southerland; County Attorney Pamela Everett; Attorney Thomas Florio; various employees from County departments; and other individuals.**

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1. The meeting was called to order at 9:02 a.m.
 2. Matter of record: The Board voted unanimous at is October Meeting to meet the second Wednesday of November.
 3. The Board adopted the agenda.
 4. The Civil Service Board's Meeting Minutes held on October 5, 2016, was approved.
 5. The Civil Service Board's Executive Session Minutes regarding **Frances White, Magistrate Court**, termination appeal heard October 5, 2016, was approved.
 6. The Civil Service Board's Decision regarding **Frances White, Magistrate Court**, termination appeal heard October 5, 2016, was approved.
 7. The Civil Service Board's Decision regarding **Toni Richmond, Sheriff's Office**, demotion and alleged forced resignation appeal called October 5, 2016, was approved.
 8. Request from the Sheriff's Office to extend the promotional probationary period of **Charlotte Malloy** for an additional six (6) months was approved.

9. Calendar Call.

- a. **Andrew White (Sheriff's Office)** – Appeal filed January 10, 2014, regarding: “My termination due to untruthfulness and neglect of duty”. (The County’s request for continuance was granted on November 1, 2016.)
 - i. The Board confirmed the County’s motion for continuance was granted on November 1, 2016.
- b. **Phillip Richards (Sheriff's Office)** – Appeal filed April 16, 2014, regarding: “The wrongful termination which occurred on April 11, 2014”.
 - i. Chairman Bartlett advised County Attorney Pamela Everett and Appellant Attorney Thomas Florio the Board would address this appeal first after the calendar call.
- c. **Francisco Santos (Police Department)** – Appeal filed November 24, 2014, regarding: One day suspension based on any wrongdoing on this officers actions. I do not wish to waive any civil service rights. (The appeal was withdrawn by Appellant’s attorney, Grady Dukes, on October 10, 2016.)
 - i. The Board confirmed the appeal was withdrawn in writing on October 10, 2016.
 - ii. Human Resources Director Pamela Ambles replied in the affirmative.
- d. **Francisco Santos (Police Department)** – Appeal filed November 24, 2014, regarding: Five day suspension based on any wrongdoing on this officers actions. I do not wish to waive my civil service rights. (The appeal was withdrawn by Appellant’s attorney, Grady Dukes, on October 10, 2016.)
 - i. The Board confirmed the appeal was withdrawn in writing on October 10, 2016.
 - ii. HR Director Ambles replied in the affirmative.
- e. **Wayne Martin (Fire/E.M.S.)** – Appeal filed October 6, 2015, regarding: Termination”. The Appellant and County reached a settlement agreement. Mr. Martin verbally withdrew his appeal on October 21, 2016.
 - i. HR Director Ambles advised the Board she had received a written withdrawal from Mr. Martin (copies were made and passed to the Board).
 - ii. The Board reviewed the document and needed assurances the County would meet his demands and that all documents are included in his personnel file.
 - iii. HR Director Ambles confirmed it was processed as a resignation; that she advised Mr. Martin that previous documents could not be removed from his personnel file; and that he understood.
 - iv. The Board voted unanimously to accept Wayne Martin’s withdrawal.

- f. **Jason Foster (Sheriff's Office)** – Appeal filed November 2, 2015, regarding: “Suspension without pay, working without being compensated” and an Appeal filed January 15, 2016, regarding: “12 day suspension for missing training”. (The County’s request for continuance was granted on October 31, 2016.)
 - i. The Board confirmed the County’s motion for continuance was granted on October 31, 2016.
 - g. **Jason Foster (Sheriff's Office)** – Appeal filed January 15, 2016, regarding: “12 day suspension for missing training”.
 - i. The Board confirmed the County’s motion for continuance was granted on October 31, 2016.
10. ***Appeal - Phillip Richards (Sheriff's Office)*** – Appeal filed April 16, 2014, regarding: “The wrongful termination which occurred on April 11, 2014”.
- a. Attorney Florio presented in detail the specifics surrounding his presence today and confirmed he was ready to proceed with the hearing.
 - b. Attorney Everett advised she recently filed a Suggestion of Death, which would put the next of kin on notice they had 180 days to respond.
 - c. A lengthy discussion occurred among the Board, Civil Service Board Attorney Joe Harris and Attorneys Florio and Everett regarding moving forward with the hearing.
 - d. The Board voted unanimous to continue the appeal due to the County’s *Suggestion of Death* being filed.
 - e. The Board agreed to place the appeal on the May 2017 agenda (after the 180 days) had passed.
11. Moving Regular Called Meeting
- a. The Board briefly discussed moving hearings to the end of the month instead of the first Wednesday of the month.
12. Discussion items.
- a. Additional meeting date for December 2016.
 - i. The Board agreed not to meet for a second date in December.
 - ii. The Board confirmed December 7, 2016, as its next Regular Meeting date.
 - b. **Revision to Civil Service Rule 7.301** – Review revision and draft memorandum to Board of Commissioners.

- i. Chairman Bartlett asked why this matter was on the agenda, as none of the Board members received a copy of the revised Rule.
- ii. HR Department (V. Jeffers) responded that County Attorney Youngblood was to communicate with Chief of Police Michael Register and E-911 Director Gregory Porter and ascertain if the Code Enforcement Officers and 911 Dispatchers should be included in this revision and to forward their response to Civil Service Board Attorney Joe Harris.
- iii. Police Department Legal Advisor, Kenneth Green explained that there was no logical reason to include the Code Enforcement per Chief Michael Register and explained in detail.
- iv. Chairman Bartlett confirmed the main crux was public safety (Fire, Police, CI and Sheriff) and asked to have the revision passed along to the Board of Commissioners.
- v. The Board voted unanimously to have its Attorney Joe Harris, complete a final draft and for it to be all inclusive but not include Code Enforcement. Discussion on the motion made: Keep it the same as the last one, but make sure the cover letter from the Civil Service Board is current showing that it voted on November 9, 2016.

c. Upcoming Cases.

- i. Chairman Bartlett would like to get within a 60-90 day window after the first of the year.
- ii. The Board would entertain a motion to change the dates in January and February, as two positions are up for election.
- iii. The Board would like to meet the Fourth Wednesday, but as a courtesy would like to discuss with COO Detrick Stanford and involve the Board of Commissioners.
- iv. HR Director Ambles stated COO Stanford was fine with it. The Board stated it did not want to leave the Board of Commissioners out of the loop.
- v. The Board asked HR Director Ambles to make sure there is an agenda item for January 2017 – moving the Regular Meeting from First Wednesday to Fourth Wednesday of the month and to make sure it was changed in the Civil Service Rules & Regulations (Attorney Harris can make sure this is done, as it may require action by the BOC).

13. Other business.

- a. Approval of Decisions – Frances White (Magistrate Court) and Toni Richmond (Sheriff's Office).
 - i. The Board confirmed both orders had been reviewed and the Civil Service Board members would sign.

14. Adjournment.