

SPECIAL CALLED CIVIL SERVICE BOARD MEETING

FEBRUARY 4, 2014

A special called meeting of the Clayton County Civil Service Board was held on Tuesday, February 4, 2014, in the Commissioners' Board Room.

Members present: Larry 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 Chief Gregory Porter; Parks & Recreation Director Detrick Stanford; Assistant Deputy Chief Shawn Southerland; Attorney Darryl Scott; Attorney Keith Martin; County Interim Chief Attorney John Hancock; Warden Frank Taylor Smith; Staff Attorney Christie Barnes; Lutisha Smith; Christopher Bass; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:06 a.m., and noted for the record that all Board members were present. Chairman Bartlett called for a motion to adopt the February 4th agenda. Mr. Trimble made a motion to adopt the agenda with the following amendment: Add item 2a (calendar call for February 4, 2014), second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

1. Calendar Call

i. ***Lutisha Smith (Police Department/Animal Control)***

- (1) County - Attorney Michelle Terry (present and ready to proceed)
- (2) Appellant - Attorney Keith Martin (present and ready to proceed)

ii. ***John Strutko (Sheriff's Office)***

- (1) County - Attorney Michelle Terry (present and ready to proceed)
- (2) Appellant - Attorney Keith Martin (present; Mr. Strutko is on duty with the Sheriff's Office but ready to proceed)

iii. ***Michael Grant (Fire & Emergency Services)***

- (1) County - Attorney Michelle Terry (present and ready to proceed)
- (2) Appellant - Mr. Grant (not in attendance)

- (3) Human Resources nor Fire Department heard from Mr. Grant; Fire Chief Landry Merkison advised Mr. Grant resigned; all parties were dismissed until case is called.
 - iv. **Randy Wimberly (Fire & Emergency Services)**
 - (1) County - Attorney Michelle Terry (present and ready to proceed)
 - (2) Appellant - Attorney Darryl Scott (present but has a pending motion)
 - v. **Christopher Bass (Corrections Department/Prison)**
 - (1) County - Michelle Terry (present and ready to proceed)
 - (2) Appellant - Mr. Bass (present and ready to proceed)
 - vi. **Irma Monroe (Parks & Recreation - Virginia Gray Recreation Center)**
 - (1) County - Michelle Terry (present and ready to proceed)
 - (2) Appellant - Ms. Monroe (not in attendance)
 - (3) Human Resources had not heard from Ms. Monroe; Parks & Recreation Director Detrick Stanford stated department would be ready tomorrow.
2. **Randy Wimberly (Fire & Emergency Services)** - Request for Continuance
- a. Attorney Darryl Scott was in attendance and presented his request in detail.
 - b. County Attorney Michelle Terry presented the County's objections to Mr. Scott's request.
 - c. A discussion among the Board, Ms. Terry and Mr. Scott occurred.
 - d. Mr. Osagie made a motion to grant Mr. Scott's request for continuance, second by Mr. Trimble. **Discussion on the motion made:** Vice-Chair Lancaster stated that there were extenuating circumstances. No further discussion on the motion made. Motion carried by unanimous vote.
 - e. Chairman Bartlett stated that Item 8 was removed from the Agenda.
3. Amendment – Civil Service Rule 5.454 – Closing of Government Buildings
- a. Chairman Bartlett asked Human Resources Director Renee Bright to outline the differences in the Rule as written.
 - b. Director Bright explained the differences in detail.
 - c. A lengthy discussion between the Board and Director Bright occurred.

- d. Mr. Trimble made a motion that the Board approve the Rule changes, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote.
 - e. Director Bright affirmed that the Civil Service Board had to support or recommend the change to the Board of Commissioners.
4. **Appeal** – Considered the appeal filed on October 27, 2010, by Lutisha L. Smith, Police Department/Animal Control, with regards to: I am challenging a positive drug test that I received on October 13, 2010 and was wrongfully separated.
- a. Chairman Bartlett confirmed that Lutisha Smith was present and that Attorney Keith Martin, her attorney was present.
 - b. Director Bright asked if other parties could be released until a later time.
 - c. Chairman Bartlett stated the all parties belonging to the **Strutko** matter could be released until 1:30 p.m. today.
 - d. Mr. Martin confirmed that he was Mr. Strutko’s attorney.
 - e. Chairman Bartlett stated that all parties belonging to the **Grant** matter could be released, and asked if, Fire Chief Landry Merkison had any questions.
 - f. Ms. Terry stated the County would make a motion regarding the **Grant** case at the end of the day on February 5, 2014.
 - g. Chairman Bartlett stated that all parties belonging to the **Bass** matter could be released until 9:30 a.m., on February 5, 2014.
 - h. Chairman Bartlett stated that all parties belonging to the **Monroe** matter could be released until 1:30 p.m., on February 5, 2014.
 - i. Mr. Trimble made a motion for a short break, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - j. Chairman Bartlett called the meeting back to order.
 - k. Mr. Martin stated there was an issue that he did not receive the County’s witness list and explained in detail.
 - l. Civil Service Board Attorney Joe Harris swore in all witnesses.
 - m. Mr. Martin asked for an order of sequestration.
 - n. Ms. Terry gave the County’s opening statement. Mr. Martin gave the Appellant’s opening statement.

- o. Ms. Terry called Lane Barfield to the witness stand.
- p. Mr. Trimble made a motion for a short break, second by Vice-Chair Lancaster. No further discussion the motion made. Motion carried by unanimous vote.
- q. Chairman Bartlett called the meeting back to order.
- r. Ms. Barfield stated her name and where she is employed. Ms. Terry began questioning Ms. Barfield. Ms. Barfield responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned County Exhibit C-11.
- s. Ms. Terry continued questioning Ms. Barfield. Ms. Barfield responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned County Exhibit C-11 (page 2) – Final Test Result. Mr. Martin objected to the document as no foundation was laid; hearsay; and that the Civil Service Board had the document in the first place and explained in detail. Chairman Bartlett sustained the objection.
- t. Ms. Terry continued questioning Ms. Barfield. Ms. Barfield responded in detail to all questions posed by Ms. Terry.
- u. Mr. Martin began cross-examination of Ms. Barfield. Ms. Barfield responded in detail to all questions posed by Mr. Martin. Mr. Martin mentioned County Exhibit C-11.
- v. Mr. Martin continued the cross-examination of Ms. Barfield. Ms. Barfield responded in detail to all questions posed by Mr. Martin.
- w. The Board questioned Ms. Barfield. She responded in detail to all questions posed by the Board. Mr. Martin objected to questioning as eliciting foundations that the County chose not to lay and explained in detail.
- x. A lengthy discussion between the Board and Mr. Martin occurred.
- y. Chairman Bartlett stated that Ms. Barfield could not testify to page 2 of County Exhibit C-11.
- z. Chairman Bartlett asked for Mr. Harris' advice regarding this issue.
- aa. A lengthy discussion among the Board, Mr. Harris, Mr. Martin and Ms. Terry occurred.
- bb. Chairman Bartlett sustained the objection as hearsay and advised Vice-Chair Lancaster from referring to the Federal Regulation. Mr. Harris confirmed in the affirmative.
- cc. Vice-Chair Lancaster continued questioning Ms. Barfield. She responded in detail to all questions posed by the Board. Mr. Martin objected to questions being

asked regarding content of the document (County Exhibit C-11 page 2). Mr. Harris stated the document could be questioned but not the test results and explained.

- dd. Vice-Chair Lancaster continued questioning Ms. Barfield. She responded in detail to all questions posed by the Board.
- ee. There being no further questions, the witness was retained and advised of the rule of sequestration.
- ff. Chairman Bartlett called for a motion. Mr. Trimble made a motion for short break, second by Ms. Favre. No further discussion the motion made. Motion carried by unanimous vote.
- gg. Chairman Bartlett called the meeting back to order and called for a lunch break until 1:00 p.m. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion the motion made. Motion carried by unanimous vote.
- hh. Chairman Bartlett called the meeting back to order.
- ii. Ms. Terry called Captain Craig Hammer to the witness stand. He stated his name, title, department and tenure. Ms. Terry began questioning Capt. Hammer. Capt. Hammer responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned County Exhibit C-7.
- jj. Ms. Terry continued questioning Capt. Hammer. Capt. Hammer responded in detail to all questions posed by Ms. Terry.
- kk. Mr. Martin began cross-examination of Capt. Hammer. Capt. Hammer responded in detail to all questions posed by Mr. Martin.
- ll. The Board questioned Capt. Hammer. He responded in detail to all questions posed by the Board.
- mm. There being no further questions, the witness was released.
- nn. Ms. Terry called Gina Cauffman to the witness stand. She stated her name, department and tenure. Ms. Terry began questioning Ms. Cauffman. Ms. Cauffman responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned County Exhibit C-7 – C-16. Mr. Martin objected to Ms. Cauffman's response as hearsay. Chairman Bartlett sustained the objection.
- oo. Ms. Terry continued questioning Ms. Cauffman. Ms. Cauffman responded in detail to all questions posed by Ms. Terry.
- pp. Mr. Martin began cross-examination of Ms. Cauffman. Ms. Cauffman responded in detail to all questions posed by Mr. Martin.

- qq. The Board questioned Ms. Caufman. She responded in detail to all questions posed by the Board.
- rr. There being no further questions, the witness was released.
- ss. Chairman Bartlett called for a short break. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion the motion made. Motion carried by unanimous vote.
- tt. Chairman Bartlett called the meeting back to order.
- uu. Ms. Terry called Chief Gregory Porter to the witness stand. He stated his name, title, department and tenure. Ms. Terry began questioning Chief Porter. Chief Porter responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned County Exhibits C-9, C-6, C-10, C-7, C-8 and C-4.
- vv. Ms. Terry continued questioning Chief Porter. Chief Porter responded in detail to all questions posed by Ms. Terry.
- ww. Mr. Martin began cross-examination of Chief Porter. Chief Porter responded in detail to all questions posed by Mr. Martin.
- xx. The Board questioned Chief Porter. He responded in detail to all questions posed by the Board.
- yy. There being no further questions, the witness was dismissed.
- zz. The Board asked Ms. Terry for the County's next witness.
- aaa. Ms. Terry advised there were no further witnesses and asked to tender County Exhibits C-4 – C-11. Mr. Martin stated he had no objections to C-4, C-5, C-6, but objected to the last page of C-7; had no objections to C-8, C-9, C-10, but objected to the second page of C-11; and had no objections to C-12. Mr. Martin stated it was the same document but one was redacted and the other was not. Mr. Martin explained and asked to sustain the objection.
- bbb. Ms. Terry explained and stated it was a business record and was admissible.
- ccc. Mr. Martin explained in further detail.
- ddd. The Board thanked Mr. Martin and Ms. Terry and stated it needed legal counsel from Mr. Harris. Mr. Harris stated he would need time to research code before responding regarding County Exhibits C-7 and C-11.
- eee. Chairman Bartlett called for a short break. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion the motion made. Motion carried by unanimous vote.
- fff. Chairman Bartlett called the meeting back to order.

- ggg. Mr. Harris gave his legal opinion regarding County Exhibits C-7 and C-11.
- hhh. Chairman Bartlett stated Mr. Martin's objections were over-ruled.
- iii. Ms. Terry stated the County rested.
- jjj. Chairman Bartlett asked Mr. Martin for his witness.
- kkk. Mr. Martin called Lutisha Smith to the witness stand. She stated her name and tenure with department. Mr. Martin began questioning Ms. Smith. Ms. Smith responded in detail to all questions posed by Mr. Martin.
- lll. Ms. Terry began cross-examination of Ms. Smith. Ms. Smith responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned County Exhibits C-7 (third page back), C-9, C-10, C-8, C-5 and C-6.
- mmm. Ms. Terry continued the cross-examination of Ms. Smith. Ms. Smith responded in detail to all questions posed by Ms. Terry.
- nnn. The Board questioned Ms. Smith. She responded in detail to all questions posed by the Board.
- ooo. Mr. Martin stated the Appellant rested.
- ppp. Chairman Bartlett called for a short break. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion the motion made. Motion carried by unanimous vote.
- qqq. Chairman Bartlett called the meeting back to order.
- rrr. Chairman Bartlett asked for any rebuttal witnesses.
- sss. Ms. Terry called Major Johnny Robinson to the witness stand. Mr. Martin objected to the witness and that Major Robinson had not been called to testify. Ms. Terry stated Major Robinson was listed and subpoenaed by Mr. Martin.
- ttt. There was a discussion between the Board members.
- uuu. Chairman Bartlett asked Major Robinson to step down briefly, so the Board could discuss further.
- vvv. The Board discussed whether or not to allow Major Robinson's testimony.
- www. Ms. Terry explained and laid a foundation as to why his testimony was needed.
- xxx. Chairman Bartlett over-ruled Mr. Martin's objection.

- yyy. Ms. Terry questioned Major Robinson. Major Robinson responded in detail to all questions posed by Ms. Terry. Mr. Martin objected to questions posed by Ms. Terry. Chairman Bartlett sustained the objection.
- zzz. Mr. Martin questioned Major Robinson. Major Robinson responded in detail to all questions posed by Mr. Martin. Mr. Martin mentioned County Exhibit C-10.
- aaaa. The Board did not have any questions for Major Robinson.
- bbbb. There being no further questions, the witness was released.
- cccc. Chairman Bartlett stated the case would continue tomorrow, February 5, 2014, at 9:00 a.m. after business items.

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.

Meeting adjourned.


LARRY BARTLETT
CHAIRMAN


RENEE BRIGHT
HUMAN RESOURCES DIRECTOR