

REGULAR CALLED CIVIL SERVICE BOARD MEETING

FEBRUARY 5, 2014

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, February 5, 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; Civil Service Board Attorney Rachel Mack; County Attorney Michelle Terry; Police Department Legal Advisor Kenneth Green; Attorney Keith Martin; Lutisha Smith; Christopher Bass; 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 February 5th agenda. Mr. Trimble made a motion to adopt the agenda, second by Ms. Favre. 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 January 7, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the minutes, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.

2. Considered for approval the Civil Service Board Meeting minutes that was held on January 8, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the minutes, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.

3. Considered for approval the Civil Service Board's Decision for the Mario Quantez Sims, County Prison, termination appeal that was called on January 7, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the Decision, second by Vice-Chair Lancaster. Discussion on the motion made: Chairman Bartlett confirmed that Mr. Sims did not show for appeal hearing. No further discussion on the motion made. Motion carried by unanimous vote.

4. Considered for approval the Civil Service Board's Decision for the Michael Simmons, Sheriff's Office, demotion and termination appeals that were called on January 7, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the Decision, second by Vice-Chair Lancaster. Discussion on the motion made: Chairman Bartlett confirmed that Mr. Simmons did not show for appeal hearings. No further discussion on the motion made. Motion carried by unanimous vote.
5. Considered for approval request from Sharon Knox Crisler, Sheriff's Office, for annual leave donations.
 - a. Human Resources Director Renee Bright advised the request met Civil Service requirements.
 - b. 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 request from Attorney Harlan Miller to allow Brian Crisp, Sheriff's Office and Jeff Mitchell, Sheriff's Office to Draw From Accumulated Reserve Sick Leave.
 - a. Chairman Bartlett explained why he recused himself from this matter and turned meeting over to Vice-Chair Lancaster.
 - b. A discussion between the Board and Director Bright occurred.
 - c. Mr. Trimble made a motion to deny Mr. Miller's request, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0) – Bartlett, abstained.
7. Considered amendment to Civil Service Rule 7.202(f).
 - a. A lengthy discussion among the Board, Director Bright and Police Department Legal Advisor Kenneth Green occurred.
 - b. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the request as proposed, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
8. Calendar Call
 - a. *Michael J. Grant, Fire & Emergency Services* (demotion appeal)
 - i. Mr. Grant was not in attendance on February 4 and 5, 2014, when called.
 - ii. County Attorney Michelle Terry moved that Mr. Grant's demotion be upheld.

- iii. Mr. Trimble made a motion to grant the County's motion to uphold Mr. Grant's demotion, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
 - b. **Irma Monroe, Parks & Recreation** (suspension appeal)
 - i. Ms. Monroe was not in attendance on February 4 and 5, 2014, when called.
 - ii. Ms. Terry moved that Ms. Monroe's suspension be upheld.
 - iii. Mr. Trimble made a motion to grant the County's motion to uphold Ms. Monroe's suspension, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
 - c. **Irma Monroe, Parks & Recreation** (demotion appeal)
 - i. Ms. Monroe was not in attendance on February 4 and 5, 2014, when called.
 - ii. Ms. Terry moved that Ms. Monroe's demotion be upheld.
 - iii. Mr. Trimble made a motion to grant the County's motion to uphold Ms. Monroe's demotion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - d. Chairman Bartlett called for a short break. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - e. Chairman Bartlett called the meeting back to order.
9. ***Appeal (continuation)*** – 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 asked if there were rebuttal witnesses for the County. Ms. Terry stated there were none. Mr. Martin stated the Appellant did not have any surrebuttal witnesses.
 - b. Ms. Terry reserved the County's right to present closing arguments last.
 - c. Mr. Martin gave the Appellant's closing arguments. Ms. Terry gave the County's closing arguments.
 - d. Chairman Bartlett asked Mr. Martin for clarification as to what Ms. Smith was requesting should her termination be overturned.

- e. Mr. Martin stated Ms. Smith would like reinstatement to her position and all back pay and benefits. He further stated he would not concede that Judge Simmons' ruling was not binding and explained. He further contended that the Civil Service Board had other options.
 - f. Mr. Osagie made a motion to adjourn into Executive Session to discuss 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, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
 - g. Chairman Bartlett called the meeting back to order.
 - h. Chairman Bartlett called for a motion regarding 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. Mr. Trimble made a motion that the department's decision be upheld, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a 3-2 vote (Members: Trimble, Lancaster and Favre voting FOR and members: Bartlett and Osagie voting AGAINST).
 - i. For the record, Chairman Bartlett stated board member, Lori Favre and Civil Service Board Attorney Joe Harris were leaving for appointments and would not return.
 - j. Chairman Bartlett further stated the meeting would continue with the appeal of *Christopher Bass*; however, the *Strutko* appeal would not convene today and advised Mr. Martin of the same.
 - k. Chairman Bartlett called for a lunch break until 1:30 p.m. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - l. Chairman Bartlett called the meeting back to order.
10. *Appeal* – Considered appeal that was filed on April 20, 2011, by Christopher Neal Bass, Corrections Department/Prison, with regards to: Three (3) days suspended.
- a. **Roll Call**
 - i. Civil Service Board Attorney Rachel Mack was in attendance.
 - ii. Mr. Bass was in attendance (not represented by counsel).
 - b. Chairman Bartlett explained the appeal procedures to Mr. Bass. Mr. Bass acknowledged he did not submit a witness list or exhibits.
 - c. Director Bright informed the Board that this is a suspension appeal and had a hearing time limit of 30 minutes, since it was a suspension less than 80 hours.

- d. Ms. Mack swore in all witnesses. Mr. Bass did not object.
- e. Chairman Bartlett explained what the order of sequestration was and Mr. Bass requested same. All witnesses were sequestered.
- f. Ms. Terry presented the County's opening statement. Mr. Bass presented his opening statement.
- g. Ms. Terry called Lt. Angelique Fox to the witness stand. She stated her name, title, department and tenure. Ms. Terry began questioning Lt. Fox. Lt. Fox responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned County Exhibits C-9 and C-10.
- h. Ms. Terry continued questioning Lt. Fox. Lt. Fox responded in detail to all questions posed by Ms. Terry.
- i. Mr. Bass began cross-examination of Lt. Fox. Lt. Fox responded in detail to all questions posed by Mr. Bass.
- j. The Board questioned Lt. Fox. She responded in detail to all questions posed by the Board.
- k. There being no further questions, the witness was released. There were no objections from Ms. Terry or Mr. Bass.
- l. Ms. Terry called Deputy Warden Randal Holsey to the witness stand. He stated his name, department and tenure. Ms. Terry began questioning Deputy Warden Holsey. Deputy Warden Holsey responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned County Exhibit C-13.
- m. Ms. Terry continued questioning Deputy Warden Holsey. Deputy Warden Holsey responded in detail to all questions posed by Ms. Terry.
- n. Mr. Bass began cross-examination of Deputy Warden Holsey. Deputy Warden Holsey responded in detail to all questions posed by Mr. Bass. Ms. Terry objected to questions posed by Mr. Bass. The objection was over-ruled.
- o. Mr. Bass continued the cross-examination of Deputy Warden Holsey. Deputy Warden Holsey responded in detail to all questions posed by Mr. Bass.
- p. The Board questioned Deputy Warden Holsey. He responded in detail to all questions posed by the Board.
- q. Mr. Bass stated he had additional questions for Deputy Warden Holsey.
- r. Chairman Bartlett explained to Mr. Bass the procedures and noted if he allowed the questions, Ms. Terry would object. Mr. Terry objected to Mr. Bass asking additional questions.

- s. Chairman Bartlett polled the Board members. All agreed to allow the questions so the witness could be released (Ms. Terry's objection was noted).
- t. Mr. Bass asked additional questions to Deputy Warden Holsey. Ms. Terry objected to questions posed by Mr. Bass. Deputy Warden Holsey continued responding to questions posed by Mr. Bass.
- u. There being no further questions, the witness was released. There were no objections.
- v. Ms. Terry called Warden Frank Taylor Smith to the witness stand. He stated his name, title, department and tenure. Ms. Terry began questioning Warden Smith. Warden Smith responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned County Exhibits C-13, C-4 and C-8.
- w. Ms. Terry continued questioning Warden Smith. Warden Smith responded in detail to all questions posed by Ms. Terry.
- x. Chairman Bartlett asked Director Bright to inform Deputy Holsey that he could remain in the boardroom due to future involvement in cases, and explained to Mr. Bass that he could not be questioned.
- y. Mr. Bass began cross-examination of Warden Smith. Warden Smith responded in detail to all questions posed by Mr. Bass. Mr. Bass mentioned County Exhibit C-8. Chairman Bartlett advised Mr. Bass that a question had been asked and answered. Mr. Bass explained the question's foundation.
- z. Mr. Bass continued cross-examination of Warden Smith. Warden Smith responded in detail to all questions posed by Mr. Bass.
- aa. The Board questioned Warden Smith. He responded in detail to all questions posed by the Board.
- bb. There being no further questions, the witness was not released (subject to recall by Ms. Terry).
- cc. Chairman Bartlett called for a short break. Vice-Chair Lancaster made a motion, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- dd. Chairman Bartlett called the meeting back to order.
- ee. Ms. Terry advised the Board that the County rested and tendered the following exhibits: C-4, C-8 - C-13. Mr. Bass objected to County Exhibit C-8. Chairman Bartlett explained in detail and denied the objection. There were no further objections by Mr. Bass on the remaining exhibits.
- ff. Mr. Bass testified before the Board.

- gg. Ms. Terry questioned Mr. Bass. Mr. Bass responded in detail to all questions posed by Ms. Terry. Ms. Terry mentioned County Exhibit C-6.
- hh. Ms. Terry continued questioning Mr. Bass. Mr. Bass responded in detail to all questions posed by Ms. Terry.
- ii. The Board questioned Mr. Bass. He responded in detail to all questions posed by the Board.
- jj. There being no further questions, the witness stepped down.
- kk. Ms. Terry tendered County Exhibit C-6. There were no objections from Mr. Bass.
- ll. Chairman Bartlett called for closing arguments. Ms. Terry reserved the County's right to close last.
- mm. Mr. Bass presented his closing arguments. Ms. Terry presented the County's closing arguments.
- nn. Chairman Bartlett called for motion to adjourn into Executive Session to discuss the appeal filed on April 20, 2011, by Christopher Neal Bass, Corrections Department/Prison, with regards to: Three (3) days suspended. Mr. Trimble made a motion, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- oo. Chairman Bartlett called the meeting back to order.
- pp. Chairman Bartlett called for a motion regarding the appeal that was filed on April 20, 2011, by Christopher Neal Bass, Corrections Department/Prison, with regards to: Three (3) days suspended. Mr. Trimble made a motion to uphold the three (3) day suspension, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- qq. Chairman Bartlett explained the Board's decision to Mr. Bass and wished him well.

11. **John Strutko (Sheriff's Office)** – Termination appeal

- a. Chairman Bartlett stated appeal would be continued to a future hearing date.

12. Discussion item.

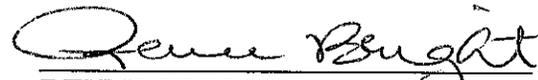
- a. Selected second meeting date for March 2014.
 - i. The Board selected March 4, 2014, as a special called meeting date and March 5, 2014, as a regular called meeting date.

13. Other business.
 - a. Civil Service Board's Policy on Continuances.
 - i. The Board stated it would discuss at next month's meeting.

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