

# ***SPECIAL CALLED CIVIL SERVICE BOARD MEETING***

***MAY 6, 2014***

A special called meeting of the Clayton County Civil Service Board was held on Tuesday, May 6, 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 Youngblood; Assistant Deputy Chief Shawn Southerland; District Attorney Tracy Lawson; Attorney Keith Martin; Attorney Janet Scott; Andrea Cooper; R.C. Montgomery; Cassandra Pitts; Kimberle Windley; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:15 a.m., and noted for the record that all Board members were present. Chairman Bartlett called for a motion to adopt the May 6<sup>th</sup> agenda. Mr. Trimble made a motion to adopt the agenda, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.

1.     Calendar Call.

i.     ***Kimberle Windley (Sheriff's Office)*** – Termination Appeal

- a.     County – Attorney Michelle Youngblood was present and ready to proceed.
- b.     Appellant – Attorney Keith Martin and Kimberle Windley were present and ready to proceed.
- c.     Chairman Bartlett stated the *Windley* matter was first on the agenda.

ii.    ***Andrea Cooper (Clerk State Court)*** – Termination Appeal

- a.     County – Attorney Youngblood was present and ready to proceed.
- b.     Appellant – Andrea Cooper was present and ready to proceed.
- c.     Attorney Youngblood advised one of the County's witnesses was not available until tomorrow.
- d.     Chairman Bartlett asked Human Resources Director Renee Bright to obtain Andrea Cooper's contact information.

ii.    ***R.C. Montgomery (District Attorney's Office)*** – Five (5) day suspension

- a.     Appellant – R.C. Montgomery was present and ready to proceed.
- b.     County – Attorney Youngblood was present and ready to proceed.

- c. A sidebar amongst the Board, HR Director Bright, Civil Service Board Attorney Joe Harris, Attorney Youngblood, ADA Erman Tanjuatco and Mr. Montgomery occurred.
  - d. Chairman Bartlett advised that Mr. Montgomery would be given a time frame in which to return; and that Chairman Bartlett asked if he needed to recuse himself due to a current legal matter with Dennis Baker.
  - e. The Appellant and County did not wish for Chairman Bartlett to recuse himself.
  - f. The *Montgomery* hearing was scheduled for 1:00 p.m., on May 7, 2014.
- iii. *Cassandra Pitts (Sheriff's Office)* – Demotion appeal.
- a. Appellant – Attorney Janet Scott introduced herself as Ms. Pitts' attorney and stated she submitted a request for continuance in the matter.
  - b. County – Attorney Youngblood was present and ready to proceed.
  - c. Attorney Scott outlined reasons for the continuance request. Attorney Youngblood stated the County's reasons against the request.
  - d. A discussion amongst the Board, Attorney Scott and Cassandra Pitts occurred.
  - e. Chairman Bartlett made a motion to grant Attorney's Scott continuance request, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
- iv. Chairman Bartlett confirmed the following appeal hearings were scheduled for May but were either continued or withdrawn: *Barry Cauthen, Scott Smith, Sherice Jones and Burnesta Booth.*
- v. 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.
- vi. Chairman Bartlett called the meeting back to order.
3. *Appeal* – Considered appeal that was filed on August 31, 2011, by Kimberle Windley, Sheriff's Office, with regards to: Rules and regulation violation, conduct unbecoming, truthfulness, and attendance (termination).
- a. Attorney Keith Martin and Attorney Michelle Youngblood stated they were ready to move forward. Attorney Martin confirmed that he was on a two-hour window with Judge (inaudible).
  - b. Attorney Youngblood stated all the County's witnesses were present. Attorney Martin stated one of the Appellant's witnesses was present and the other one would arrive later.
  - c. Attorney Joe Harris swore in all witnesses.
  - d. Attorney Martin requested an order of sequestration.

- e. Chairman Bartlett explained to all parties that there would be a 90-minute time allowance for the hearing. Neither side had any questions.
- f. Attorney Youngblood presented the County's opening statement. Attorney Martin presented the Appellant's opening statement.
- g. Michelle Youngblood stated the County was ready.
- h. Attorney Youngblood called Lt. Keith McLaughlin to the witness stand. He stated his name, where employed, department, position, tenure and duties. Attorney Youngblood began questioning Lt. McLaughlin. Lt. McLaughlin responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C11.
- i. Attorney Youngblood continued questioning Lt. McLaughlin. Lt. McLaughlin responded in detail to all questions posed by Attorney Youngblood.
- j. Attorney Martin cross-examined Lt. McLaughlin. Lt. McLaughlin responded in detail to all questions posed by Attorney Martin.
- k. The Board questioned Lt. McLaughlin. He responded in detail to all questions posed by the Board.
- l. There being no further questions, the witness was released.
- m. Attorney Youngblood called Sgt. Geraldine Gardiner to the witness stand. She stated her name, where employed, tenure, and tenure as sergeant. Attorney Youngblood began questioning Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits C13 and C11.
- n. Attorney Youngblood continued questioning Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Attorney Youngblood.
- o. Attorney Martin cross-examined Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Attorney Martin. Sgt. Gardiner referred to County Exhibits C8, C9, C10 and C11 to refresh her memory.
- p. Attorney Martin continued the cross-examination of Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Attorney Martin.
- q. The Board questioned Sgt. Gardiner. She responded in detail to all questions posed by the Board.
- r. There being no further questions, the witness was not released. She was held as a rebuttal witness and was returned to sequestration.

- s. Attorney Youngblood called Sgt. Lisa Johnson to the witness stand. She stated her name, where employed, tenure and tenure as sergeant. Attorney Youngblood began questioning Sgt. Johnson. Sgt. Johnson responded in detail to all questions posed by Attorney Youngblood.
- t. Attorney Martin cross-examined Sgt. Johnson. Sgt. Johnson responded in detail to all questions posed by Attorney Martin.
- u. The Board questioned Sgt. Johnson. She responded in detail to all questions posed by the Board.
- v. There being no further questions, the witness was released.
- w. 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.
- x. Chairman Bartlett called the meeting back to order.
- y. Attorney Youngblood called Major Samuel Smith to the witness stand. He stated his name, where employed, tenure with county, tenure as a major and position in 2011. Attorney Youngblood began questioning Major Smith. Major Smith responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C11 pages 1-2, 3-5 and 7.
- z. Attorney Youngblood continued questioning Major Smith. Major Smith responded in detail to all questions posed by Attorney Youngblood.
- aa. Attorney Martin cross-examined Major Smith. Major Smith responded in detail to all question posed by Attorney Martin. Attorney Martin mentioned County Exhibit C11 pages 8 and 9.
- bb. Attorney Martin continued the cross-examination of Major Smith. Major Smith responded in detail to all questions posed by Attorney Martin.
- cc. The Board questioned Major Smith. He responded in detail to all questions posed by the Board.
- dd. There being no further questions, the witness was not released. He was held as a rebuttal witness and returned to sequestration.
- ee. 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.
- ff. Chairman Bartlett called the meeting back to order.
- gg. Attorney Youngblood called Assistant Deputy Chief Shawn Southerland to the witness stand. He stated his name, where employed, tenure, position, and duties. Attorney Youngblood began questioning Assistant Chief Southerland. Assistant

Chief Southerland responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits C11 pages 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10-14, 15 and 18.

- hh. Attorney Youngblood continued questioning Assistant Chief Deputy Southerland. Assistant Chief Deputy Southerland responded in detail to all question posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits C-12, C-13, C-14, C-15, C-16, C-17, C-18, C-19, C-20, C-21, C-22, C-6, C-7, C-8, C-9 (K, E and Q), C-10 section 3 pg. 10, and C-11 pages 8, 9 and 15.
- ii. Attorney Youngblood continued questioning Assistant Chief Deputy Southerland. Assistant Chief Deputy Southerland responded in detail to all questions posed by Attorney Youngblood.
- jj. Attorney Martin cross-examined Assistant Chief Deputy Southerland. Assistant Chief Deputy Southerland responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned County Exhibit C-11 pages 1, 8 and 9.
- kk. 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.
- ll. Chairman Bartlett called the meeting back to order.
- mm. The Board questioned Assistant Chief Deputy Shawn Southerland. He responded in detail to all questions posed by the Board.
- nn. There being no further questions, the witness stepped down from the witness stand.
- oo. Attorney Youngblood tendered the following County Exhibits: C6, no objection; C7, no objection; C8, no objection, C9, no objections; C10, no objections, C11, object to pages 3, 4 and 5 – “hearsay” as neither witness testified and Attorney Martin renewed his objections to the Board previously having the documents. This objection was over ruled. The objection to pages 3, 4 and 5 was sustained. The County explained the entire file. The Board and Attorney Martin had a brief discussion about placing any documents in the file and the witness absenting himself from the proceedings. The objection was overruled. Objection to pages 10, 11, 12, 13, and 14 – no foundation was laid for them. The objections were sustained. There were no objections for pages 15, 16, 17 and 18 along with the cd – there was no testimony identifying the exhibit, no mention of the cd, “foundation was not laid” and contends that it “contains hearsay” from witnesses who are not present. The objection was sustained. Mr. Osagie mentioned that the document could be resubmitted. (Board removed the cd from its binders).
- pp. Attorney Youngblood continued tendering the following County Exhibits: C12, no objection; C13, no objection; C14, no objection; C15, no objection; C16, no objection; C17, no objection; C18, no objection; C19, no objection; C20, no objection; C21, no objection; and C22, no objection.

- qq. Attorney Youngblood rested the County's case subject to its rebuttal witnesses.
- rr. Attorney Martin called Lt. Christopher Windley to the witness stand. He was reminded he was under oath. He stated his name and where employed on May 27, 2011. Attorney Martin began questioning Lt. Windley. Lt. Windley responded in detail to all questions posed by Attorney Martin.
- ss. Attorney Youngblood cross-examined Lt. Windley. Lt. Windley responded in detail to all questions posed by Attorney Youngblood.
- tt. The Board questioned Lt. Windley. He responded in detail to all questions posed by the Board.
- uu. There being no further questions, the witness was not released. He was held as a rebuttal witness and returned to sequestration.
- vv. Attorney Martin called Kimberle Windley to the witness stand. Attorney Martin began questioning Ms. Windley. Ms. Windley responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned County Exhibit C11 pages 6 and 18.
- ww. Attorney Martin continued questioning Ms. Windley. Ms. Windley responded in detail to all questions posed by Attorney Martin.
- xx. Attorney Youngblood cross-examined Ms. Windley. Attorney Youngblood began questioning Ms. Windley. Ms. Windley responded in detail to all questions posed by Attorney Youngblood. Attorney Martin objected to a question posed by Attorney Youngblood. The objection was sustained.
- yy. Attorney Youngblood continued the cross-examination of Ms. Windley. Attorney Martin objected to the form of a question posed by Attorney Youngblood. Chairman Bartlett stated it was asked and answered. The objection was sustained.
- zz. Attorney Youngblood mentioned County Exhibit 11 page 6 and continued questioning Ms. Windley. Ms. Windley responded in detail to all questions posed by Attorney Youngblood.
- aaa. 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.
- bbb. Chairman Bartlett called the meeting back to order.
- ccc. The Board questioned Ms. Windley. She responded in detail to all questions posed by the Board.
- ddd. Attorney Martin stated the Appellant rested.

- eee. Mr. Trimble advised Attorney Youngblood she had used 65 minutes and Attorney Martin had used 61:30 minutes.
- fff. Attorney Youngblood called Sgt. Gardiner as a rebuttal witness. Attorney Youngblood began questioning Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Attorney Youngblood.
- ggg. Attorney Martin cross-examined Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Attorney Martin.
- hhh. The Board questioned Sgt. Gardiner. She responded in detail to all questions posed by the Board.
- iii. There being no further questions, the witness was released. There were no objections.
- jjj. Chairman Bartlett called for a six-minute break (until 4:10 p.m.) Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- kkk. Chairman Bartlett called the meeting back to order.
- lll. Attorney Youngblood called Major Samuel Smith as a rebuttal witness. Attorney Youngblood began questioning Major Smith. Major Smith responded in detail to all questions posed by Attorney Youngblood.
- mmm. Attorney Martin cross-examined Major Smith. Major Smith responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned County Exhibit C11.
- nnn. The Board questioned Major Smith. He responded in detail to all questions posed by the Board.
- ooo. There being no further questions, the witness was released.
- ppp. Attorney Youngblood called Assistant Chief Deputy Southerland as a rebuttal witness. Attorney Youngblood began questioning Assistant Chief Southerland. Assistant Chief Southerland responded in detail to all questions posed by Attorney Youngblood.
- qqq. Attorney Martin cross-examined Assistant Chief Southerland. Assistant Chief Southerland responded in detail to all questions posed by Attorney Martin.
- rrr. The Board questioned Assistant Chief Southerland. He responded in detail to all questions posed by the Board.
- sss. 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.

- ttt. Chairman Bartlett called the meeting back to order.
  - uuu. Attorney Martin gave the Appellant's closing arguments. Attorney Youngblood gave the County's closing arguments.
  - vvv. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the appeal that was filed on August 31, 2011, by Kimberle Windley, Sheriff's Office, with regards to: Rules and regulation violation, conduct unbecoming, truthfulness, and attendance (termination). Mr. Trimble made a motion, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
  - www. Chairman Bartlett called the meeting back to order.
  - xxx. Chairman Bartlett called for a motion regarding the appeal that was filed on August 31, 2011, by Kimberle Windley, Sheriff's Office, with regards to: Rules and regulation violation, conduct unbecoming, truthfulness, and attendance (termination). Mr. Trimble made a motion that the department's decision to terminate be upheld, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
- 4. Discussion items.
    - a. There were no discussion items.
  - 5. Other business.
    - a. *Andrea Cooper (Clerk State Court)* – Termination Appeal will be first on the agenda when the Board convenes at 9:00 a.m., on May 7, 2014.
    - b. *R.C. Montgomery (District Attorney's Office)* – Five (5) day suspension. All parties will be "on call" until after 1:00 p.m., on May 7, 2014.

*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.*

  
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LARRY BARTLETT  
CHAIRMAN

  
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RENEE BRIGHT  
HUMAN RESOURCES DIRECTOR