

REGULAR CALLED CIVIL SERVICE BOARD MEETING

MAY 7, 2014

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, May 7, 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; Andrea Cooper; Dennis Baker, Assistant District Attorney; Building Maintenance Director Les Markland; Clerk State Court Gail Carnes; Lisa Smith; HR Analyst Ryan Shaw; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:10 a.m., and noted for the record that all Board members were present. Chairman Bartlett called for a motion to adopt the May 7th 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. Considered for approval the Civil Service Board's Meeting minutes that was held on April 1, 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's Meeting minutes that was held on April 2, 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 Executive Session Minutes for the Khadidiatou M'Backe, Sheriff's Office, termination appeal that was heard on April 1, 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.

4. Considered for approval the Civil Service Board's Decision for the Khadidiatou M'Backe, Sheriff's Office, termination appeal that was heard on April 1, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the Decision, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
5. Chairman Bartlett presented the following training certificates:
 - a. **Manager's Basic Certificate**
 - i. Leslie Moore, Internal Audit (not present)
 - ii. Brian Danekes, Police Department
 - iii. Marc Richards, Police Department
 - iv. Grace Taylor, Sheriff Department (not present)
 - b. **Manager Professional Certificate**
 - i. Brian Danekes, Police Department
6. Considered for approval the request from Sharon Roddy, Building Maintenance, for annual leave donations.
 - a. Chairman Bartlett asked Human Resources Director Renee Bright if the request met the Civil Service requirements. HR Director Bright replied in the affirmative and explained in detail.
 - 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.
7. Calendar call.
 - i. **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.
 - ii. **R.C. Montgomery (District Attorney's Office)** – Five (5) day suspension
 - a. Chairman Bartlett confirmed that all parties were “on call” until the afternoon.
8. ***Appeal*** – Considered appeal that was filed on November 3, 2011, by Andrea Cooper, Clerk State Court, with regards to: Termination.
 - a. Attorney Michelle Youngblood advised the Board that Clerk Gail Carnes would be representing State Court.

- b. Chairman Bartlett outlined the Civil Service Board's policies for Ms. Cooper and advised the County had objections on some of her exhibits.
- c. Chairman Bartlett called for a motion (short break) to allow Ms. Cooper an opportunity to review the objections. Mr. Trimble made a motion, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
- d. Chairman Bartlett called the meeting back to order.
- e. Ms. Cooper advised she had reviewed the objections and Chairman Bartlett introduced Civil Service Board Attorney Joe Harris, as he would be giving legal advice to the Board.
- f. Attorney Youngblood outlined the objections in detail. Ms. Cooper responded that the documents were true in content, the copies were on file and any notations only represented her presentation to the Board.
- g. A brief discussion among the Board, Ms. Cooper and Attorney Youngblood occurred.
- h. Chairman Bartlett asked Mr. Harris about handwritten notes and other notations on an exhibit.
- i. Mr. Harris explained since it was a pro se party, the Board would be more lenient as they are not trained in law of evidence. The Civil Service Board is governed by the Georgia Act and the Board could accept Ms. Cooper's documents and she could explain. Ms. Cooper responded that it was not done to mislead.
- j. Attorney Youngblood objected to Appellant Exhibit A1 – missing other documents. Ms. Cooper responded that Human Resources had received her exhibits and it was not her fault anything was missing. Chairman Bartlett advised that was not the issue.
- k. Chairman Bartlett polled the Board and asked if they wanted to see the exhibits as is or if they wanted to remove them. All members responded they would like to see the exhibits and that they had integrity, as the Board would give more attention to testimony.
- l. Chairman Bartlett called for a motion to overrule the County's objections to Appellant Exhibits A1-A2, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
- m. Chairman Bartlett advised that any objections by the County to Appellant Exhibits A7 and A8 were irrelevant and would be reserved until introduced by Ms. Cooper.
- n. Chairman Bartlett explained the meaning of "opening statement" and "rule of sequestration" to Ms. Cooper. Ms. Cooper did not have a request for sequestration.

- o. Chairman Bartlett advised Ms. Cooper that Mr. Trimble was the timekeeper and explained in detail.
- p. Mr. Harris swore in all witnesses.
- q. Attorney Youngblood presented the County's opening statement. Ms. Cooper presented her opening statement.
- r. Attorney Youngblood called Deputy Court Clerk Supervisor Lisa Smith to the witness stand. She stated her name, where employed, current position and tenure in that position. Attorney Youngblood began questioning Ms. Smith. Ms. Smith responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits C19, C6 and C9.
- s. Attorney Youngblood continued questioning Ms. Smith. Ms. Smith responded in detail to all questions posed by Attorney Youngblood. Ms. Cooper objected to Brenda Smith not being present to testify, so as to not smear her intentions. Chairman Bartlett advised that Ms. Lisa Smith could testify to what Ms. Brenda Smith told her.
- t. Attorney Youngblood continued questioning Ms. Smith. Ms. Smith responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C10. Ms. Cooper objected to response as to hearsay (no name was on the document). Chairman Bartlett overruled the objection.
- u. Attorney Youngblood continued questioning Ms. Smith. Ms. Smith responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C4. Ms. Cooper objected and stated that there was not a written notarized affidavit from the customer. Attorney Youngblood advised the complaint did not need to be in writing. Chairman Bartlett overruled the objection.
- v. Attorney Youngblood continued questioning Ms. Smith. Ms. Smith responded in detail to all questions posed by Attorney Youngblood
- w. Chairman Bartlett called for a motion (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. Ms. Cooper cross-examined Lisa Smith. Ms. Smith responded in detail to all questions posed by Ms. Cooper. Attorney Youngblood objected to a question as to relevancy. Chairman Bartlett overruled the objection.
- z. Ms. Cooper continued questioning Ms. Smith. Ms. Smith responded in detail to all questions posed by Ms. Cooper. Ms. Cooper objected to a question as to relevancy. Chairman Bartlett noted the objection and overruled it.

- aa. Ms. Cooper continued questioning Ms. Smith. Ms. Smith responded in detail to all questions posed by Ms. Cooper. Ms. Cooper objected as to response being false, hearsay and misleading as the clerk is not here. Attorney Youngblood stated Ms. Smith could testify to what she observed. Chairman Bartlett stated that Ms. Smith could continue.
- bb. Ms. Cooper continued questioning Ms. Smith. Ms. Smith responded in detail to all questions posed by Ms. Cooper. Attorney Youngblood objected to Ms. Cooper's question as a mischaracterization of testimony. Chairman Bartlett allowed Ms. Cooper to rephrase the question.
- cc. Ms. Cooper continued questioning Ms. Smith. Ms. Smith responded in detail to all questions posed by Ms. Cooper. Attorney Youngblood objected as Ms. Cooper was making a statement instead of asking a question. Chairman Bartlett sustained the objection and explained to Ms. Cooper the difference in a question and a statement.
- dd. Ms. Cooper continued questioning Ms. Smith. Ms. Smith responded in detail to all questions posed by Ms. Cooper. Attorney Youngblood objected as Ms. Cooper was testifying. Chairman Bartlett asked Ms. Cooper to rephrase her question.
- ee. Ms. Cooper continued questioning Ms. Smith. Ms. Smith responded in detail to all questions posed by Ms. Cooper. Ms. Cooper mentioned Appellant Exhibits A6 and A1.
- ff. Ms. Cooper continued questioning Ms. Smith. Ms. Smith responded in detail to all questions posed by Ms. Cooper. Attorney Youngblood objected to the form of the question.
- gg. The Board questioned Ms. Smith. She responded in detail to all questions posed by the Board.
- hh. There being no further questions, the witness was retained for future questions.
- ii. Chairman Bartlett called for a lunch break until 1:00 p.m. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- jj. Mr. Trimble advised Attorney Youngblood she had used 48 minutes and Ms. Cooper had used 42 minutes.
- kk. Chairman Bartlett advised HR Director Bright that the *Montgomery* hearing would tentatively convene at 3:00 p.m., but do not show up at the boardroom, they would be contacted.
- ll. Chairman Bartlett called the meeting back to order.
- mm. Attorney Youngblood called Clerk of State Court Gail Carnes to the witness stand. She stated her name, where employed, tenure and position held in 2011.

Attorney Youngblood began questioning Clerk Carnes. Clerk Carnes responded in detail to all questions posed by Attorney Youngblood. Ms. Cooper objected as to hearsay (deputy was not present). Chairman Bartlett overruled the objection.

- nn. Attorney Youngblood continued questioning Clerk Carnes. Clerk Carnes responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits C10, C6, C8 and C11.
- oo. Attorney Youngblood continued questioning Clerk Carnes. Clerk Carnes responded in detail to all questions posed by Attorney Youngblood.
- pp. Ms. Cooper did not have any questions for Clerk Carnes.
- qq. The Board questioned Clerk Carnes. She responded in detail to all questions posed by the Board.
- rr. There being no further questions, the witness was dismissed.
- ss. Attorney Youngblood tendered the following County Exhibits: C4, C5, C6, C7, C8, C9, C10, C11, C12, C13 and C19.
- tt. Attorney Youngblood rested the County's case, subject to rebuttal.
- uu. Chairman Bartlett explained to Ms. Cooper that she could make a statement, which does not hold the same degree as sworn testimony or she could take the stand and testify.
- vv. Ms. Cooper stated she wanted to make a statement instead of giving sworn testimony.
- ww. Chairman Bartlett advised that presentation of facts are sworn testimony, cannot be interrupted and it would go against your time limit. Also, if Ms. Cooper took the stand she would be cross-examined. Mr. Osagie advised Ms. Cooper that sworn testimony given on the witness stand carried more weight (credible evidence).
- xx. Ms. Cooper stated she must take the stand.
- yy. Mr. Trimble advised Ms. Cooper she had used 42 minutes.
- zz. Ms. Cooper took the witness stand and testified in detail (included is a brief summary). Ms. Cooper mentioned the following exhibits: A1 (page 22 and 26), A3. She went into detail that she was a substitute clerk in Judge Carbo's court room; went through her evaluations that were included in her exhibits; mentioned that her drawer was only unbalanced one time; refuted the testimony of Clerk Carnes and said it did not take 10-15 minutes to count the money till as previously; testified that clerks would have to sit at a window for 3-4 hours and she had an emergency restroom break; there was no training for returning clerks; and she was given outdated information for "how to do".

- aaa. Ms. Cooper further mentioned Exhibits C10 and A6. She asked to have Appellant Exhibit A3 admitted into evidence. Ms. Cooper further testified that there were three to four buckets of tickets that needed to be filed and that the end of the day was the best time to file them; she never took leave without pay; stated counseling forms dated July 21 and October 3 were duplications of the same incident, which was a petty complaint. Ms. Cooper requested County Exhibit C10 (Ex. F) be withdrawn as the deputy was not in attendance.
- bbb. Ms. Cooper continued her testimony and stated in 2010, Nancy Denham wanted her "out"; she gave the definition of harassment; stated that the deputy sheriff misused the Sheriff's' letterhead; and stated she was not familiar with Fayall and the letter was inaccurate.
- ccc. Ms. Cooper made a motion to have the deputy's letter removed. Chairman Bartlett denied the motion.
- ddd. Chairman Bartlett asked HR Director Bright to contact the next case.
- eee. Attorney Youngblood stated the *Montgomery* parties had either worked out an agreement or the appeal would be withdrawn. HR Director Bright also stated she had received a message from R.C. Montgomery as well.
- fff. Chairman Bartlett made a motion for short break, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
- ggg. Off the record, Mr. Trimble advised Attorney Youngblood she had used 71 minutes and Ms. Cooper had used 70 minutes.
- hhh. Chairman Bartlett called the meeting back to order.
- iii. Ms. Cooper continued her testimony and stated she requested out of Judge Braswell's courtroom (untruth was told by Clerk Carnes); the first Counseling Form from Nancy Denham dated November 15, 2010 was false and a lie; and that this matter was a conspiracy by supervisors.
- jjj. Attorney Youngblood cross-examined Ms. Cooper. Attorney Youngblood began questioning Ms. Cooper. Attorney Youngblood mentioned County Exhibits C15, C16, C17, and C18. Ms. Cooper stated she understood that Policies and Rules had to be followed. Attorney Youngblood mentioned County Exhibit C14 and Appellant Exhibit A2 (page 24). Attorney Youngblood asked Ms. Cooper if she knew a Judge Robbins (sp?). She stated she did not.
- kkk. The Board questioned Ms. Cooper. She responded in detail to all questions posed by the Board.
- lll. There being no further questions, the witness was dismissed.
- mmm. Chairman Bartlett asked Ms. Cooper if she wanted to tender Appellant Exhibits A1-A8. Ms. Cooper tendered all of her exhibits.

- nnn. Attorney Youngblood objected. She had no objections to Appellant Exhibits A1 and A2, but did object to Appellant Exhibit A3. Chairman Bartlett overruled the objection.
- ooo. Attorney Youngblood objected to Appellant Exhibit A4. Chairman Bartlett sustained the objection. Ms. Cooper explained that this document was proof of documentation. Chairman Bartlett stated there was no sworn testimony given regarding this article.
- ppp. Attorney Youngblood objected to Appellant Exhibit A5 as there was no testimony given. Chairman Bartlett overruled the objection. Ms. Cooper stated she testified to the document.
- qqq. Attorney Youngblood objected to Appellant Exhibit A6 (page 2 and other pages). Ms. Cooper stated it was part of her testimony. Chairman Bartlett overruled the objection. Further objection to pages 3, 4, 39 and 40 as no testimony was given. Chairman Bartlett sustained the objection. Ms. Cooper stated her testimony pertained to the exhibit in its entirety. Chairman Bartlett stated he would allow the entire exhibit.
- rrr. Attorney Youngblood objected to Appellant Exhibit A7 as there was no testimony given and it was irrelevant. Chairman Bartlett sustained the objection. Ms. Cooper stated that the conversation of wrongdoing was important.
- sss. Attorney Youngblood objected to Appellant Exhibit A8 as there was no testimony given and it was irrelevant. Chairman Bartlett sustained the objection.
- ttt. Attorney Youngblood tendered the following County Exhibits: C14-C18. Ms. Cooper did not have any objections.
- uuu. Mr. Trimble advised Attorney Youngblood she had 14 minutes left and Ms. Cooper had 17 minutes left.
- vvv. Chairman Bartlett called for a five-minute break. 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. The County reserved its right to present closing arguments last.
- yyy. Ms. Cooper presented her closing arguments. Chairman Bartlett asked Ms. Cooper what she was asking for. Ms. Cooper stated she did not want an appointment back to State Court, if possible reappoint her to another department (full or part-time) and that she was here to address the crime that took place.
- zzz. Attorney Youngblood presented the County's closing arguments.
- aaaa. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the appeal that was filed on November 3, 2011, by Andrea Cooper, Clerk State

Court, with regards to: Termination. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

bbbb. Chairman Bartlett called the meeting back to order.

cccc. Chairman Bartlett called for a motion regarding the Termination Appeal filed on November 3, 2011, by Andrea Cooper, Clerk State Court. 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.

dddd. There were no questions by either side. Ms. Cooper asked if she could be excused and Chairman Bartlett replied in the affirmative.

9. Discussion items.

a. Selected a second meeting date for June 2014.

b. A discussion between the Board occurred.

c. Vice-Chair Lancaster made a motion to have the Regular Meeting moved to June 11, 2014 and the additional day as June 10, 2014, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.

d. HR Director Bright advised the Clayton News Daily needed to publicize the change.

e. Vice-Chair Lancaster asked to hold off from setting any July dates until June.

f. Clerk Carnes thanked the Board.

g. HR Director Bright checked with the Commissioners' Office if the June dates were available and they were.

h. Attorney Youngblood implored the Board to think about how the dates are set.

10. Other business.

a. There was no other business.

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 Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.

Meeting adjourned.



LARRY BARTLETT
CHAIRMAN



RENEE BRIGHT
HUMAN RESOURCES DIRECTOR