

SPECIAL CALLED CIVIL SERVICE BOARD MEETING

OCTOBER 2, 2014

A special called meeting of the Clayton County Civil Service Board was held on Thursday, October 2, 2014, in the Commissioners' Board Room.

Members present: Larry Bartlett, Chairman
 Troyce B. Lancaster, Vice-Chair
 Dr. Cephus Jackson, Member
 Gbenga Osagie, Member
 J. Mark Trimble, Member

Also present: Human Resources Director Renee Bright and various staff members; Pamela Ambles, Human Resources Officer; Civil Service Board Attorney Laurel Henderson; County Attorney Michelle Youngblood; Attorney Keith Martin; Fire Chief Landry Merkison; Sheriff's Office Assistant Chief Deputy Shawn Southerland; Officer Donna Harris; Joseph Rushin; Richard Meehan; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:04 a.m., and noted for the record that all Board members were present. Chairman Bartlett called for a motion to adopt the October 2nd agenda. Dr. Jackson made the motion to adopt the agenda, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.

1. Considered for approval the Civil Service Board's Advisory Opinion and Recommendation regarding the Satira Walker, Mark Cain, Lynda Cook, Kevin Humphries, Clide Moss, Rodney Lee and India Smith, Sheriff's Office – Involuntary Transfer, grievance hearing held on September 3, 2014.
 - a. Chairman Bartlett explained that the Civil Service Board attorney was out of state and asked that once the Opinion was received that Human Resources Director Renee Bright electronically email it to all Board members and each would come by the Human Resources Department to sign.
 - b. County Attorney Michelle Youngblood advised that the Board needed to place the matter on the Board's next agenda to satisfy the Open Meeting Law.
 - c. Chairman Bartlett confirmed that a signed copy would be sent to both Attorney Youngblood and Attorney Keith Martin.
 - d. Attorney Martin confirmed he would send an email to his clients regarding these developments.
 - e. Chairman Bartlett called for a motion to handle the matter in this regard. Mr. Trimble made the motion to handle in this manner, 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 Decision regarding the Cassandra Pitts, Sheriff's Office, demotion appeal hearing held on September 4, 2014.
 - a. Chairman Bartlett stated this Decision should be handled in the same manner as the above Advisory Opinion previously discussed, and also send a signed copy to Cassandra Pitts.
 - b. Mr. Trimble advised he was absent and not to send the document to him.
 - c. Chairman Bartlett called for a motion. Mr. Trimble made a motion to handle in like manner as the Advisory Opinion regarding the Sheriff's Office employees, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
 - d. Chairman Bartlett called for a motion. Mr. Trimble made the 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 regarding the Satira Walker, Mark Cain, Lynda Cook, Kevin Humphries, Clide Moss, Rodney Lee and India Smith, Sheriff's Office – Involuntary Transfer, grievance hearing held on September 3, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the minutes, second by Vice-Chair Lancaster. Discussion on the motion made: The Decision was not prepared yet. No further discussion on the motion made. Motion carried by unanimous vote.
4. Calendar call.
 - a. **Barry Cauthen, Sheriff's Office** – Termination Appeal filed February 14, 2011, continued at the request of Appellant Attorney Thomas Florio due to court conflicts.
 - i. Chairman Bartlett confirmed appeal was continued.
 - b. **Sonja Sanchez, Sheriff's Office** – Termination Appeal filed January 12, 2012 continued at the request of County Attorney Michelle Youngblood due to unavailability of a witness.
 - i. Appellant's attorney, Keith Martin, did not have any objections.
 - c. **Enrique St. Louis, Sheriff's Office** – Termination Appeal filed June 4, 2012, continued at the request of Appellant Attorney Thomas Florio due to court conflicts
 - i. Chairman Bartlett confirmed appeal was continued to November.

- d. **Joseph Rushin, Fire/EMS** – Termination Appeal filed October 1, 2012.
 - i. County Attorney Youngblood was present and ready to proceed.
 - ii. Mr. Joseph Rushin was present, ready to proceed and did not have any witnesses to present.

 - e. **Donna Harris, Sheriff's Office** – Suspension Appeal filed December 20, 2012, with regards to: C.C.S.O. rules and regulations violation 7.18 requirement that employees complete all task assigned to them as assigned – I was suspended for two days.
 - i. Chairman Bartlett advised the parties were “on call” – “standby” for today.

 - f. **James S. Long, Police Department** – Three-day suspension appeal filed March 29, 2013.
 - i. Chairman Bartlett advised the appeal was continued to November.
 - ii. Appellant Attorney, Keith Martin, explained in detail.
5. ***Appeal*** – Considered appeal filed October 1, 2012, by Joseph Rushin, Fire/EMS, with regards to: Termination.
- a. Attorney Youngblood advised all County’s witnesses were present.
 - b. Ms. Henderson swore in all witnesses who were present.
 - c. Chairman Bartlett explained the order of sequestration to Mr. Rushin. Mr. Rushin asked for sequestration.
 - d. Mr. Trimble offered to recuse himself and explained in detail. Mr. Rushin felt comfortable with Mr. Trimble remaining on the Board. Attorney Youngblood had no objections with Mr. Trimble remaining.
 - e. Chairman Bartlett explained the 90-minute time limit in detail.
 - f. Attorney Youngblood gave the County’s opening statement. Mr. Rushin gave his opening statement.
 - g. Attorney Youngblood called Captain Anthony Grimaldi to the witness stand. He stated his name, where employed, position and tenure. Attorney Youngblood began questioning Capt. Grimaldi. Capt. Grimaldi responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C-7 pages 27 and 28.
 - h. Attorney Youngblood continued questioning Capt. Grimaldi. Capt. Grimaldi responded in detail to all questions posed by Attorney Youngblood.

- i. Mr. Rushin cross-examined Capt. Grimaldi. Capt. Grimaldi responded in detail to all questions posed by Mr. Rushin.
- j. The Board questioned Capt. Grimaldi. He responded in detail to all questions posed by the Board.
- k. There being no further questions, the witness was dismissed from the stand, subject to recall by the County.
- l. Mr. Osagie advised the Board that Mr. Rushin wanted to ask Capt. Grimaldi another question.
- m. Chairman Bartlett explained that the Board would be lenient with him as he was not an attorney but usually once the Board questions the witness, neither side is allowed to question the witness.
- n. Attorney Youngblood objected but if Mr. Rushin was allowed to ask any additional questions she wanted to follow up with any questions.
- o. Mr. Rushin asked follow-up questions to Capt. Grimaldi. He responded in detail to all questions posed by Mr. Rushin.
- p. Attorney Youngblood had no further questions for Capt. Grimaldi.
- q. Attorney Youngblood called Deputy Chief of Operations Gerald "Jay" Fordham to the witness stand.
- r. Chairman Bartlett called for a short break. Vice-Chair Lancaster made the motion, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
- s. Chairman Bartlett called the meeting back to order.
- t. He stated his name, where employed, position, and tenure with the County. Attorney Youngblood began questioning Deputy Chief Fordham. Deputy Chief Fordham responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits C-7 page 27 and C-10.
- u. Attorney Youngblood continued questioning Deputy Chief Fordham. Deputy Chief Fordham responded in detail to all questions posed by Attorney Youngblood.
- v. Mr. Rushin cross-examined Deputy Chief Fordham. Deputy Chief Fordham responded in detail to all questions posed by Mr. Rushin.
- w. The Board questioned Deputy Chief Fordham. He responded in detail to all questions posed by the Board.
- x. There being no further questions, the witness was dismissed from the stand, subject to recall by the County.

- y. Attorney Youngblood called Chief Operations Officer David King to the witness stand. He stated his name, where employed, position and tenure. Attorney Youngblood began questioning Chief Operations Officer King. Chief Operations Officer King responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits C-7 pages 27 and 28, C-10 (termination track letter) and C-7 pages 4, 5, 2, 23 and 21.
- z. Attorney Youngblood continued questioning Chief Operations Officer King. Chief Operations Officer King responded in detail to all questions posed by Attorney Youngblood.
- aa. Mr. Rushin cross-examined Chief Operations Officer King.
- bb. Chairman Bartlett advised Mr. Rushin to allow the witness to respond without interruption.
- cc. Mr. Rushin continued the cross-examination of Chief Operations Officer King. Chief Operations Officer King responded in detail to all questions posed by Mr. Rushin. Mr. Rushin mentioned County Exhibit C-13.
- dd. Mr. Rushin continued the cross-examination of Chief Operations Officer King. Chief Operations Officer King responded in detail to all questions posed by Mr. Rushin.
- ee. The Board questioned Chief Operations Officer King. He responded in detail to all questions posed by the Board.
- ff. There being no further questions, the witness was dismissed from the stand, subject to recall by the County.
- gg. Attorney Youngblood called Deputy Chief of Prevention Dwayne Jackson to the witness stand. He stated his name, where employed, position, tenure in position and tenure with the County. Attorney Youngblood began questioning Deputy Chief of Prevention Jackson. Deputy Chief of Prevention Jackson responded in detail to all questions posed by Attorney Youngblood.
- hh. Mr. Rushin cross-examined Deputy Chief of Prevention Jackson. Deputy Chief of Prevention Jackson responded in detail to all questions posed by Mr. Rushin.
- ii. The Board questioned Deputy Chief of Prevention Jackson. He responded in detail to all questions posed by the Board.
- jj. There being no further questions, the witness was dismissed from the stand, subject to recall by the County.
- kk. Attorney Youngblood called Fire Chief Landry Merkison to the witness stand.
- ll. 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.

- mm. Chairman Bartlett called the meeting back to order.
- nn. Mr. Trimble gave the following time check: Attorney Youngblood had used 27:18 minutes and Mr. Rushin had used 13:20 minutes.
- oo. He stated his name, where employed, position and tenure. Attorney Youngblood began questioning Fire Chief Merkison. Fire Chief Merkison responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned the following County Exhibits: C-7 pages 17, 18, 13-16, 8 and 1, C-12, C-13, C-14, C-15, C-16, C-17, C-18, C-19, C-20, C-21, C-22, C-23, C-24, C-25, C-26, C-27, C-28, C-29, C-30, C-31, C-32, C-11, C-10 and C-7 page 20.
- pp. Attorney Youngblood continued questioning Fire Chief Merkison. Fire Chief Merkison responded in detail to all questions posed by Attorney Youngblood.
- qq. Mr. Rushin did not have any questions for Fire Chief Merkison.
- rr. The Board questioned Fire Chief Merkison.
- ss. Attorney Youngblood stated the County did not have any other witnesses but wanted to tender County Exhibits C-7 – C-32.
- tt. Chairman Bartlett explained to Mr. Rushin what “tender” meant. Mr. Rushin did not have any objections.
- uu. Chairman Bartlett explained to Mr. Rushin that making a statement would not hold the same weight as giving sworn testimony, as he would not be subject to cross-examination.
- vv. Mr. Rushin stated he did not have any witnesses and chose to make a closing statement.
- ww. Attorney Youngblood wanted Mr. Rushin to realize that what he said would not be considered evidence.
- xx. 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.
- yy. Chairman Bartlett called the meeting back to order.
- zz. Chairman Bartlett scheduled Donna P. Harris two-day suspension appeal for 1:30 p.m. today and asked that the Sheriff’s Office and Officer Harris be notified.
- aaa. Attorney Youngblood reserved the right to close last. Chairman Bartlett explained what that meant to Mr. Rushin.
- bbb. Mr. Rushin presented his closing arguments (statement). Attorney Youngblood objected to a portion of Mr. Rushin’s statement as no evidence was presented. Chairman Bartlett over-ruled the objection.

- ccc. Attorney Youngblood presented the County's closing arguments.
 - ddd. Chairman Bartlett clarified that Mr. Rushin in his closing asked for back pay and benefits but not his job back. Mr. Rushin replied in the affirmative.
 - eee. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the appeal filed October 1, 2012, by Joseph Rushin, Fire/EMS, with regards to: Termination. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - fff. Chairman Bartlett called the meeting back to order.
 - ggg. Chairman Bartlett called for a motion regarding the appeal filed October 1, 2012, by Joseph Rushin, Fire/EMS, with regards to: Termination. Mr. Trimble made the motion that the department's decision be upheld, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
 - hhh. Chairman Bartlett wished Mr. Rushin luck in his career.
 - iii. Chairman Bartlett called for a lunch break. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - jjj. Chairman Bartlett called the meeting back to order.
6. *Appeal* – Considered appeal filed December 20, 2012, by Donna P. Harris, Sheriff's Office, with regards to: C.C.S.O. rules and regulations violations 7.18 requirement that employees complete all task assigned to them as assigned – I was suspended for two days.
- a. Attorney Youngblood and Appellant, Officer Donna Harris, were present and ready to proceed.
 - b. Ms. Henderson swore in all witnesses who were present.
 - c. Neither side requested an order of sequestration.
 - d. Attorney Youngblood presented the County's opening statement. Officer Harris presented her opening statement.
 - e. Attorney Youngblood called Lt. Keith McLaughlin to the witness stand. He stated his name, where employed 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 C-6.
 - f. Attorney Youngblood continued questioning Lt. McLaughlin. Lt. McLaughlin responded in detail to all questions posed by Attorney Youngblood.
 - g. Officer Harris did not have any questions for Lt. McLaughlin.

- h. The Board did not have any questions for Lt. McLaughlin.
- i. There being no further questions, the witness was dismissed from the stand, subject to recall by the County.
- j. Attorney Youngblood called Major Samuel Smith to the witness stand. He stated his name, where employed, rank, and tenure. Attorney Youngblood began questioning Major Smith. Major Smith responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C-6 pages 13, 33, 3-10, 8 and 115.
- k. Attorney Youngblood continued questioning Major Smith. Major Smith responded in detail to all questions posed by Attorney Youngblood.
- l. Officer Harris cross-examined Major Smith. Major Smith responded in detail to all questions posed by Officer Harris. Officer Harris mentioned County Exhibit C-6 pages 116, 40 and 8.
- m. Officer Harris continued the cross-examination of Major Smith. Major Smith responded in detail to all questions posed by Officer Harris.
- n. The Board questioned Major Smith. He responded in detail to all questions posed by the Board.
- o. There being no further questions, the witness was dismissed from the stand, subject to recall by the County.
- p. Attorney Youngblood called Assistant Chief Deputy Shawn Southerland to the witness stand. He stated his name, where employed, position and tenure. Attorney Youngblood began questioning Asst. Chief Deputy Southerland. Asst. Chief Deputy Southerland responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits C-6, C-4 page 2, C-9 and C-10.
- q. Attorney Youngblood continued questioning Asst. Chief Deputy Southerland. Asst. Chief Deputy Southerland responded in detail to all questions posed by Attorney Youngblood.
- r. Officer Harris cross-examined Asst. Chief Deputy Southerland. Asst. Chief Deputy Southerland responded in detail to all questions posed by Officer Harris. Officer Harris mentioned County Exhibit C-6 pages 40 and 41.
- s. Officer Harris continued the cross-examination of Asst. Chief Deputy Southerland. Asst. Chief Deputy Southerland responded in detail to all questions posed by Officer Harris.

- t. The Board questioned Asst. Chief Deputy Southerland. He responded in detail to all questions posed by the Board.
- u. Attorney Youngblood advised the County did not have any other witnesses to present but wanted to tender the following County Exhibits: C-4 page 2, C-6, C-9 and C-10 and stated the County rested subject to its rebuttal witnesses.
- v. Officer Harris called Officer Alice Goubil to the witness stand. She stated her name, where employed and position. Officer Harris began questioning Officer Goubil. Officer Goubil responded in detail to all questions posed by Officer Harris.
- w. Attorney Youngblood cross-examined Officer Goubil. Officer Goubil responded in detail to all questions posed by Attorney Youngblood.
- x. The Board questioned Officer Goubil. She responded in detail to all questions posed by the Board.
- y. There being no further questions, the witness was dismissed from the stand, subject to recall by the Appellant.
- z. Officer Harris called Captain K.T. Smith to the witness stand. He stated his name, where employed and capacity in 2012. Officer Harris began questioning Capt. Smith. Capt. Smith responded in detail to all questions posed by Officer Harris. Officer Harris mention County Exhibit C-6 pages 116 and 115.
- aa. Officer Harris continued questioning Capt. Smith. Capt. Smith responded in detail to all questions posed by Officer Harris.
- bb. Attorney Youngblood cross-examined Capt. Smith. Capt. Smith responded in detail to all questions posed by Attorney Youngblood.
- cc. The Board questioned Capt. Smith. He responded in detail to all questions posed by the Board.
- dd. There being no further questions, the witness was dismissed from the stand, subject to recall by the Appellant.
- ee. Mr. Trimble gave the following time check: Officer Harris used 21:37 minutes and Attorney Youngblood used 15:29 minutes.
- ff. Officer Harris took the stand and gave her sworn testimony.
- gg. Attorney Youngblood cross-examined Officer Harris. Officer Harris responded in detail to all questions posed by Attorney Youngblood.
- hh. The Board questioned Officer Harris. She responded in detail to all questions posed by the Board.

- ii. Officer Harris rested her case.
 - jj. Attorney Youngblood called Asst. Chief Deputy Southerland as a rebuttal witness and began asking follow-up questions. He responded in detail to all follow-up questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C-6 page 72.
 - kk. Officer Harris asked for a time check. Mr. Trimble advised she had 2:11 minutes remaining.
 - ll. Officer Harris asked additional questions to Asst. Chief Deputy Southerland. He responded in detail to all additional questions posed by Officer Harris.
 - mm. Attorney Youngblood did not have any additional rebuttal witnesses.
 - nn. Both sides were ready to proceed with their closing arguments. Attorney Youngblood reserved the County's right to close last.
 - oo. Officer Harris presented her closing arguments.
 - pp. Attorney Youngblood presented the County's closing arguments.
 - qq. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the appeal filed December 20, 2012, by Donna P. Harris, Sheriff's Office, with regards to: C.C.S.O. rules and regulations violations 7.18 requirement that employees complete all task assigned to them as assigned – I was suspended for two days. Mr. Trimble made the motion, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.
 - rr. Chairman Bartlett called the meeting back to order.
 - ss. Chairman Bartlett called for a motion regarding the appeal filed December 20, 2012, by Donna P. Harris, Sheriff's Office, with regards to: C.C.S.O. rules and regulations violations 7.18 requirement that employees complete all task assigned to them as assigned – I was suspended for two days. Mr. Trimble made the motion that the two-day suspension be overturned and that it be removed from Ms. Harris' file and she be returned her pay, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
 - tt. Chairman Bartlett addressed Officer Harris.
 - uu. A discussion among the Board, Attorney Youngblood, Officer Harris and Assistant Chief Deputy Southerland occurred.
7. Discussion items.
- a. Selection of cases to add to November 2014 agenda.

- i. A discussion between the Board members.
 - b. Annual Civil Service Board Training Day.
 - i. A discussion between the Board members.
8. 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 the 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