

REGULAR CALLED CIVIL SERVICE BOARD MEETING

NOVEMBER 4, 2015

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, November 4, 2015, in the Commissioners' Board Room.

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

Also present: Human Resources Director Renee Bright and staff; Civil Service Board Attorney Joe Harris; Police Department Legal Advisor Kenneth Green; Deputy Chief of Police Gina Hawkins; Warden Dennis Nelson; County Attorney Michelle Youngblood; Attorney Grady Dukes; Michael McDonald; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:02 a.m.

Chairman Bartlett called for a motion to adopt the agenda. Mr. Trimble made the motion to approve the agenda, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.

1. Considered for approval the Civil Service Board's Meeting Minutes held on October 7, 2015.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the Minutes, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

2. Considered for approval the Executive Session Minutes regarding Ronnie B. Wyatt, Jr., Sheriff's Office, termination appeal heard on October 7, 2015.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the Minutes, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

3. Considered for approval the Civil Service Board's Decision regarding Ronnie B. Wyatt, Jr., Sheriff's Office, termination appeal heard on October 7, 2015.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the Decision, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

4. Considered request from **Justin Gossett, T&D**, to use Sick Leave for the care of his Mother.
 - a. Mr. Gossett was in attendance.
 - b. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - c. The Board wished Mr. Gossett good luck.

5. Considered request from Interim Chief of Police Michael Register to place **Kellie Milewski, Police Department**, on Leave Without Pay for 16 weeks (until January 29, 2016).
 - a. Police Legal Advisor, Kenneth Green, presented the request in detail.
 - b. Ms. Milewski was not in attendance.
 - c. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the request, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.

6. Considered request from **Kellie Milewski, Police Department**, to receive annual leave donation.
 - a. There were no objections from the department.
 - b. Dr. Jackson made the motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

7. Considered request from Interim Chief of Police Michael Register to extend the probationary period of **James Lee** for six months (until May 31, 2016).
 - a. Mr. Green presented the request in detail and included the other requests listed on the agenda.

- b. Chairman Bartlett questioned Mr. Green. Mr. Green responded in detail.
 - c. Chairman Bartlett asked if any of the employees were in attendance. They were not.
 - d. Chairman Bartlett called for a motion regarding James Lee. Mr. Trimble made the motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
8. Considered request from Interim Chief of Police Michael Register to extend the probationary period of **Traci Pate** for six months (until May 31, 2016).
- a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
9. Considered request from Interim Chief of Police Michael Register to extend the probationary period of **Tasia Robinson** for six months (until May 31, 2016).
- a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the request, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.
10. Considered request from Interim Chief of Police Michael Register to extend the probationary period of **Dwain Sharp, Jr.**, for six months (until May 9, 2016).
- a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the request, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.
11. Considered request from Interim Chief of Police Michael Register to extend the probationary period of **Randolph Thomas**, for six months (until May 9, 2016).
- a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
12. Considered request from Interim Chief of Police Michael Register to extend the provisional appointments of the following: **John Ivy, Joanne Southerland, Ashanti Marbury and Daniel Rosa (corrected: Danielle Rosa)** (provisionally appointed to Sergeant) and **Barry Davis and Rene Ferachi** (provisionally appointed to Lieutenant) for an additional 180 days or until new promotional lists are certified.
- a. Mr. Green explained the request in detail.

- b. A discussion among the Board, HR Director Renee Bright and Mr. Green occurred.
 - c. Chairman Bartlett called for a motion regarding **John Ivy, Joanne Southerland, Ashanti Marbury and Daniel Rosa (corrected: Danielle Rosa)** (provisionally appointed to Sergeant). Mr. Trimble made the motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - d. Chairman Bartlett called for a motion regarding **Barry Davis and Rene Ferachi** (provisionally appointed to Lieutenant). Mr. Trimble made the motion to approve the request, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.
 - e. A discussion among the Board, HR Director Bright, and Mr. Green occurred.
13. Other business.
- a. Considered amendment to Civil Service Rule 7.202(f).
 - i. HR Director Bright read the recommended change to the Civil Service Rule.
 - ii. A lengthy discussion among the Board, HR Director Bright, Mr. Green and Deputy Chief Gina Hawkins occurred.
 - iii. The Board stated the change should involve the County Staff Attorney.
 - iv. HR Director Bright confirmed that the Board wanted an employee in a provisional appointment to become permanent after 12 months of serving in this capacity. She further stated she would work with Legal to see if a change in the Civil Service Act or Civil Service Rules was needed and bring something back to the Board next month.
 - v. Chairman Bartlett stated this matter would be tabled until later.
 - vi. No Board member opposed the change as discussed.
14. Calendar Call.
- a. **Michael McDonald (Corrections/Refuse)** – Termination Appeal filed August 15, 2013.
 - i. Mr. McDonald was present and ready to proceed.
 - ii. County Attorney Michelle Youngblood was present and ready to proceed on behalf of the County.

- b. **Alan Smithwick (Police)** – Termination Appeal filed August 5, 2013.
- i. **Appellant’s Continuance Request** - Attorney Grady Dukes stated his client, Alan Smithwick, was working in Chamblee and unable to get today off from work and explained in detail.
 - ii. Attorney Dukes further confirmed that Mr. Smithwick had confirm with his supervisor his availability for December 6, 2015. He further stated that if he is unable to appear, he would send another attorney in his place.
 - iii. Attorney Youngblood stated the County did not have an objection to the Appellant’s request.
 - iv. Chairman Bartlett confirmed that this is the Appellant’s second continuance request.
 - v. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the request for continuance, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - vi. **Appellant’s Witness List (Late Submission)** - Attorney Dukes explained the submission of the Appellant’s witness list in detail.
 - vii. Attorney Youngblood objected to the Appellant’s second witness list, as it was “even more untimely” than the first witness list provided. Attorney Dukes advised the list was one day late and thought the deadlines would be continued to the following month.
 - viii. Chairman Bartlett stated the Appellant’s second witness list for November 7, 2015, contained the exact same witnesses listed for the October 4, 2015, meeting.
 - ix. Attorney Youngblood stated the County objected to **all** witnesses on the list, as she never received the **first** witness list and that Attorney Dukes had received and reviewed the County’s witness list.
 - x. Chairman Bartlett stated he was not comfortable denying the Appellant’s witness list, as there is a set time limit to present an appeal. Dr. Jackson concurred with Chairman Bartlett.
 - xi. Attorney Youngblood stated it was an issue of fairness and that Attorney Dukes saw the County’s witness list first.
 - xii. Vice-Chair Lancaster stated that time limits are just that.

- xiii. Chairman Bartlett called for a motion to allow the Appellant's witness list. Dr. Jackson made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - xiv. A discussion among the Board, HR Director Bright and Attorney Youngblood regarding allowing the County to amend its witness list occurred.
 - xv. Chairman Bartlett made the motion to allow the County to provide an amended witness list and set a deadline of 1:00 p.m., on November 18, 2015, to provide HR and Attorney Dukes with a copy, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - xvi. 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.
 - xvii. Chairman Bartlett called the meeting back to order.
15. **Appeal** – Considered appeal filed by **Michael McDonald (Corrections/Refuse)**, on August 15, 2013, regarding: Termination.
- a. Chairman Bartlett explained the appeal hearing procedures to Mr. McDonald in detail.
 - b. Mr. McDonald requested an order of sequestration.
 - c. Civil Service Board Attorney Joe Harris swore in all witnesses present, namely, Warden Dennis Nelson, Randal Holsey, Sean MacDonald and Michael McDonald.
 - d. Chairman Bartlett explained what an "opening statement" was to Mr. McDonald.
 - e. Attorney Youngblood presented the County's opening statement. Mr. McDonald presented his opening statement.
 - f. Attorney Youngblood called Lieutenant Sean MacDonald to the witness stand. He stated his name, position, duties and tenure with the County. Attorney Youngblood began questioning Lt. MacDonald. Lt. MacDonald responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits 8, 4 and 9.
 - g. Attorney Youngblood continued questioning Lt. MacDonald. Lt. MacDonald responded in detail to all questions posed by Attorney Youngblood.

- h. Mr. McDonald began the cross-examination of Lt. MacDonald. Attorney Youngblood objected as Mr. McDonald made a statement instead of asking a question. Chairman Bartlett explained to Mr. McDonald the difference.
- i. Mr. McDonald continued the cross-examination of Lt. MacDonald. Attorney Youngblood objected. Mr. McDonald withdrew the question.
- j. The Board questioned Lt. MacDonald. He responded in detail to all questions posed by the Board.
- k. There being no further questions, the witness was held for rebuttal (returned to sequestration).
- l. Attorney Youngblood called Deputy Warden Randal Holsey to the witness stand. He stated his name, where employed, duties and tenure in position. Attorney Youngblood began questioning Deputy Warden Holsey. Deputy Warden Holsey responded in detail to all questions posed by Attorney Youngblood.
- m. Mr. McDonald did not have any questions for Deputy Warden Holsey.
- n. The Board questioned Deputy Warden Holsey. He responded in detail to all questions posed by the Board.
- o. There being no further questions, the witness was held for rebuttal (returned to sequestration).
- p. Attorney Youngblood called Warden Dennis Nelson to the witness stand. He stated his name, where employed, position, tenure and background. Attorney Youngblood began questioning Warden Nelson. Warden Nelson responded in detail to all questions posed by Attorney Youngblood.
- q. Mr. McDonald did not have any questions for Warden Nelson.
- r. The Board questioned Warden Nelson. He responded in detail to all questions posed by the Board.
- s. There being no further questions, the witness was dismissed.
- t. Attorney Youngblood asked to tender the following exhibits: County Exhibits 4, 8, 9 and 5, 6, and 7. Mr. McDonald did not have any objections.
- u. The County rested its case with the exception of calling any rebuttal witnesses.
- v. Mr. McDonald stated he wished to testify. Chairman Bartlett explained that the County attorney would have an opportunity to cross-examine him.

- w. Mr. McDonald began his testimony. Attorney Youngblood objected as it was "hearsay". Chairman Bartlett advised Mr. McDonald that he could say where he went but not what the other person said. Mr. Harris concurred.
 - x. Attorney Youngblood began the cross-examination of Mr. McDonald. Mr. McDonald responded in detail to all questions posed by Attorney Youngblood.
 - y. The Board questioned Mr. McDonald. He responded in detail to all questions posed by the Board.
 - z. There being no further questions, the witness was dismissed.
 - aa. Mr. McDonald did not give any closing arguments. Attorney Youngblood gave closing arguments for the County.
 - bb. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the termination appeal filed by *Michael McDonald, Corrections/Refuse*, on August 15, 2013. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - cc. Chairman Bartlett called the meeting back to order.
 - dd. Chairman Bartlett called for a motion regarding the termination appeal filed by *Michael McDonald, Corrections/Refuse*, on August 15, 2013. Mr. Trimble made the motion to uphold the department's decision to terminate, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.
 - ee. The Board wished Mr. McDonald luck.
16. Discussion item.
- a. Selected meeting date(s) for January 2016.
 - i. No motion was made to vote on a second meeting date.
 - ii. The Board agreed to meet for its Regular Meeting on Wednesday, January 6, 2016.
 - b. Civil Service Log.
 - i. A discussion among the Board and HR Director Bright regarding the placement of grievances on the February 2016 agenda.
 - ii. The Board confirmed *Alan Smithwick (Police)* would be the only case on the December 2, 2015, agenda.

- iii. The Board asked HR Director Bright to reach out to Robin Hollingsworth regarding her grievance filed November 19, 2014.

17. Other business.

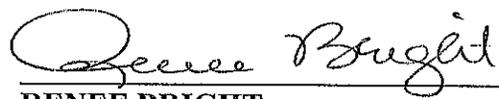
- i. None.

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 Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

Meeting adjourned.



LARRY A. BARTLETT
CHAIRMAN



RENEE BRIGHT
HUMAN RESOURCES DIRECTOR