

REGULAR CALLED CIVIL SERVICE BOARD MEETING

OCTOBER 7, 2015

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, October 7, 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; County Attorney Michelle Youngblood; Attorney Keith Martin; Assistant Chief Deputy Shawn Southerland; Solicitor General Officer Manager Margaret Cauchy; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:09 a.m.

Chairman Bartlett called for a motion to adopt the agenda. Mr. Trimble made the motion to approve the agenda with the following amendment, add Item 6A (Police Department Provisional Appointment Extensions), second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.

Chairman Bartlett made the motion to amend the agenda and add Item 6B (Request from Sharon Crisler for annual leave donation), 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 September 2, 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 Edward McKenzie, Juvenile Court, termination appeal heard on September 2, 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 Edward McKenzie, Juvenile Court, termination appeal heard on September 2, 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 Solicitor General Tasha Mosley to extend the promotional probation of Chanae Clemons for an additional 90 days.
 - a. Solicitor General Tasha Mosley was not in attendance but was represented by her Officer Manager Margaret Cauchy.
 - b. Chanae Clemons was in attendance and stated she objected to the extension and presented her explanation in detail.
 - c. Chairman Bartlett explained to Ms. Clemons what would happen if the extension was not granted.
 - d. Ms. Clemons stated she no longer objected to the extension.
 - e. Chairman Bartlett confirmed that the extension would start 90 days from the original end of probation date.
 - f. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the extension, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
 - g. The Board wished Ms. Clemons good luck.

5. Considered request from Interim Chief of Police Michael Register to extend the provisional appointments of the following: **Tunisha Billups, Joe Mack Eckler, and Erin Sawyer** (provisionally appointed to Sergeant) and **Eric Arroyo and William Lytton** (provisionally appointed to Lieutenant) for an additional 180 days or until new promotional lists are certified.
 - a. Police Department Legal Advisor Kenneth Green apologized that the request was not sent to Human Resources in a timely fashion and explained the request in detail.
 - b. A discussion among the Board, HR Director Renee Bright and Mr. Green occurred regarding the amount of time to be credited for probation and the matter of seniority.
 - c. Chairman Bartlett suggested the Board prepare a policy and ask the Board of Commissioners to approve.

- d. 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 **Sharon Crisler, Sheriff's Office**, for annual leave donation.
 - a. Sheriff's Office Assistant Chief Deputy Shawn Southerland advised the department did not have any objections.
 - b. Sharon Crisler was not in attendance.
 - c. 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.
 7. Calendar Call.
 - a. **Ronnie Wyatt (Sheriff's Office)** – Termination Appeal filed June 8, 2012.
 - i. Attorney Keith Martin spoke and stated Ronnie Wyatt was in attendance and ready to proceed, however, they were missing one witness – Sheriff Victor Hill.
 - ii. Attorney Michelle Youngblood stated the County was ready to proceed.
 - iii. Chairman Bartlett asked for Attorney Martin to come forward.
 - iv. Chairman Bartlett explained in detail his relationship with Mr. Wyatt's mother, Tina Daniel, and father, Angelo Daniel in detail and stated he would recuse himself from hearing this matter because he did not want the integrity of this Board being questioned, but that he would be available for other cases today.
 - v. Mr. Trimble asked to hear from Attorney Martin as to whether he would be able to proceed without his witness.
 - vi. Chairman Bartlett stated this issue should be address once Vice-Chair Troyce Lancaster took over the hearing.
 - vii. Vice-Chair Lancaster motion for a short break, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.
 - viii. Vice-Chair Lancaster called the meeting back to order.

- b. Alan Smithwick (Police) – Termination Appeal filed August 5, 2013. County Attorney Youngblood’s continuance request was granted on September 28, 2015, due to the unavailability of witnesses.
 - c. Michael McDonald (Corrections/Refuse) – Termination Appeal filed August 15, 2013.
 - i. Michael McDonald stated he was present, ready to proceed and was not represented by an attorney.
 - ii. Attorney Youngblood stated the County was ready to proceed.
 - iii. Chairman Bartlett excused the parties until a later time (i.e., after 1 p.m. or 2 p.m.) and asked for contact information be left with HR Director Bright.
 - iv. Vice-Chair called the meeting back to order.
8. **Appeal** – Considered appeal filed by **Ronnie B. Wyatt, Jr., Sheriff’s Office**, on June 8, 2012, regarding: Termination.
- a. A discussion among the Board, Attorney Harris and Attorney Martin occurred regarding Sheriff Victor Hill not being present and the allowance of hearsay evidence to be presented since the Sheriff is not present to refute.
 - b. Attorney Martin stated he would ask for a continuance and file a motion with Superior Court requesting a subpoena if the hearsay is not allowed, since either Sheriff Hill is not available or deliberately has made himself unavailable.
 - c. Attorney Harris stated the conversations with Sheriff Hill can be considered a “declaration against interest”.
 - d. Mr. Trimble stated this hearing is informal and agreed with Attorney Martin in that the Sheriff can show up to refute the testimony but to be fair to all parties the hearing should move forward and there is no need to ask the Superior Court to compel one employee.
 - e. Board members, Dr. Jackson and Ms. Phillips-Hall agreed to move forward with the hearing.
 - f. Vice-Chair Lancaster called for a motion to move forward with the hearing. Dr. Jackson made the motion to move forward with the hearing, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
 - g. Attorney Martin requested an order of sequestration.
 - h. Attorney Harris swore in all witnesses present.

- i. Vice-Chair Lancaster reminded the witnesses not to discuss their testimony with anyone and explained the hearing guidelines.
- j. Attorney Youngblood presented the County's opening statement.
- k. Attorney Martin presented the Appellant's opening statement.
- l. Attorney Youngblood called Lieutenant Robert Pauls to the witness stand. He stated his name, where employed, tenure and position in April 2012. Attorney Youngblood began questioning Lt. Pauls. Lt. Pauls responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood played video (DVD) in Exhibit 5.
- m. Attorney Youngblood continued questioning Lt. Pauls. Lt. Pauls responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit 6.
- n. Attorney Martin began the cross-examination of Lt. Pauls and asked him to turn to County Exhibit 6 (05.05). Lt. Pauls responded in detail to all questions posed by Attorney Martin.
- o. The Board questioned Lt. Pauls. He responded in detail to all questions posed by the Board.
- p. There being no further questions, the witness was held for rebuttal (returned to sequestration).
- q. Vice-Chair Lancaster made the motion for a short break, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
- r. Vice-Chair Lancaster called the meeting back to order.
- s. Attorney Youngblood called Captain Roland Boehrer to the witness stand. He stated his name, where employed, tenure and position in April 2012. Attorney Youngblood began questioning Capt. Boehrer. Capt. Boehrer responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit 5 (pages 25, 26, 33, 38, 39, 40, 41, 42, 51-58, and 19-24).
- t. Attorney Youngblood continued questioning Capt. Boehrer. Capt. Boehrer responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits 7 and 8.
- u. Attorney Martin began the cross-examination of Capt. Boehrer. Capt. Boehrer responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned County Exhibit 6 (05.05).

- v. Attorney Martin continued the cross-examination of Capt. Boehrer. Capt. Boehrer responded in detail to all questions posed by Attorney Martin. Attorney Youngblood objected and asked for Attorney Martin to allow the witness to answer the question. Vice-Chair Lancaster advised Attorney Martin to allow the witness to answer the question. Attorney Martin withdrew the question.
- w. Attorney Martin continued the cross-examination of Capt. Boehrer. Capt. Boehrer responded in detail to all questions posed by Attorney Martin. Attorney Youngblood objected but Capt. Boehrer continued responding to the question.
- x. The Board questioned Capt. Boehrer. He responded in detail to all questions posed by the Board.
- y. There being no further questions, the witness was held for rebuttal (returned to sequestration) and ordered not to discuss his testimony with anyone.
- z. Attorney Youngblood called Major Robert Sowell to the witness stand. He stated his name, current position, tenure and tenure as Jail Administrator. Attorney Youngblood began questioning Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit 5 (pages 34, 35 and 42).
- aa. Attorney Youngblood continued questioning Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits 6 (pages 19 – 24) and 5.
- bb. Attorney Youngblood continued questioning Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Youngblood.
- cc. Attorney Martin began the cross-examination of Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Martin.
- dd. The Board questioned Major Sowell. He responded in detail to all questions posed by the Board.
- ee. There being no further questions, the witness was held for rebuttal (returned to sequestration).
- ff. Vice-Chair Lancaster called for a lunch break. Mr. Trimble made the motion, second by Dr. Jackson. Discussion on the motion made: Vice-Chair Lancaster stated the meeting would reconvene at 12:45 p.m. No further discussion on the motion made. Motion carried by unanimous vote.
- gg. Off the record: Mr. Trimble gave the following time check: County used 37:57 minutes and Appellant used 19:12 minutes.
- hh. Vice-Chair Lancaster called the meeting back to order.

- ii. Attorney Youngblood called Assistant Chief Deputy Shawn Southerland to the witness stand. He stated his name, where employed, tenure, position, tenure at position and responsibilities. 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 Exhibit 5 and asked for identification.
- jj. Attorney Youngblood continued questioning Asst. Chief Deputy Southerland. Asst. Chief Deputy Southerland responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned the following County Exhibits: 5 (pages 42, 47 and 50), 6, 7, 8, 12, 10, 11 and 4.
- kk. Attorney Youngblood continued questioning Asst. Chief Deputy Southerland. Asst. Chief Deputy Southerland responded in detail to all questions posed by Attorney Youngblood.
- ll. Attorney Martin began the cross-examination of Asst. Chief Deputy Southerland. Asst. Chief Deputy Southerland responded in detail to all questions posed by Attorney Martin. Attorney Youngblood objected to a question posed as it called for speculation. Attorney Martin continued questioning.
- mm. The Board questioned Asst. Chief Deputy Southerland. He responded in detail to all questions posed by the Board.
- nn. There being no further questions, the witness was dismissed.
- oo. Attorney Youngblood advised the County rested subject to rebuttal witnesses and asked to tender County Exhibits 4-12.
- pp. Attorney Martin's response:
 - i. County Exhibit 4 – no objection.
 - ii. County Exhibit 5 – no objection to page 1; objection to pages 2-16 – conclusions by person not here to testify; no objection to pages 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and next two pages; no objection to pages 29, 30, 31, 32; objection to page 33; no objection to pages 34, 35, 36, 37; objection to pages 38, 39, 40, 41 – people are not here to testify and to cross-examine; no objection to page 42; objection to pages 43 and 44 – hearsay; objection to pages 45 and 46 – hearsay; no objection to page 47; objection to pages 48 and 49 – hearsay; no objection to page 50; objection to pages 51, 52, 53, 54, 55, 56, 57, 58; objection to page 59 – relevance; no objection to page 60; objection to page 61 – relevance; no objection to page 62; and no objection to video.

- qq. Attorney Youngblood stated the entire Exhibit 5 is what Asst. Chief Deputy Southerland used during disciplinary hearing; page 33 – Capt. Boehrer testified about; pages 38-41 – reports were completed in the course of business and provided to Capt. Boehrer; pages 51-58 – provided during course of investigation and any other objections mentioned – all pages were part of the investigation file.
- rr. Vice-Chair Lancaster stated all pages came as one exhibit and Board members would give more weight to testimony and that it was her opinion it should stay intact.
- ss. Board members, Trimble, Phillips-Hall and Jackson agreed.
- tt. Vice-Chair Lancaster confirmed County Exhibit 5 would stay together.
- uu. Attorney Martin renewed his objection for the record.
- vv. Attorney Martin's continued response: No objections to County Exhibits 6, 7, 8, 9, 10, 11 and 12.
- ww. Vice-Chair Lancaster confirmed the County rested subject to rebuttal witnesses.
- xx. Attorney Martin called Captain Tina Daniel to the witness stand. She confirmed she was under oath and stated her name, where employed, tenure with the County and duties with the Police Department. Attorney Martin began questioning Capt. Daniel. Capt. Daniel responded in detail to all questions posed by Attorney Martin. Attorney Youngblood objected to the response given to a question as it was hearsay regarding Kimbrough. Attorney Martin explained. Attorney Harris agreed with Attorney Martin. Vice-Chair Lancaster over-ruled the objection.
- yy. Attorney Martin continued questioning Capt. Daniel. Capt. Daniel responded in detail to all questions posed by Attorney Martin.
- zz. Attorney Youngblood began the cross-examination of Capt. Daniel. Capt. Daniel responded in detail to all questions posed by Attorney Youngblood.
- aaa. The Board questioned Capt. Daniel. She responded in detail to all questions posed by the Board.
- bbb. There being no further questions, the witness was held for rebuttal (returned to sequestration) and ordered not to discuss her testimony with anyone.
- ccc. Mr. Trimble gave the following time check: Appellant used 33:25 minutes.
- ddd. Attorney Martin called Ronnie Wyatt to the witness stand. He stated his name. Attorney Martin began questioning Mr. Wyatt. Mr. Wyatt responded in detail to all questions posed by Attorney Martin.

- eee. Attorney Youngblood began the cross-examination of Mr. Wyatt. Mr. Wyatt responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit 13.
- fff. The Board questioned Mr. Wyatt. He responded in detail to all questions posed by the Board.
- ggg. There being no further questions, the witness was dismissed.
- hhh. Attorney Martin advised the Appellant rested its case.
- iii. Vice-Chair Lancaster 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.
- jjj. Vice-Chair Lancaster called the meeting back to order.
- kkk. Attorney Youngblood called Asst. Chief Deputy Southerland as a rebuttal witness. Attorney Youngblood began asking additional questions. Asst. Chief Deputy Southerland responded in detail to all questions posed by Attorney Youngblood.
- lll. Attorney Martin asked additional questions to Asst. Chief Deputy Southerland. Asst. Chief Deputy Southerland responded in detail to all questions posed by Attorney Martin.
- mmm. The Board did not have any additional questions for Asst. Chief Deputy Southerland.
- nnn. Attorney Youngblood asked to tender County Exhibit 13. Attorney Martin had no objection to County Exhibit 13.
- ooo. Vice-Chair Lancaster released all witnesses in sequestration.
- ppp. Attorney Youngblood reserved to close last for the County.
- qqq. Mr. Trimble gave the following time check: 32 minutes left for Appellant.
- rrr. Attorney Martin presented the Appellant's closing arguments.
- sss. Mr. Trimble gave the following time check: 26 minutes left for County.
- ttt. Attorney Youngblood presented the County's closing arguments.
- uuu. Vice-Chair Lancaster made the motion to adjourn into Executive Session to discuss the appeal filed by **Ronnie B. Wyatt, Jr., Sheriff's Office**, on

June 8, 2012, regarding: Termination, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.

vvv. Vice-Chair Lancaster called the meeting back to order.

www. Vice-Chair called for a motion regarding the appeal filed by **Ronnie B. Wyatt, Jr., Sheriff's Office**, on June 8, 2012, regarding: Termination. Mr. Trimble made the motion that the department head's decision to terminate be upheld, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.

xxx. Attorney Martin asked to be excused.

9. Discussion items.

a. Selected meeting date(s) for December 2015.

i. No motion was made to vote on a second meeting date.

ii. The Board will have its Regular Meeting on Wednesday, December 2, 2015.

10. Other business.

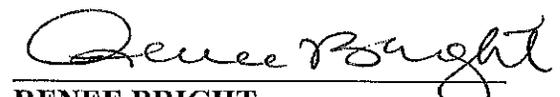
i. None.

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

Meeting adjourned.



TROYCE B. LANCASTER
VICE-CHAIRMAN



RENEE BRIGHT
HUMAN RESOURCES DIRECTOR