

# ***CIVIL SERVICE BOARD MEETING***

***MAY 16, 2018***

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, May 16, 2018, in the Commissioners' Board Room.

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

Member absent:        J. Mark Trimble, Member

Also present:           Human Resources Director Pamela Ambles and staff; Civil Service Board Attorney Joe Harris; County Attorneys Pamela Everett and Michelle Youngblood; Police Chief Kevin Roberts; Police Department Legal Advisor Kenneth Green; District Attorney Tracy Lawson; Fire Chief Landry Merkison; Fire Chief Financial Officer Timmy Sweat; Attorney Thomas Florio; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:17 a.m.

Chairman Bartlett called for a motion to adopt the May 16<sup>th</sup> agenda. Dr. Jackson made the motion to amend the agenda by removing Item 3 and to adopt as the agenda, second by Ms. Philips-Hall. No further discussion on the motion made. Motion carried by unanimous vote.

1.     Considered for approval the Civil Service Board's Meeting minutes held April 23, 2018.
  - a.     Chairman Bartlett called for a motion. Dr. Jackson 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 Civil Service Board's Meeting minutes held April 24, 2018.
  - a.     Chairman Bartlett called for a motion. Dr. Jackson 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 **Carolyn Marcus, Magistrate/Superior Court**, termination appeal heard March 28, 2018.
  - a. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the Decision, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote.
  
4. Considered for approval the Civil Service Board's Executive Session Minutes regarding **Gregory Porter, 911 Communications Center**, termination appeal heard January 31, 2018, February 1, 2018, February 2, 2018 and April 23, 2018.
  - a. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the Minutes, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
  
5. Considered for approval the Civil Service Board's Decision regarding **Gregory Porter, 911 Communications Center**, termination appeal heard January 31, 2018, February 1, 2018, February 2, 2018 and April 23, 2018.
  - a. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the Decision, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
  
6. Chairman Bartlett to present the following Training Certificates:
  - a. **Employee Professional Development**
    - i. Connie Times (Tax Commissioner)
    - ii. Joseph L. Ogletree (Juvenile Court)
    - iii. Twyala Pennell (Juvenile Court)
  
  - b. **Manager Basic Skills**
    - i. Dierdre Brown (Juvenile Court)
    - ii. Brian D. Busch (District Attorney)
    - iii. Tiffany Moen (Juvenile Court)
    - iv. Ronaldi Rollins (Juvenile Court)
    - v. Tashaneca A. White (State Court Probation)
    - vi. Justin Ray Blanton (Parks and Recreation)
  
  - c. **Management Professional Development**
    - i. John Ivey (Police)
    - ii. Justin Ray Blanton (Parks and Recreation)

7. Considered for approval request from Fire Chief Landry Merkison to extend the promotional period of **Lawrence Adams II**, for an additional six (6) months.
  - a. Fire Chief Landry Merkison presented the request in detail.
  - b. Lawrence Adams II was not in attendance (received notification via e-mail from Human Resources).
  - c. Chairman Bartlett called for a motion. 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.
  
8. Calendar Call.
  - a. **Phillip Richards (Sheriff's Office)** – Appeal filed April 16, 2014, regarding: “The wrongful termination which occurred on April 11, 2014”.
    - i. Attorney Thomas Florio attended and confirmed the following: (1) ready to proceed; (2) only represented Mr. Richards; and (3) never represented his estate.
    - ii. County Attorney Michelle Youngblood advised the County was ready to proceed and that it had a Motion.
    - iii. Chairman Bartlett confirmed the Richards appeal would be the first hearing today.
  
  - b. **Michael Bivins (Police Department)** – Appeal filed September 1, 2016, regarding: “Termination”.
    - i. Chairman Bartlett confirmed this appeal should be removed from the calendar; it was withdrawn; and all proper documents had been filed.
  
  - c. **Kristofer Sargent (Buildings & Maintenance)** – Suspension appeal filed August 11, 2017, regarding: “The suspension of 8/4/17 – 8/8/17”; and **Kristofer Sargent (Buildings & Maintenance)** – Termination appeal filed August 18, 2017, regarding: “The termination of Kristofer Sargent”. Attorney Keith Martin filed a conflicts letter on May 7, 2018.
    - i. Chairman Bartlett confirmed new information provided notice that counsel for Kristofer Sargent, Keith Martin, had withdrawn both appeals (suspension and termination).
  
  - d. **Errol Clarke (Police Department)** – Termination appeal filed September 18, 2017, regarding: “I am appealing a termination”.
    - i. County stated it was ready to proceed.
    - ii. Human Resources Director Pamela Ambles confirmed Errol Clarke was notified via e-mail, certified and U.S. Regular Mail.
    - iii. Chairman Bartlett noted for the record the time was 9:31 a.m. and Mr. Clarke was not in attendance.

- iv. Attorney Everett asked the appeal be removed, as Mr. Clarke attended the Board's meeting last month (April).
  - v. Chairman Bartlett called for a motion regarding the County's Motion. Dr. Jackson made the motion to approve the County's Motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- e. **Monique Smith (District Attorney's Office)** – Demotion appeal filed November 8, 2017, regarding: “Demotion to Lower position.
- i. County was ready to proceed.
  - ii. Monique Smith was not in attendance.
  - iii. HR Director Ambles confirmed her department did not have any communication with Monique Smith.
  - iv. Chairman Bartlett confirmed Ms. Smith was no longer a County employee.
  - v. County advised Ms. Smith did not submit a witness list as this deadline was re-set and asked the Board to dismiss her appeal.
  - vi. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the County's motion for dismissal, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
  - vii. District Attorney Tracy Lawson asked to be excused. Chairman Bartlett excused all *Smith* parties.
9. **Gregory Porter (911 Communications Center)**
- a. Chairman Bartlett noted the Board wanted to clear a matter before proceeding. The Board has requested its findings be forwarded to the Pension Board for review.
  - b. Chairman Bartlett called for a motion. Dr. Jackson made the motion to forward the findings of the Civil Service Board regarding evidence, second by Ms. Phillips-Hall. Discussion on the motion: Member, Ms. Phillips-Hall asked was it necessary for Pamela Ambles to forward the findings to the Pension Board as she would already have this information.
  - c. Chairman Bartlett directed HR Director Ambles to forward the information to the Pension Board in order to correct any inaccuracies in the employee's pension.
  - d. Second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
10. **(Appeal) – Phillip Richards (Sheriff's Office)** – Appeal filed April 16, 2014, regarding: “The wrongful termination which occurred on April 11, 2014”.
- a. Chairman Bartlett noted Vice-Chair Lancaster had a question regarding the Appellant's request for reinstatement and how that would be handled as he is now deceased.
  - b. A brief discussion occurred regarding this issue.
  - c. Attorney Thomas Florio stated he did not have any witnesses.

- d. Attorney Michelle Youngblood stated the County had two witnesses to present (Joanne Southerland and Joseph Southerland).
  - e. Civil Service Board Attorney Joe Harris swore in all witnesses.
  - f. Attorney Florio invoked the rule of sequestration
  - g. Chairman Bartlett stated for the record the witnesses sworn in were Joanne Southerland and Joseph Southerland and that Vice-Chair Lancaster would be the timekeeper.
  - h. Attorney Youngblood presented a Motion for Dismissal and presented in detail. Attorney Florio responded.
  - i. Chairman Bartlett inquired of Attorney Harris if the case cited by the county in its Motion held legal weight.
  - j. A lengthy discussion occurred regarding the case cited (substitution not made within 180 days) along with the attempts at trying to contact family members.
  - k. Chairman Bartlett ordered County counsel to forward all information regarding its attempts to contact family members, etc., to Human Resources for the civil service file.
  - l. Attorney Youngblood stated she would forward copies of what the County sent.
  - m. Attorney Harris provided legal advice to the Board that the case law cited by the County is correct and that this matter is subject to dismissal.
  - n. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the County's Motion for Dismissal, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote.
  - o. Chairman Bartlett stated it was a "very honorable thing" Attorney Florio had done to make sure Mr. Richards was represented. Attorney Florio responded he would never abandon Mr. Richards in this case as well as his criminal case.
  - p. The entire Board voiced same sentiments to Attorney Florio.
  - q. Chairman Bartlett excused Attorney Florio and Joanne Southerland.
11. Discussion items.
- a. Confirm meeting date(s) for June 2018.
    - i. HR Director Ambles inquired if the Board would stick with scheduling its meetings for the Fourth Wednesday of the month in order to properly reserve the BOC's boardroom.

- ii. Chairman Bartlett confirmed the Fourth Wednesday as it was the best option considering attorney are in court on other weeks.
  - iii. Chairman Bartlett confirmed the Board's June Meeting date as June 27, 2018.
- b. Upcoming Cases.
- i. *Dorian Greene (Transportation & Development)*
    - (1) Confirmed he is not represented at the present time by counsel
    - (2) Chairman Bartlett asked HR Director Ambles to communicate to his Father about the case law concerning the 180 day
    - (3) Chairman Bartlett directed the appeal be placed on the Board's agenda until the 180 days have expired.
    - (4) Attorney Youngblood objected to the Board and/or representatives providing any legal advice to the family of Dorian Greene.
    - (5) A lengthy discussion occurred regarding how the hearing date would be notified and to whom.
    - (6) Chairman Bartlett ordered the hearing notification be sent to his Father and to the last known address on record for Dorian Greene.
  - ii. *Brushawn Washington (Police Department)*
  - iii. *Vannakhan Souwan (Police Department)*
  - iv. *Add two (2) Grievances*

12. Other business.

a. **Civil Service Board's Rulings.**

- i. Chairman Bartlett brought up the issue of two different Judges providing two separate Opinions regarding how the Board can uphold or change the discipline.
- ii. A very lengthy discussion among the Board, Attorney Harris, Attorney Everett, Attorney Youngblood and Sheriff's Deputy Chief Shawn Southerland occurred regarding which Judge's ruling should stand if it can be appealed (taken higher up) in the courts for review.
- iii. Attorney Harris advised he agreed with Judge Simmons' ruling and explained.
- iv. Chairman Bartlett (the Board) asked Attorney Harris to compose a memorandum that it could submit to the Board of Commissioners for change.
- v. Attorney Youngblood offered to provide Attorney Harris and HR Director Ambles with the changes provided during the Re-Write Committee meetings.
- vi. HR Director Ambles advised the Re-Write Committee would convene in the Fall of 2018 and would have an employee who is in good standing represent the County employees (example: Noi Souphanthavong with Human Resources).

- vii. Vice-Chair Lancaster recommended to use a different employee, from another employee in this role.
- viii. Chairman Bartlett asked to have this matter added to the June's agenda to discuss the proposal to the Board of Commissioners.

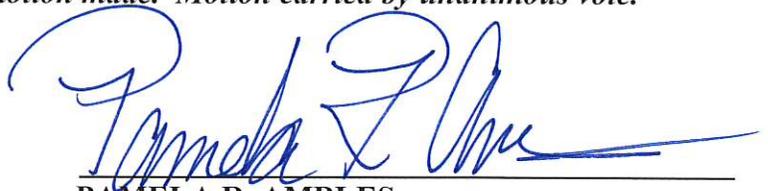
b. **Managers' Training.**

- i. Chairman Bartlett suggested the County Mangers receive training to help them understand the discipline process and perhaps it could be part of Management Professional Development course and have the BOC mandate an employee that is promoted to take it.
- ii. HR Director Ambles advised HR was gathering data to present to the BOC with the number of civil service cases lost and money paid out due to the reinstatement of employees.

*Chairman Bartlett stated that all matters have been concluded and called for a motion to adjourn this meeting. Dr. Jackson 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 BARTLETT  
CHAIRMAN

  
PAMELA R. AMBLES  
HUMAN RESOURCES DIRECTOR