

CIVIL SERVICE BOARD MEETING

SEPTEMBER 26, 2018

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, September 26, 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; Civil Service Board Attorney Rory (R.K.) Starkey; County Attorney Michelle Youngblood; Warden Dennis Nelson; Juvenile Court Director Colin Slay; Fire Chief Landry Merkison; John Johnson III; Jessica Johnson; George Murphy; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:11 a.m.

Chairman Bartlett called for a motion to adopt the September 26, 2018, agenda. Vice-Chair Lancaster made a motion to adopt the agenda, second by Dr. Jackson. No further discussion on the motion. Motion was carried by unanimous vote (4-0).

1. Considered for approval the Civil Service Board's Meeting Minutes held August 22, 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 (4-0).

2. Considered for approval the Civil Service Board's Executive Session Minutes regarding **Salim Gordon, Corrections Department/Prison**, grievance filed February 1, 2018 and hearing held August 22, 2018.
 - a. Chairman Bartlett called for a motion. Vice-Chair Lancaster made the motion to approve the Minutes, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

3. Considered for approval the Civil Service Board's Recommendation regarding **Salim Gordon, Corrections Department/Prison**, grievance filed February 1, 2018 and hearing held August 22, 2018.
 - a. Chairman Bartlett called for a motion. Vice-Chair Lancaster made the motion to table this matter until later in the morning, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
4. Considered for approval the Civil Service Board's Executive Session Minutes regarding **Salim Gordon, Corrections Department/Prison**, grievance filed March 16, 2018 and hearing held August 22, 2018.
 - a. Chairman Bartlett called for a motion. Vice-Chair Lancaster made the motion to approve the Minutes, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
5. Considered for approval the Civil Service Board's Recommendation regarding **Salim Gordon, Corrections Department/Prison**, grievance filed March 16, 2018 and hearing held August 22, 2018.
 - a. Chairman Bartlett called for a motion. Dr. Jackson made the motion to table this matter until later in the morning, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
6. Considered request from Clerk Superior & Magistrate Court Jacqueline D. Wills, to extend the probationary period of **Adria Sanders** for an additional six (6) months.
 - a. Clerk Jacqueline Wills was in attendance.
 - b. Adria Sanders was in attendance
 - c. Chairman Bartlett explained to Ms. Sanders the request.
 - d. Ms. Sanders stated she did not have any questions after the Board addressed her concerns.
 - e. 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 (4-0).
 - f. The Board addressed Ms. Sanders.
 - g. A brief discussion occurred between the Board and Ms. Sanders
7. Considered: **Firefighter Tameeka Ulysse** is requesting to use sick leave from July 14 to August 6 for time spent caring for her sister. Subsequently, Firefighter Ulysse is requesting to be placed on leave without pay for applicable time utilized from August 6 to September 18. The LWOP request requires exhaustion of her annual leave; however, the request does not qualify for use of sick leave.
 - a. Fire Chief Landry Merkison presented the request in detail and stated the first request was to clean up a matter of restoring sick leave and the other was a request for leave without pay.

- b. Chairman Bartlett called for a motion to allow Firefighter Ulysse to use sick leave to care for her Sister from July 14, 2018 – August 6, 2018. 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 (4-0).
 - c. Chairman Bartlett called for a motion to allow Firefighter Ulysse to take leave without pay beginning August 6, 2018, to her return date. 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 (4-0).
8. Considered for approval the Civil Service Board’s Recommendation regarding **Salim Gordon, Corrections Department/Prison**, grievance filed February 1, 2018 and hearing held August 22, 2018.
Considered for approval the Civil Service Board’s Recommendation regarding **Salim Gordon, Corrections Department/Prison**, grievance filed March 16, 2018 and hearing held August 22, 2018.
- a. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the Board’s Recommendations regarding Salim Gordon, Corrections Department/Prison grievances filed February 1, 2018 and March 16, 2018. Dr. Jackson made the motion to adjourn, seconded by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - b. Chairman Bartlett called the meeting back to order.
 - c. Chairman Bartlett called for a motion regarding the Civil Service Board’s Recommendation regarding **Salim Gordon, Corrections Department/Prison**, grievance filed February 1, 2018 and hearing held August 22, 2018. Dr. Jackson made the motion to approve the Recommendation for February 1, 2018, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - d. Chairman Bartlett called for a motion regarding the Civil Service Board’s Recommendation regarding **Salim Gordon, Corrections Department/Prison**, grievance filed March 16, 2018 and hearing held August 22, 2018. Dr. Jackson made the motion to approve the Recommendation for March 16, 2018, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
9. Calendar Call.
- a. **Jessica Johnson (Juvenile Court)** – Appeal filed May 10, 2018, regarding: “One day suspension that occurred on May 3, 2018”.
 - i. County Attorney Michelle Youngblood stated the County was ready to proceed.
 - ii. Jessica Johnson stated she was ready to proceed.
 - iii. Chairman Bartlett stated this matter would be the first case heard.

- b. **George Murphy (Corrections)** – Appeal filed July 20, 2018, regarding: “The written reprimand and one day of suspension”.
 - i. Attorney Youngblood stated the County was ready to proceed.
 - ii. George Murphy stated he was ready to proceed.
 - iii. Chairman Bartlett stated this matter would be the second case heard and dismissed all parties until 1:30 p.m., today.
 - iv. Chairman Bartlett stated for the record that one Board member would need to leave today around noon.

- 10. **(Appeal) - Jessica Johnson (Juvenile Court)** – Appeal filed May 10, 2018, regarding: “One day suspension that occurred on May 3, 2018”.
 - a. Jessica Johnson stated that Appellant’s witnesses were present.
 - b. Attorney Youngblood stated all County witnesses were present.
 - c. Civil Service Board Attorney Joe Harris swore in all witnesses present (John Johnson III, Victoria Berry, Colin Slay, Jonathan Robertson, Kevin Chatman and Jessica Johnson).
 - d. Chairman Bartlett asked if there was an order of sequestration.
 - e. Attorney Youngblood stated the County did not have a request.
 - f. Ms. Johnson requested an order of sequestration.
 - g. Chairman Bartlett excused all parties to the lobby area. (Note: John Johnson III remained as the department director and Colin Slay went into sequestration).
 - h. Chairman Bartlett explained the hearing guidelines.
 - i. Neither party had any questions for the Board.
 - j. Attorney Youngblood presented the County’s opening statement.
 - k. Juvenile Court Officer Johnson presented her opening statement.
 - l. Attorney Youngblood called Jonathan Robertson to the witness stand. He stated his name, where employed and hire date. Attorney Youngblood began questioning Juvenile Court Officer Robertson. Juvenile Court Officer Robertson responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits C-9, C-6, and C-13.
 - m. Attorney Youngblood continued questioning Juvenile Court Officer Robertson. Juvenile Court Officer Robertson responded in detail to all questions posed by Attorney Youngblood.

- n. Juvenile Court Officer Johnson began cross-examination of Juvenile Court Officer Robertson. Attorney Youngblood objected to a question asked by Juvenile Court Officer Johnson as "assuming facts not in evidence". Chairman Bartlett sustained the objection.
- o. Juvenile Court Officer Johnson continued the cross-examination of Juvenile Court Officer Robertson and mentioned County Exhibits C-11 and C-9. Juvenile Court Officer Robertson responded in detail to all questions posed by Juvenile Court Officer Johnson.
- p. The Board questioned Juvenile Court Officer Robertson. He responded in detail to all questions posed by the Board.
- q. There being no further questions, the witness was held for rebuttal (returned to sequestration).
- r. Attorney Youngblood called Victoria Berry to the witness stand. She stated her name, where employed and tenure. Attorney Youngblood began questioning Chief Court Operations Berry. Chief Court Operations Berry responded in detail to all questions posed by Attorney Youngblood.
- s. Attorney Youngblood mentioned County Exhibits C-12, C-13 and C-7 and continued questioning Chief Court Operations Berry. Chief Court Operations Berry responded in detail to all questions pose by Attorney Youngblood.
- t. Juvenile Court Officer Johnson began cross-examination of Chief Court Operations Berry. Chief Court Operations Berry responded in detail to all questions posed by Juvenile Court Officer Johnson. Attorney Youngblood objected to Juvenile Court Officer not asking a question. Chairman Bartlett advised Juvenile Court Officer Johnson she could not make a statement.
- u. Juvenile Court Officer Johnson continued the cross-examination of Chief Court Operations Berry. Chief Court Operations Berry responded in detail to all questions posed by Juvenile Court Officer Johnson.
- v. The Board questioned Chief Court Operations Berry. She responded in detail to all questions posed by the Board.
- w. There being no further questions, the witness was held for rebuttal (returned to sequestration).
- x. Attorney Youngblood called John Johnson III to the witness stand. He stated his name, tenure with the County, tenure as Director of Juvenile Court and current employment status (retired). Attorney Youngblood began questioning Mr. Johnson. Mr. Johnson responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits C-12, C-13, C-4, C-5, C-8, C-11, C-14, C-16, C-17, and C-18.

- y. Attorney Youngblood continued questioning Mr. Johnson. Mr. Johnson responded in detail to all questions posed by Attorney Youngblood.
- z. Juvenile Court Officer Johnson began cross-examination of Mr. Johnson. Mr. Johnson responded in detail to all questions posed by Juvenile Court Officer Johnson. Attorney Youngblood objected and asked to allow the witness to complete his answer before interrupting. Chairman Bartlett advised Juvenile Court Officer Johnson to allow the witness to complete his statement.
- aa. Juvenile Court Officer Johnson continued the cross-examination of Mr. Johnson and mentioned County Exhibit C-11. Mr. Johnson responded in detail to all questions posed by Juvenile Court Officer Johnson. Attorney Youngblood objected to a question posed by Juvenile Court Officer Johnson as it called for speculation. Chairman Bartlett sustained the objection and advised the witness could not answer for someone else.
- bb. The Board questioned Mr. Johnson. He responded in detail to all questions posed by the Board.
- cc. There being no further questions, the witness stepped down from the witness stand.
- dd. Vice-Chair Lancaster made a motion for a short break, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- ee. Chairman Bartlett called the meeting back to order.
- ff. For the record: Chairman Bartlett stated Dr. Jackson had left the board meeting as previously advised.
- gg. Attorney Youngblood asked to tender the following County Exhibits:

Exhibits

Response

C-4	No objection
C-5	No objection
C-6	No objection
C-7	No objection
C-8	No objection
C-9	No objection
C-11	No objection
C-12	No objection
C-13	No objection
C-14	Juvenile Court Officer Johnson objected – did not feel like an incident that was not work related should be considered; Chairman Bartlett over-ruled the objection
C-16	No objection
C-17	No objection

C-18 No objection

- hh. Attorney Youngblood stated the County rested its case subject to rebuttal.
- ii. Juvenile Court Officer Johnson called Kevin Chatman to the witness stand. He stated his name and where employed. Juvenile Court Officer Johnson began questioning Juvenile Court Officer Chatman. Juvenile Court Officer Chatman responded in detail to all questions posed by Juvenile Court Officer Johnson.
- jj. Attorney Youngblood began the cross-examination of Juvenile Court Officer Chatman. Juvenile Court Officer Chatman responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C-13.
- kk. Attorney Youngblood continued the cross-examination of Juvenile Court Officer Chatman. Juvenile Court Officer Chatman responded in detail to all questions posed by Attorney Youngblood.
- ll. Juvenile Court Officer Johnson did not have any questions for Juvenile Court Officer Chatman.
- mm. The Board questioned Juvenile Court Officer Chatman. He responded in detail to all questions posed by the Board.
- nn. There being no further questions, the witness was released.
- oo. Juvenile Court Officer Johnson stated she did not have any more witnesses.
- pp. Chairman Bartlett asked Juvenile Court Officer Johnson if she would testify.
- qq. Juvenile Court Officer Johnson testified. She stated her name and where employed. Her testimony was provided under oath.
- rr. Timecheck: Attorney Youngblood used 20 minutes and 5 seconds.
- ss. Attorney Youngblood began cross-examination of Juvenile Court Officer Johnson. Juvenile Court Officer Johnson responded in detail to all questions posed by Attorney Youngblood.
- tt. The Board questioned Juvenile Court Officer Johnson. She responded in detail to all questions posed by the Board.
- uu. Juvenile Court Officer Johnson asked to address another thing regarding Corey Jones. She provided additional testimony.
- vv. Attorney Youngblood did not have any additional questions.

- ww. The Board questioned Juvenile Court Officer Johnson again and stated this incident had no part of the one-day suspension.
- xx. Juvenile Court Officer Johnson asked to tender her exhibits as follows:

Exhibits

Response

- C-15** Exhibits previously tendered
- C-11** Exhibits previously tendered

E-mail dated June 18, 2018; Juvenile Court Officer's notes (tender complete set of Appellant's exhibits):

Objection – First page of packet was not mentioned specifically in testimony; Chairman Bartlett over-ruled the objection

Objection – No testimony given regarding the June 18, 2018, e-mail; Chairman Bartlett polled the Board and sustained the objection; Juvenile Court Officer Johnson stated she referenced the document during Berry's testimony; Chairman Bartlett stated the Board would use a small portion of the document – not the whole document

Objection – Officer's Notes; Chairman Bartlett sustained the objection

Objection – March 26 e-mail – no testimony was given; Chairman Bartlett sustained the objection

Objection – June 25 memorandum – no testimony was given; Chairman Bartlett sustained the objection

Objection – Last document (on Juvenile Court letterhead) – was not dated nor signed; Chairman Bartlett sustained the objection

- yy. Timecheck: County used 21 minutes; Appellant used 27 minutes
- zz. Attorney Youngblood stated the County reserved its closing for last.
- aaa. Juvenile Court Officer Johnson presented her closing arguments.
- bbb. Attorney Youngblood presented the County's closing arguments.
- ccc. Chairman Bartlett called for a motion to adjourn into Executive Session to consider the appeal filed by Jessica Johnson, Juvenile Court, on May 10, 2018, regarding: "One day suspension that occurred on May 3, 2018". Ms. Phillips-Hall made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (3-0).

- ddd. Chairman Bartlett advised HR Director Ambles to advise the Prison their case would begin at 2:00 p.m.
 - eee. Chairman Bartlett called the meeting back to order.
 - fff. **For the record:** Rory Starkey, attorney sat in on the meeting and Executive Session for Civil Service Board Attorney Joe Harris, who had to leave.
 - ggg. Chairman Bartlett called for a motion. Vice-Chair Lancaster made the motion that the Board does not find evidence to support violation of Civil Service Rule 9.206(r); however, we do uphold the county's decision for a one-day suspension for violation of Civil Service 9.206(f), second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (3-0).
 - hhh. Chairman Bartlett addressed Juvenile Court Officer Johnson.
11. **George Murphy (Corrections Department/Prison)** – Appeal filed July 20, 2018, regarding: “The written reprimand and one day of suspension”.
- a. Chairman Bartlett stated it could be another three hours to hear this case, which was not a termination appeal.
 - b. Chairman Bartlett stated this matter would be continued until 9:00 a.m., on October 24.
 - c. There were no objections.
12. Discussion items.
- a. Confirmed meeting date(s) for October 2018.
 - i. Next meeting date is Wednesday, October 24, 2018 at 9:00 a.m.
 - b. Upcoming cases for October 2018.
 - i. *George Murphy* would be the only case for October.
13. Other business.
- a. Sheriff's Office appeals/grievances.
 - i. Chairman Bartlett asked Attorney Youngblood if anything had been presented to Human Resources (in written format).
 - ii. Attorney Youngblood stated no and would submit now, as the appeal had been filed.
 - iii. County agreed to move forward with other cases on the agenda.

Chairman Bartlett stated that all matters have been concluded and called for a motion to adjourn this meeting. Vice-Chair Lancaster made the motion to adjourn, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (3-0).

Meeting adjourned.



LARRY BARTLETT
CHAIRMAN



PAMELA R. AMBLES
HUMAN RESOURCES DIRECTOR