

CIVIL SERVICE BOARD MEETING

JANUARY 31, 2018

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, January 31, 2018, in the Commissioners' Board Room.

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

Member absent: J. Mark Trimble, Member

Also present: Human Resources Director Pamela Ambles and staff; Civil Service Board Attorney Joe Harris; County Attorney Pamela Everett; County Attorney Michelle Youngblood; Chief Operating Officer Detrick Stanford; Deputy Chief Operating Officer Alex Cohilas; County Attorney Jack Hancock; Solicitor General Tasha Mosley; Attorney Wayne Kendall; Major Michael O'Shields; Major Tina Daniel; Assistant Chief Deputy Shawn Southerland; Gregory Porter; Court reporter; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:15 a.m.

Chairman Bartlett called for a motion to adopt the January 31st agenda. Dr. Jackson made the motion to adopt the agenda, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

1. Civil Service Board – Elected Chair and Vice-Chair.
 - a. Mrs. Troyce Lancaster made a nomination motion to re-elect Larry Bartlett as Chair, second by Ms. Virginia Phillips Hall. No further discussion on the motion made. Motion carried by unanimous vote (3-1); Mr. Larry Bartlett abstained from voting.
 - b. Dr. Cephus Jackson made a nomination motion to re-elect Troyce Lancaster as Vice-Chair, second by Ms. Virginia Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (3-1); Mrs. Troyce Lancaster abstained from voting.
 - c. Chairman Bartlett expressed his thanks to the Board and Human Resources in the confidence they have placed in him as Chairperson.

2. Considered for approval the Civil Service Board's Meeting Minutes held on December 7, 2017.
 - 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 Executive Session Minutes regarding the **Gregory Porter, 911 Communications Center**, County's Motion to Quash subpoena for Chairman Jeffrey E. Turner.
 - a. Civil Service Board Attorney Joe Harris confirmed the Appellant filed a Writ of Mandamus with Judge Grubbs, which was denied due to procedure.
 - b. Chairman Bartlett called for motion to approve the Motion to Quash the subpoena of Jeffrey Tuner. Dr. Jackson made the motion to quash the subpoena to Jeffrey Turner, second by Vice-Chair Lancaster. 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 the **Gregory Porter, 911 Communications Center**, County's Motion to Quash subpoena for Pamela Everett.
 - a. Chairman Bartlett called for a motion to Quash the subpoena of Pamela Everett. Dr. Jackson made the motion to approve the Motion to quash the subpoena of Pamela Everett, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
5. Considered for approval the Civil Service Board's Executive Session Minutes for the **Anthony Walker, Police Department**, termination appeal hearing held December 7, 2017.
 - a. Chairman Bartlett called for a motion to approve the Minutes regarding Anthony Walker, Police Department, termination appeal. 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).
6. Considered for approval the Civil Service Board's Decision regarding **Anthony Walker, Police Department**, termination appeal heard at the December 7, 2017, meeting.
 - a. Chairman Bartlett called for a motion to approve the Decision regarding Anthony Walker, Police Department, termination appeal. Ms. Phillips-Hall made the motion approve the Decision, second by Vice-Chair Lancaster. No

further discussion on the motion made. Motion carried by unanimous vote (4-0).

7. Considered request from **Kenneth S. Upton, Transportation & Development/Engineering Services**, for annual leave donation.
 - a. Human Resources Director Pamela Ambles advised the request met the requirements of Civil Service.
 - b. Transportation & Development Director Jeffery Metarko was not in attendance when called.
 - c. Chairman Bartlett called for a motion. Vice-Chair Lancaster made the motion to approve the request, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

8. Considered second request from Police Department to extend the probationary period of **Luis Tellechea** for an additional six (6) months (until July 22, 2018).
 - a. Major Michael O'Shields was present on behalf of the Police Department and presented the request in detail.
 - b. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the request, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

9. Considered request from Probate Judge Pamela Ferguson to extend the probationary period of **Chella Glover** for an additional ninety (90) days.
 - a. Judge Althea Pryor presented the request in detail.
 - b. Ms. Chella Glover was not in attendance when called; however, she provided a written response to the Board.
 - 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 a unanimous vote (4-0).

10. Considered request from **Stephen Putnam, Solicitor General's Office**, to use sick leave in lieu of annual leave for the care of his Mother.
 - a. Solicitor General Tasha Mosley was in attendance and stated she did not have any objections to the request.
 - b. Mr. Stephen Putnam was not present when called (in court)
 - c. Chairman Bartlett called for a motion. Dr. Jackson made the motion approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a unanimous vote (4-0).

11. Calendar Call.

- a. **Gregory Porter (911 Communications Center)** – Termination appeal filed March 17, 2017, regarding: “Termination on March 17, 2017”.
- i. County Attorney Michelle Youngblood stated the County was ready to proceed.
 - ii. Attorney Wayne Kendall stated the Appellant was ready to proceed.

12. **Appeal – Gregory Porter (911 Communications Center)** – Motion to Quash – Pamela Everett and Jeffrey Turner Subpoenas and County’s Motion in Limine.

- a. **For the record:** Board member, Mark Trimble was not present today and the Board would be working with four (4) members. We wish him well!
- b. **Time Limit Issue:**
- i. Chairman Bartlett stated it was previously approved to allot 240 minutes per side.
 - ii. A discussion between the Board and Attorney Kendall occurred regarding the length of time and how time is counted by the Board.
- c. Chairman Bartlett stated there were Motions filed by the County (there will be no time kept to argue the Motions).
- d. Attorney Kendall stated he did not know the procedure on time and did not have a chance to respond in writing (has not read the Motion).
- e. Chairman Bartlett reviewed the Appeal Form completed by Appellant Gregory Porter as follows:
- i. Requested reinstatement;
 - ii. Requested back-pay; and
 - iii. Requested attorney’s fees
 - (1) Chairman Bartlett advised the Board did not have authority over this matter and would not consider it.
 - iv. Attorney Kendall did not have any questions.
- f. **MOTION TO QUASH – Pamela Everett Subpoena**
- i. Attorney Youngblood asked if the witnesses should be sworn in and returned to work
 - ii. Attorney Kendall did not have any objections to the witnesses being sworn in.
 - iii. Attorney Harris swore in all witnesses present.
 - iv. Chairman Bartlett noted that HR Director Ambles, who is also Secretary to the Board, will need to have Ryan Shaw, HR Trainer/Researcher, to sit in her stead.

- v. A discussion among the Board and attorneys occurred regarding the issuance and enforcement of the subpoenas (two different issues).
- vi. Attorney Harris opined the subpoenas should be issued.
- vii. A discussion among the Board and attorneys occurred regarding voting in favor of the County issuing the subpoena for Chairman Turner.
- viii. Attorney Youngblood stated it was not the County that issues the subpoenas, it is the Civil Service Board.
- ix. Attorney Youngblood presented the County's Motion to Quash in detail. Attorney Kendall responded that privilege could be waived by the behavior of the client.
- x. The attorneys responded back and forth to each other's arguments.
- xi. For the record: Attorney Kendall placed the subpoena for Pamela Everett in front of her (formally served).
- xii. Attorney Harris advised the Board to allow the witnesses to come and deal with questions and objections as they testify and not to make a decision until the Appellant puts on his case.
- xiii. Attorney Harris also advised Pamela Everett can sit and participate in the hearing. Attorney Kendall stated he had no objections and that he did not have nothing against Ms. Everett.
- xiv. All Board members understood and were ready to vote on the Motion to Quash.
- xv. Attorney Youngblood pleaded with the Board regarding the issue brought before Judge Grubb. Attorney Kendall responded in detail.
- xvi. The Board heard all sides and was ready to vote.
- xvii. Chairman Bartlett called for a motion to quash the subpoena of Pamela Everett. Dr. Jackson made the motion to deny the request of the County, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by a unanimous vote (4-0).

g. **MOTION TO QUASH** – Jeffrey Tuner Subpoena

- i. Attorney Youngblood presented the County's Motion to Quash in detail.
- ii. Attorney Kendall responded in detail and referred to Jackson v Delk.
- iii. Chairman Bartlett asked Attorney Harris if personnel matters would be considered legislative actions.
- iv. A lengthy discussion occurred between the Board members regarding how Chairman Turner was involved or not involved in the "transfer" of Mr. Porter, and that only pertinent information would be considered.
- v. Attorney Harris advised Attorney Pamela Everett could sit and participate in the hearing.
- vi. Closing arguments were made by Attorneys Youngblood and Kendall.
- vii. The Board was ready to vote and it is committed to the civil service process, which should be fair and equitable in relations to Mr. Porter's career and the County's discipline.
- viii. Chairman Bartlett called for a motion in regards to the Motion to Quash – Jeffrey Turner's Subpoena. Dr. Jackson made the motion to deny the

subpoena, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a unanimous vote (4-0).

- ix. Chairman Bartlett called for a 10-minute break. Dr. Jackson made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a unanimous vote (4-0).
- x. Chairman Bartlett called the meeting back to order.

h. **COUNTY'S MOTION IN LIMINE**

- i. Attorney Youngblood presented in detail the issues involving excluding evidence and how it would expand the scope of this hearing.
- ii. Attorney Kendall responded that it would be premature and unadvisable to grant the Motion at this time.
- iii. Attorney Youngblood responded that it is to rule on the "inadmissibility".
- iv. A discussion between the Board members occurred regarding denying or granting in part the Motion in Limine.
- v. Chairman Bartlett made a motion granting the County's Motion in Limine regarding 3(a) and denying 3(b) and (c), second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by a vote (3-1; with Dr. Jackson voting nay).

- i. Chairman Bartlett stated the issues to be addressed were as follows: (1) Pamela Everett and Jeffrey Turner were not sworn in, and (2) the request for sequestration was made by the Appellant).
- j. **For the Record:** Ms. Everett was not sworn in; the County objects to her being called and she has not been sequestered.
- k. Attorney Kendall stated he would require HR Director Pamela Ambles to be sequestered. (**Note:** HR Director Ambles went into sequestration.)
- l. Attorney Youngblood stated Chief Operating Officer Detrick Stanford, who is the department head, would stay in the hearing.

13. **Appeal – Gregory Porter (911 Communications Center)** – Termination appeal filed March 17, 2017, regarding: "Termination on March 17, 2017".

- a. Attorney Pamela Everett presented the County's opening statement.
- b. Attorney Kendall presented the Appellant's opening statement.
- c. Chairman Bartlett made a motion for lunch break until 1:15 p.m., second by Dr. Jackson. No further discussion on the motion made. Motion carried by a unanimous vote (4-0).
- d. Chairman Bartlett called the meeting back to order.
- e. Chairman Bartlett called for the County's first witness.

- f. Attorney Everett requested an additional 10 minutes. Attorney Kendall did not have any objections.
- g. Chairman Bartlett called for a motion to come back in session at 1:29 p.m. Ms. Phillips-Hall made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a unanimous vote (4-0).
- h. Chairman Bartlett called the meeting back to order.
- i. Attorney Youngblood called Gregory Porter to the witness stand for cross-examination.
- j. Mr. Porter stated his name for the record. Attorney Youngblood began the cross-examination of Mr. Porter. Mr. Porter responded to all questions posed by Attorney Youngblood. Attorney Everett mention County Ex. C-13 (all pages).
- k. Attorney Youngblood continued the cross-examination of Mr. Porter. Attorney Kendall responded on behalf of Mr. Porter. Attorney Youngblood objected as Attorney Kendall could not testify.
- l. Attorney Youngblood continued the cross-examination of Mr. Porter. Attorney Youngblood mentioned County Ex. C-14 (pages 3 and 4).
- m. Attorney Youngblood continued the cross-examination of Mr. Porter. Attorney Youngblood mentioned County Ex. C-5 (pg. 134). Attorney Youngblood asked to approach the witness. Chairman Bartlett allowed.
- n. Attorney Youngblood continued the cross-examination of Mr. Porter. Attorney Youngblood mentioned page 141 of County Ex C-5).
- o. Mr. Porter asked if he could ask a question. Chairman Bartlett advised Mr. Porter there should be no mention of Mr. Cohilas and that he should move on to the next question and explained in detail.
- p. Chairman Bartlett asked for the time clock to be stopped to balance the time between sides.
- q. Attorney Youngblood continued the cross-examination of Mr. Porter. Mr. Porter responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Ex. C-40.
- r. Attorney Youngblood continued the cross-examination of Mr. Porter. Mr. Porter responded in detail to all questions posed by Attorney Youngblood. Mr. Porter stated he was going to be charged \$600 for his Open Records Response. Attorney Youngblood objected. Chairman Bartlett advised Mr. Porter to stick to

the subject of the questions and that he would have an opportunity to testify to things he wanted to at a later time.

- s. Attorney Youngblood continued the cross-examination of Mr. Porter. Mr. Porter responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits C-34 and C-35.
- t. Attorney Youngblood continued the cross-examination of Mr. Porter. Mr. Porter responded in detail to all questions posed by Attorney Youngblood. Attorney Kendall objected to the "form" of the question regarding 'take leave time'. Chairman Bartlett stated any tenured employee would know what "take leave" meant and over-ruled the objection.
- u. Attorney Youngblood continued the cross-examination of Mr. Porter. Mr. Porter responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Ex. C-37. Attorney Youngblood objected that the response was "not my question". Chairman Bartlett addressed Mr. Porter again and advised he would have his opportunity to testify at a later time.
- v. Attorney Youngblood continued the cross-examination of Mr. Porter. Mr. Porter responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned the following County Exhibits: C-36 (pg. 2) and C-46. Mr. Porter responded. Attorney Youngblood objected that the response was "not my question". Chairman Bartlett advised Mr. Porter once again that any gaps or answers to his testimony could be asked by his attorney during his follow-up. (Note: Mr. Porter responded that he was asked this question 18 minutes ago and that he was "getting old – not being disrespectful".) Chairman Bartlett asked for a notebook to be provided to Mr. Porter to allow him to write down his thoughts. A notebook was provided to Mr. Porter.
- w. Attorney Youngblood continued the cross-examination of Mr. Porter. Mr. Porter responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned the following County Exhibits: C-80 (pgs. 36 and 49); C037 (p. 2 of 16) par. 2(a); and C-81 (p. 14).
- x. Attorney Harris advised the Board Attorney Kendall could question Mr. Porter when he puts up his case.
- y. The Board questioned Mr. Porter. He responded in detail to all questions posed by the Board. Attorney Everett objected to the 'responsiveness of the question'. Chairman Bartlett continued questioning Mr. Porter.
- z. There being no further questions, the witness stepped down from the witness stand.

- aa. Attorney Everett called Human Resources Director Pamela Ambles to the witness stand.
- bb. For the record: There were no notes taken on the notepad provided to Mr. Porter.
- cc. She stated her name; position; tenure and educational progression. Attorney Everett mentioned the following County Exhibits: C-5 (pg. 57-64) and C-13 (pg. 3-4).
- dd. Attorney Everett continued the questioning of HR Director Ambles. HR Director Ambles responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned the following County Exhibits: C-13 (all pages); C-23; and C-10.
- ee. Attorney Everett continued the questioning of HR Director Ambles. HR Director Ambles responded in detail to all questions posed by Attorney Everett.
- ff. Attorney Kendall began the cross-examination of HR Director Ambles. HR Director Ambles responded in detail to all questions posed by Attorney Kendall. Attorney Kendall mentioned County Exhibit C-13 (second page). Attorney Youngblood objected. Chairman Bartlett over-ruled the objection.
- gg. Attorney Kendall continued the cross-examination of HR Director Ambles. Attorney Youngblood objected "assumed facts not in evidence". Attorney Kendall responded. Chairman Bartlett over-ruled the objection.
- hh. Attorney Kendall continued the cross-examination of HR Director Ambles. HR Director Ambles responded in detail to all questions posed by Attorney Kendall. Attorney Youngblood objected twice that the questions were "asked and answered".
- ii. Attorney Kendall continued the cross-examination of HR Director Ambles. HR Director Ambles responded in detail to all questions posed by Attorney Kendall. Attorney Kendall mentioned the following Exhibits: C-13 (second page); C-5; C-10 (a)(4); A-1 (third page); C-19; C-5; C-81 (pgs. 80 and 81); and C-10 (p. R5-16, par. 2).
- jj. Attorney Kendall continued the cross-examination of HR Director Ambles. HR Director Ambles responded in detail to all questions posed by Attorney Kendall.
- kk. The Board questioned HR Director Ambles. She responded in detail to all questions posed by the Board.
- ll. There being no further questions, the witness stepped down from the stand.
- mm. The County advised the witness was subject to rebuttal and was returned to sequestration.

- nn. There was an issue of time (with the stop watch). A photo was taken of the watch.
 - oo. HR Trainer/Researcher Ryan Shaw asked Chairman Bartlett if he could release Deputy Chief Operating Officer Alex Cohilas.
 - pp. Appellant had used 80 minutes and the County had used 60 minutes. (The parties needed to agree how much time would be taken off of each other times, per Chairman Bartlett).
 - qq. For the record: It was agreed upon the Appellant had used 1 hour 5 minutes and the County had used 45 minutes.
 - rr. Chairman Bartlett called for a motion to continue this matter until 9:00 a.m., on February 1, 2018. Dr. Jackson made a motion, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by a unanimous vote (4-0).
14. Discussion item(s).
- a. Chairman Bartlett stated the *Gregory Porter (E-911 Communications)* – Termination Appeal would be continued until 9:00 a.m.
 - b. Civil Service – March meeting date(s).
 - i. Chairman Bartlett advised the March meeting date would be March 28, 2018 at 9:00 a.m.

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 Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote.

Meeting adjourned.



LARRY BARTLETT
CHAIRMAN



PAMELA R. AMBLES
HUMAN RESOURCES DIRECTOR