

CIVIL SERVICE BOARD MEETING

May 22, 2019

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, May 22, 2019, 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 Attorney Pamela Everett; County Attorney Joseph Colette; Sheriff's Office Legal Advisor Fred Zimmerman; Assistant Fire Chief David King; Police Department Legal Advisor Kenneth Green; Probate Court Judge Pamela Ferguson; Associate Probate Court Judge Atha Pryor; Library Services Director Rosalind Lett; Sheriff Correctional Officer Sagar Das; Melody Smith; Colin Dube; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:05 a.m.

Chairman Bartlett called for a motion to adopt the May 22, 2019, agenda. Vice-Chair Lancaster made the motion to add Item 6a annual leave donation for **Officer Qiyamah Girard (Police Department)** address 11a (Other business) before Calendar Call. Chairman Bartlett made the motion to adopt the agenda, second by Ms. Phillips-Hall. 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 on April 24, 2019.
 - 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).
2. Considered request from **Officer Sagar Das, Sheriff's Office**, to use both annual leave and sick leave from July 11, 2019 through August 19, 2019.
 - a. The Board tabled the matter because no representative from the Sheriff's Office was present during the April 24, 2019 Board Meeting.
 - b. Sheriff's Office Legal Advisor Fred Zimmerman presented the request in detail. The Sheriff's Office is in full support of Officer Das diversity and culture, as he is a good employee and he will have a job when he returns.
 - c. Human Resources Director Pamela Ambles confirmed the order in which time will be used: (1) annual leave, (2) sick leave, and (3) leave without pay.

- d. County Attorney Pamela Everett objected to the use of sick leave because it did not fall under the policy.
 - e. Chairman Bartlett agreed and stated it was under the Board's discretion to consider these matters when it came before the Board.
 - f. 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).
3. Considered request from **Officer Donnail Demons (Police Department)**, for annual leave donation. The Board was polled and approved on May 1, 2019 (Chairman Bartlett, Vice-Chair Lancaster, and Ms. Phillips Hall).
- a. Chairman Bartlett advised this matter had been voted on and is matter of record for the agenda.
 - b. 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).
 - c. Police Department Legal Advisor Kenneth Green advised Police Chief Kevin Roberts did not have any objections to the request.
4. Considered request from **Firefighter Ramon Inge (Fire and Emergency Services)**, for annual leave donation.
- a. Assistant Fire Chief David King presented the request in detail.
 - b. Assistant Chief King stated Firefighter Inge would be out for four months or longer for his illness.
 - c. Chairman Bartlett advised he had a question at the conclusion of the Board's vote.
 - d. 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).
 - e. Chairman Bartlett's question, "Can an employee be allowed to go back into their bank once they have used all their current annual and sick leave hours"?
 - f. Human Resources Director Ambles explained in detail.
5. Considered request from **Officer Qiyamah Girard (Police Department)**, for annual leave donation.
- a. Police Department Legal Advisor Kenneth Green stated Police Chief Kevin Roberts had no objections to the request.
 - b. The Board had concerns in the past when an employee during his/her performance of his duties was involved in a workers' compensation situation. He/she is now requesting annual leave so they do not have to go on some type of benefits that were less than full benefits.
 - c. HR Director Ambles went on record to say she was very proud of how Clayton County assisted employees when it came to workers compensation.
 - d. HR Director Ambles stated, employees are given a certain amount of hours; 560 hours and 612 hours for firefighters and are paid 100% of their salary. Employees are paid 560 hours without touching their annual leave or sick leave. However, if

leave goes beyond that particular time, they have an option to go on the State 66 2/3% capped at \$500 or use their sick or annual leave. In addition, any donated leave will not be touched until hours are exhausted.

- e. The Board expressed their concerns regarding not just regular employees, but the public safety of both sides of Police, Fire and Sheriff where it becomes an issue with long-term recovery with incidents involving on-duty injuries. Employees are putting their lives on the line to save people's lives.
- f. The Board continued to question HR Director Ambles. HR Director Ambles responded in detail to all questions posed by the Board.
- g. 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).

6. Considered request from Police Chief Kevin Roberts for leave without pay for **Officer Zakiya A. Pierce (Police Department)**, from May 23, 2019 through May 27, 2019.

- a. Police Department Legal Advisor Kenneth Green presented request in detail.
- b. Chairman Bartlett asked the Board if it had any questions. It had none.
- c. 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).

7. Calendar Call.

- a. **Melody Smith (Probate Court)** – Termination appeal filed September 24, 2018, regarding: “I was terminated from a position held that I was placed in on January 23, 2017 with no training, etc.”
 - i. County Attorney Pamela Everett advised the County was ready to proceed.
 - ii. Appellant Melody Smith advised the Board she was present and ready to proceed.
 - iii. Chairman Bartlett confirmed the case would be heard today.
- b. **Klayt McKim (Police Department)** – Termination appeal filed November 13, 2018, regarding: “I was terminated from my position as a police officer at the Clayton County Police, etc.”
 - i. Chairman Bartlett confirmed the termination appeal had been withdrawn by Attorney Keith Martin by email on May 13, 2019 and would be removed from the calendar.
- c. **Colin Dube (Library)** – Grievance filed December 12, 2018, regarding: “Director Rosalind Lett and Library Board of Trustee members harassed, pressured, hassled and intimidated me while working”.
 - i. Mr. Dube was not present when the grievance was called.

- ii. Chairman Bartlett confirmed Mr. Dube was properly notified by Human Resources.
- iii. HR Director Ambles confirmed Human Resources had not heard from Mr. Dube; he did not pick up his County exhibits nor submitted any Appellant exhibits; and he was properly notified of his hearing.
- iv. Chairman Bartlett asked if there were any motions on the County's behalf.
- v. County Attorney Everett motioned for Mr. Dube's grievance to be dismissed because of "no show".
- vi. Before the Board voted, Chairman Bartlett asked if the Board dismissed a grievance did it mean the person could file another appeal.
- vii. HR Director Ambles confirmed he/she could file another appeal, but not for the same reason(s).
- viii. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the dismissal, second by Vice-Chair Lancaster. Case of the grievance shall be dismissed. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

8. Other business.

- a. Change Police Promotional Procedure found in Appendix A of the Civil Service Rules and Regulations.
 - i. Police Department Legal Advisor Kenneth Green presented in detail.
 - ii. Chairman Bartlett asked; "the wording says the new language will change Section D of 1-5 of the promotional procedures for Police Sergeants, what about Police Lieutenants?"
 - iii. Mr. Green confirmed the procedures will cover all levels of promotions within the procedure not just the Sergeants.
 - iv. Chairman Bartlett confirmed the final conclusion will be based on the investigation consulting with the Chief of Police to determine what actions or despair impact or treatments found.
 - v. Chairman Bartlett ask if there were any other questions or comments for Mr. Green. None noted.
 - vi. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve changes, second by Vice Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

9. **Colin Dube (Library)** – Grievance filed December 12, 2018, regarding: "Director Rosalind Lett and Library Board of Trustee members harassed, pressured, hassled and intimidated me while working".

- a. HR Director Ambles informed the Board at 10:09 a.m., Colin Dube had arrived.
- b. Chairman Bartlett explained to Mr. Dube, "the Board called your case a few minutes ago and you were not present, so the Board had no other option, but to entertain a motion on behalf of the County to have your grievance dismissed".
- c. Mr. Dube proceeded to explained why he was late; he went by the agenda; he was last on the Calendar call; and he was having challenges getting to the meeting on time.

- d. Chairman Bartlett continued to explain to Mr. Dube what happens when a case had been adjudicated on some kind of motion and voted on.
- e. Human Resources Director Ambles confirmed to the Board Mr. Dube was properly notified.
- f. Mr. Dube continued to respond to the Board's questions.
- g. Attorney Everett explained the procedures of the law on what happens when someone shows up late for a hearing. Chairman Bartlett stated he did not disagree with Attorney Everett.
- h. Vice-Chair Lancaster stated Mr. Dube missed the deadline for his exhibits.
- i. Dr. Jackson explained, "The meeting begun at 9:00 a.m., and if you were not present, the Board proceeded and the County asked for dismissal and you were not here to object; basically it was a done deal".
- j. Chairman Bartlett asked Civil Service Board Attorney Joe Harris was there any other avenue that the Board had.
- k. Vice-Chair Lancaster stated employees have the right for an appeal or grievance, but perimeters are in place and need to be followed.
- l. Ms. Phillips-Hall confirmed with HR Director Ambles stated Mr. Dube could file another appeal, but it could not be on the same case that is being dismissed.
- m. Attorney Harris stated, "When a case has been adjudicated, anything that's happening after today, could result in another grievance. The Board does not have authority to bind the County or the employee".
- n. Chairman Bartlett explained in detail to Mr. Dube the previous statement Attorney Harris made. Recommended Mr. Dube read CSR 11.203 of the Civil Service Rules and Regulations.
- o. Chairman Bartlett stated; what the rules are and the way the Board governs itself. The Human Resources Department did its job and notified Mr. Dube of the hearing; the Board properly placed Mr. Dube on the calendar; properly called the grievance within the time restraints; and pursuits to all other cases; allowed the County to make a motion when the grievant was not present to present the case to go forward; and technically it could have started right then.
- p. Attorney Harris confirmed with the Board Mr. Dube's calendar call was at 9:27 a.m.
- q. The Board looked at every option to move forward with this grievance and looked at all documents from the County.
- r. Mr. Dube continued to explain to the Board in detail.
- s. County Attorney Everett objected to hearing any other information of Mr. Dube's case because he is going to re-appeal it.
- t. Chairman Bartlett sustained the objection and the Board disregarded any comments made by Mr. Dube.
- u. Chairman Bartlett asked if there were any other comments or suggestions on behalf of the Board members.
- v. ON THE RECORD: Human Resources Director Ambles stated the comment with regard to Mr. Dube's calendar calls. It is not Human Resources' practice to get into this type of discussion with employees to let them know what time to be at the Board meeting.
- w. Chairman Bartlett mentioned Mr. Dube's case had been ruled on and wished him the best in moving forward.

- x. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve a break, second by Vice Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - y. Chairman Bartlett called the meeting back to order at 10:17 a.m.
10. (Appeal) – **Melody Smith (Probate Court)** – Termination appeal filed September 24, 2018, regarding: “I was terminated from a position held that I was placed in on January 23, 2017 with no training, etc.”
- a. Chairman Bartlett questioned if the County was ready to proceed. County Attorney Pamela Everett replied in the affirmative.
 - b. Chairman Bartlett questioned Ms. Smith if she was ready to proceed. Ms. Smith replied in the affirmative.
 - c. Chairman Bartlett asked if there were any motions on behalf of the County
 - d. Attorney Everett asked the Board to dismiss this case because Ms. Smith had not asked for her job back.
 - e. Ms. Smith responded in detail and asked for reinstatement of employment.
 - f. Chairman Bartlett stated for the record, Ms. Smith asked for reinstatement of her job.
 - g. A brief discussion occurred among the Board, HR Director Ambles and Attorney Harris regarding appeal form.
 - h. Chairman Bartlett called for a motion. Dr. Jackson made the motion to overrule County Attorney Everett’s motion for dismissal, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - i. Chairman Bartlett asked County Attorney Everett if there were any other motions. County Attorney Everett stated there were none.
 - j. Chairman Bartlett explained the rules, time limits, and motion for sequestration of witnesses to Ms. Smith.
 - k. Ms. Smith did not request sequestration.
 - l. FOR THE RECORD: Chairman Bartlett asked all witnesses for *Melody Smith (Probate Court)* appeal to be sworn in.
 - m. Attorney Harris swore in all witnesses present.
 - n. Chairman Bartlett called roll. Present: Judge Atha Pryor, Judge Pamela Ferguson, Clea Parker, Collucci Meyers. Absent: Gloria Brown.
 - o. Chairman Bartlett excused all witnesses until called.

- p. Chairman Bartlett asked Ms. Smith if she had any motions on her behalf. Ms. Smith had none.
- q. County Attorney Everett presented the County's opening statement.
- r. Melody Smith presented the Appellant's opening statement.
- s. County Attorney Everett called witness Melody Smith to the stand. Attorney Everett began questioning Ms. Smith. Ms. Smith responded in detail to all questions posed by County Attorney Everett. Attorney Everett mentioned County Exhibits C-8, C-10, C-13, C-14, C-15, and C-16.
- t. There were no further questions by the County.
- u. The Board began questioning Ms. Smith. Ms. Smith responded in detail to all questions posed by the Board. The Board mentioned County Exhibits C-10, C-13, C-14, and C-14, page 2.
- v. There were no further questions by the Board. The witness stepped down from witness stand.
- w. County Attorney Everett called Clea Parker to the witness stand. She stated her name, position, and tenure. County Attorney Everett began questioning Ms. Parker. Ms. Parker responded in detail to all questions posed by County Attorney Everett. County Attorney Everett mentioned County Exhibits C-11 and C-12.
- x. Ms. Smith began cross-examination of Ms. Parker. Ms. Parker responded in detail to all questions posed by Ms. Smith. County Attorney Everett objected to Ms. Smith as she could answer her own question. Chairman Bartlett sustained the objection.
- y. The Board questioned Ms. Parker. Ms. Parker responded in detail to all questions posed by the Board.
- z. There being no further questions, the witness was held for rebuttal.
- aa. [TIME CHECK] The Board advised the County had used 16.08 minutes and Appellant had used 10.10 minutes.
- bb. County Attorney Everett called Judge Atha Pryor to the witness stand. She stated her name, position, and tenure. County Attorney Everett began questioning Judge Pryor. Judge Pryor responded in detail to all questions posed by County Attorney Everett. County Attorney Everett mentioned County Exhibits C-5, EX-A, EX C and EX-9.
- cc. Ms. Smith had no questions for Judge Pryor.
- dd. The Board questioned Judge Pryor. Judge Pryor responded in detail to all questions posed by the Board.
- ee. There being no further questions, the witness was held for rebuttal.

- ff. Chairman Bartlett motioned for a lunch break until 1:15 p.m. Dr. Jackson made the motion for a lunch break, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- gg. Chairman Bartlett called the meeting back to order at 1:16 p.m.
- hh. County Attorney Everett called Probate Court Judge Pamela Ferguson to the witness stand. She stated her name, position, and tenure. County Attorney Everett began questioning Judge Ferguson. Judge Ferguson responded in detail to all questions posed by County Attorney Everett. County Attorney Everett mentioned County Exhibits C-13, C-17, C-19, page 2, C-5A, Item B, page 2, Item C, Item D, and Exhibit E.
- ii. Chairman Bartlett motioned for a break until 1:49 p.m. Dr. Jackson made the motion for a break, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- jj. Chairman Bartlett called the meeting back to order at 1:50 p.m.
- kk. Chairman Bartlett called for a motion to adjourn into Executive Session at 1:53 p.m. to discuss *Melody Smith (Probate Court)* to discuss the recusal matter. Dr. Jackson made the motion, second by Vice-Chair Lancaster. No further discussion on the motion. Motion carried by unanimous vote (4-0).
- ll. Chairman Bartlett called the meeting back to order at 2:15 p.m.
- mm. Chairman Bartlett addressed the Appellant, Melody Smith. Chairman Bartlett mentioned there was communication between Vice-Chair Lancaster and Human Resources.
- nn. Chairman Bartlett questioned Ms. Smith and if she wanted to recuse Vice-Chair Lancaster.
- oo. Chairman Bartlett mentioned Ms. Smith emailed HR Director Ambles requesting recusal of Vice-Chair Lancaster.
- pp. Chairman Bartlett read aloud the email from Ms. Smith on the record.
- qq. Ms. Smith withdrew her request for recusal.
- rr. County Attorney Everett had no objection to the withdrawal.
- ss. [TIME CHECK] The Board advised County had used 52 minutes and Appellant had used 10.02 minutes.
- tt. County Attorney Everett called Probate Court Judge Pamela Ferguson back to the witness stand. Attorney Everett continued questioning Judge Ferguson. Judge Ferguson responded in detail to all questions posed by County Attorney Everett. County Attorney Everett mentioned County Exhibits C-5 and Exhibit E.

- uu. Ms. Smith had no questions for Judge Ferguson.
- vv. The Board questioned Judge Ferguson. Judge Ferguson responded in detail to all questions posed by the Board.
- ww. There being no further questions, the witness was dismissed.
- xx. County Attorney Everett tendered the following Exhibits C-1, C-4, C-5, C-8, C-9, C-10, C-11, C-12, C-13, C-14, C-15, C-15, C-17, C-18, C-19, C-20, and C-21.
- yy. Ms. Smith objected to Exhibit C-4.
- zz. Chairman Bartlett called for a motion regarding Ms. Smith's objection to County's Exhibit C-4. Vice Chair Lancaster made the motion regarding Ms. Smith's objection to Exhibit C-4 be denied, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- aaa. County rested its case subject to rebuttal.
- bbb. Ms. Smith called Collucci Myers to the witness stand. She stated her name, position, tenure and job capacity. Ms. Smith began questioning Ms. Myers. Ms. Myers responded in detail to all questions posed by Ms. Smith.
- ccc. Ms. Myers had a document to refresh her memory on the witness stand. County Attorney Everett asked to look over the document. Chairman Bartlett allowed her to approach the witness.
- ddd. County Attorney Everett began cross-examination of Ms. Myers. Ms. Myers responded in detail to all questions posed by County Attorney Everett. County Attorney Everett mentioned County Exhibits C-14, C-15, C-16.
- eee. The Board questioned Ms. Myers. Ms. Myers responded in detail to all questions posed by the Board.
- fff. There being no further questions, the witness was held for rebuttal.
- ggg. Ms. Smith chose not to testify under oath.
- hhh. Chairman Bartlett called for a motion. Dr. Jackson made the motion for a break before closing arguments, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- iii. Chairman Bartlett called the meeting back to order at 3:17 p.m.
- jjj. The Board mentioned the County reserved its right to present closing arguments last.
- kkk. Ms. Smith presented the Appellant's closing arguments.
- lll. County Attorney Everett objected to Ms. Smith's closing arguments. Chairman Bartlett over-ruled the objection. Ms. Smith's closing arguments would not be used as evidence.

- mmm. Ms. Smith continued to present the Appellant's closing arguments.
- nnn. County Attorney Everett presented the County's closing arguments.
- ooo. Chairman Bartlett called for a motion to adjourn into Executive Session at 3:33 p.m. to discuss *Melody Smith (Probate Court)* – Termination appeal filed September 24, 2018, regarding: "I was terminated from a position held that I was placed in on January 23, 2017 with no training, etc.". Dr. Jackson made the motion for adjournment into Executive Session, second by Vice-Chair Lancaster. No further discussion on the motion. Motion carried by unanimous vote (4-0).
- ppp. Chairman Bartlett called the meeting back to order at 4:09 p.m.
- qqq. Chairman Bartlett called for a motion. Dr. Jackson made the motion to uphold the termination, second by Ms. Phillips-Hall. No further discussion on the motion. Motion carried by unanimous vote (4-0).

11. Discussion items.

- a. Confirmed meeting date(s) for June 2019.
 - i. The Board confirmed its next Regular Meeting date would be 9:00 a.m., on Wednesday, June 26, 2019.
- b. Upcoming cases for June 26, 2019.
 - i. *Tamikia Johnson (Tax Commissioner)*
 - ii. *Anthony Bird (Police Department)*
 - iii. *Michael Watts (Police Department)*

12. Executive Session (as needed).

- a. None were needed.

13. Other business.

- a. County Attorney Pamela Everett advised this would be her last Civil Service Board meeting.

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 (4-0).

Meeting adjourned.


LARRY BARTLETT
CHAIRMAN


PAMELA R. AMBLES
HUMAN RESOURCES DIRECTOR