

REGULAR CALLED CIVIL SERVICE BOARD MEETING

March 2, 2016

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, March 2, 2016, 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; Human Resources Officer Pamela Ambles; Civil Service Board Attorney Joe Harris; Police Department Legal Advisor Kenneth Green; County Attorney Michelle Youngblood; Attorney Keith Martin; Chief of Police Michael Register; Fire/Chief Financial Officer Timmy Sweat; Fire Chief Landry Merkison; Sheriff Assistant Deputy Chief Shawn Southerland; Solicitor General Tasha Mosley; Attorney Amil Johnson; Buildings and Maintenance Director Les Markland; Interim Technology Director Jason Brookins; Cyd Cox; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:07 a.m.

Chairman Bartlett called for a motion to adopt the agenda. Mr. Trimble made the motion to adopt the agenda with the following additions: Item 13A – Annual Leave Request from an employee of the Solicitor General's Office, 13B - Annual Leave Request from an employee of the Solicitor General's Office and Item 14A – Probationary Extension Request from the Police Department, second by Dr. Jackson. Chairman Bartlett clarified that 13A was a request for Annual Leave donation and 13B was a request for Leave of Absence. No further discussion on the motion made. Motion carried by a unanimous vote.

1. Considered for approval the Civil Service Board Meeting Minutes held on February 3, 2016.
 - 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 a unanimous vote.

2. Considered for approval the Civil Service Board's Executive Session Minutes regarding the **Mark Felgenhauer, Sheriff's Office**, grievance heard on February 3, 2016.

- a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the Executive Session Minutes, second by Dr. Jackson. No further discussion on the motion made. Motion carried by a unanimous vote.
3. Considered for approval the Civil Service Board's Advisory Opinion and Grievance Recommendation regarding **Mark Felgenhauer, Sheriff's Office**, grievance heard on February 3, 2016.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the Advisory Opinion and Grievance Recommendation, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a unanimous vote.
4. Considered for approval the Civil Service Board's Executive Session Minutes regarding the **Michael Hensley, Sheriff's Office**, grievance heard on February 3, 2016.
 - a. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the Executive Session Minutes, second by Mr. Trimble. No further discussion on the motion made. Motion carried by a unanimous vote.
5. Considered for approval the Civil Service Board's Advisory Opinion and Grievance Recommendation regarding **Michael Hensley, Sheriff's Office**, grievance heard on February 3, 2016.
 - a. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the Advisory Opinion and Grievance Recommendation, second by Mr. Trimble. No further discussion on the motion made. Motion carried by a unanimous vote.
6. Considered for approval the Civil Service Board's Executive Session Minutes regarding the **Robert Lane, Sheriff's Office**, grievance heard on February 3, 2016.
 - a. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the Executive Session Minutes, second by Mr. Trimble. No further discussion on the motion made. Motion carried by a unanimous vote.
7. Considered for approval the Civil Service Board's Advisory Opinion and Grievance Recommendation regarding **Robert Lane, Sheriff's Office**, grievance heard on February 3, 2016.
 - a. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the Advisory Opinion and Grievance Recommendation, second by Mr. Trimble. No further discussion on the motion made. Motion carried by a unanimous vote.
8. Considered for approval the Civil Service Board's Executive Session Minutes regarding the **Timmy Ray Sweat, Fire Department**, grievance heard on February 3, 2016.

- a. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the Executive Session Minutes, second by Mr. Trimble. No further discussion on the motion made. Motion carried by a unanimous vote.
9. Considered for approval the Civil Service Board's Advisory Opinion and Grievance Recommendation regarding **Timmy Ray Sweat, Fire Department**, grievance heard on February 3, 2016.
 - a. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the Advisory Opinion and Grievance Recommendation, second by Mr. Trimble. No further discussion on the motion made. Motion carried by a unanimous vote.
10. Chairman Bartlett presented the following certificates:
 - a. **Employee Professional Development**
 - i. Tiffani Booker, Police
 - ii. Lorinne Moffitt, Community Development/Grant-NSP
 - b. **Manager's Basic Skills Certificate**
 - i. Kimberly Clayton, Library/Forest Park
 - ii. Jennifer Crane, Juvenile Court (not in attendance)
 - iii. Noi Souphanthavong, Human Resources
 - c. **Manager's Professional Skills Certificate**
 - i. Kimberly Clayton, Library/Forest Park
 - ii. Marc Richards, Police
 - iii. Carol Seaton, Community Development/Grant-NSP
 - iv. Noi Souphanthavong, Human Resources Clerk
11. Considered request from **Jeffrey Dobbins, Building & Maintenance**, for annual leave donation.
 - a. Chairman Bartlett asked Director Renee Bright if the request met the requirements under the Civil Service Rules and Regulations. Ms. Bright answered in the affirmative.
 - b. Mr. Trimble made a motion that the request be approved, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
12. Considered request from **Solicitor's Office** for Annual Leave Donation.

- a. Mr. Trimble made a motion that the request be approved, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
13. Considered request from **Solicitor General Tasha Mosley** to place Keith Gammage on Leave of Absence.
 - a. Solicitor Tasha Mosley spoke about how her employees would be running for public office.
 - b. Chairman Bartlett called for a motion. Mr. Trimble made the motion to grant the leave of absence, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a unanimous vote.
 14. Considered request from **Solicitor General Tasha Mosley** to place Chaundra Lewis on Leave of Absence.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to grant the leave of absence, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by a unanimous vote.
 - b. Mr. Gammage thanked the Civil Service Board.
 15. Considered request from the Sheriff's Office to extend the probationary period of **Daniel Serene** for an additional six months.
 - a. Assistant Deputy Chief Shawn Southerland spoke on the reasoning behind the extension of the probationary period.
 - b. Chairman Bartlett called for a motion extend the probationary period for an additional six months. Mr. Trimble 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.
 16. Considered request from Chief of Police Michael Register to extend the probationary period of **Mario McDaniel** for an additional twelve (12) months.
 - a. Kenneth Green spoke on the behalf of the Police Department as to why the request was being made.
 - b. Chairman Bartlett called for a motion extend the probationary period for an additional twelve months. Mr. Trimble made the motion to approve the request, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by a unanimous vote.

17. Calendar Call.
- a. **Cyd Cox (Information Technology)** – Appeal filed May 29, 2013, regarding: “Termination from my position as Division Manager in the Information Technology Department.”
 - i. Attorney Amil Johnson stated that he was ready to proceed on behalf of the County.
 - ii. Attorney Keith Martin stated that he was ready to proceed, but noted the absence of one witness, Fire Chief Landry Merkison.
 - b. **Brenda Lee Thomas (Sheriff)** – Grievance filed June 3, 2015, regarding: “Improper promotion within the department”.
 - i. Chairman Bartlett acknowledged a request for continuance by Grievant’s attorney, Kimberly Bandoh due to a court conflict. The continuance was granted.
 - c. **James Slaughter, III (Fire & Emergency Services)** – Appeal filed August 20, 2013, regarding: “Forty-eight (48) hours suspension without pay and issuance of demotion track letter”.
 - i. Chairman Bartlett acknowledged that the appeal was withdrawn by the employee on February 11, 2016.
 - d. Chairman Bartlett asked Attorney Johnson how long he thought it would present the County’s case.
 - e. Attorney Johnson stated that he would take forty-five minutes and that they have two witnesses. Jason Brookins would be one of the witnesses.
 - f. Attorney Martin spoke on his readiness.
 - g. Chairman Bartlett suggested that they start the case at 10 a.m. and then took a motion to take a break until that time. Mr. Trimble made a motion to take a break, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a unanimous vote.
18. **Appeal** – Considered appeal filed by **Cyd Cox (Information Technology)**, on May 29, 2013, regarding: “Termination from my position as Division Manager in the Information Technology Department”.
- a. Chairman Bartlett called the meeting back to session at 10:05 a.m.

- b. Chairman Bartlett expressed that he knew Cyd Cox and asked if there was a request for him to recuse himself.
- c. Neither the County nor the Appellant had a request for recusal.
- d. Dr. Jackson stated that he also knew Cyd Cox and extended an offer to recuse himself.
- e. Neither the County nor the Appellant had a request for recusal.
- f. Chairman Bartlett spoke to Attorney Johnson about the guidelines of the Civil Service hearing process.
- g. Attorney Johnson presented the opening statement for the County.
- h. Chairman Bartlett interrupted Attorney Johnson to speak on sequestration of the witnesses.
- i. Attorney Johnson commenced with giving the opening statement for the County.
- j. Attorney Martin gave the opening statement on behalf of the Appellant.
- k. Vice-Chair Lancaster made a request that acronyms such as PSDN (Public Safety Digital Network) and RFP (Request for Proposal) not be used.
- l. Attorney Johnson called Interim Information Technology Director Jason Brookins to the witness stand. Civil Service Board Attorney Joe Harris swore him in.
- m. Attorney Johnson asked Mr. Brookins to state his name and position. Mr. Brookins answered.
- n. **Exhibit C1** was examined. Mr. Brookins recognized the document as a termination personnel action.
- o. Mr. Brookins was asked to examine **Page 2 of Exhibit C1**. Mr. Brookins says that Cyd Cox was terminated because of a violation of a non-disclosure agreement. Mr. Brookins stated that this violation occurred when Ms. Cox made contact with Motorola after a Request for Proposal was released.
- p. Attorney Johnson asked Mr. Brookins to explain the state contract. Mr. Brookins does so.
- q. Mr. Brookins continued to explain why Ms. Cox was terminated. Attorney Johnson asked if he stood by the department's decision to terminate Ms. Cox. Mr. Brookins answered in the affirmative.
- r. Mr. Brookins was asked to examine **Page 1 of Exhibit C2** which is a business card.

- s. Mr. Brookins was asked how the card came to be at the Information Technology Department.
- t. Attorney Martin objected due to hearsay.
- u. Chairman Bartlett stated that most of the information was from former Information Technology Director Brett Lavendar and is written.
- v. Attorney Johnson "striked" the question of how the business card came into the possession of the Information Technology Department.
- w. Attorney Johnson asked Mr. Brookins to look at **Page 2 of Exhibit C2**. Mr. Brookins stated that it was an e-mail.
- x. Attorney Johnson and Mr. Brookins examined **Page 3 of Exhibit C2** which was also an e-mail from Cyd Cox.
- y. Attorney Johnson asked Mr. Brookins to examine **Exhibit C3**. Mr. Brookins answered all questions pertaining to this exhibit.
- z. Mr. Brookins was questioned by Attorney Johnson as to how the department discovered the e-mails in question. Mr. Brookins answered.
- aa. **Pages 3 and 4 of Exhibit C3** were examined. Attorney Johnson asked Mr. Brookins to provide a summary of the communication included.
- bb. Attorney Martin objected on the grounds of "at best" supposition. Attorney Johnson's then explained why he asked the question.
- cc. Chairman Bartlett stated that Mr. Brookins' summary could be helpful to the Board in gaining more insight. Vice- Chair Lancaster agreed. The objection was overruled.
- dd. Mr. Brookins began to explain **Page 1 of Exhibit C3** which is communication between Wade Starr and Cyd Cox.
- ee. Attorney Johnson directed Mr. Brookins to **Page 10** and asked questions pertaining to the information. Mr. Brookins answered all questions.
- ff. Mr. Brookins is asked by Attorney Johnson about **Pages 1 and 2 of Exhibit C5**. All questions were answered by Mr. Brookins.
- gg. Attorney Johnson then questioned Mr. Brookins about **Page 3 of Exhibit C6**. Mr. Brookins answered all questions. Attorney Johnson had no further questions for Mr. Brookins.
- hh. Attorney Martin began his line of questioning towards Mr. Brookins.

- ii. Mr. Brookins was asked by Attorney Martin to turn to **Page 3 of Exhibit C2**. Attorney Martin asked Mr. Brookins questions pertaining to the content of this exhibit. Mr. Brookins answered all questions.
- jj. Attorney Martin asked Mr. Brookins questions related to the content within **Exhibit C3**. Mr. Brookins answered all questions asked.
- kk. Attorney Martin continued questioning Mr. Brookins. Mr. Brookins answered all questions asked.
- ll. The Board began to question Mr. Brookins. Mr. Brookins answered all questions asked.
- mm. Chairman Bartlett asked questions about “luncheons” mentioned in **Exhibit C1**. Mr. Brookins clarifies that **Exhibit C1** pertains to a meeting with Motorola.
- nn. The Board continued to ask questions of Mr. Brookins. Mr. Brookins answered all questions asked.
- oo. Attorney Johnson asked the Board if he would have the opportunity to re-direct his line of questioning to Mr. Brookins. Chairman Bartlett explained to Attorney Johnson his options in the matter.
- pp. Attorney Martin did not object to Attorney Johnson’s wish to re-direct.
- qq. Attorney Johnson began to question Mr. Brookins again. Mr. Brookins answered all questions.
- rr. Attorney Martin began to question Mr. Brookins again. Mr. Brookins answered all questions asked.
- ss. The Board asked more questions. Mr. Brookins answered all questions.
- tt. Attorney Johnson stated that he had no additional witnesses.
- uu. The Board began a discussion about going to lunch.
- vv. Attorney Johnson stated that the County rested and wanted to tender all evidence which included **Exhibits C1-C8**. Attorney Martin had no objections.
- ww. Chairman Bartlett called for a motion to take a break. Vice-Chair Lancaster made the motion, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
- xx. Chairman Bartlett called the meeting back into session.
- yy. Wade Starr is called to the witness stand by Attorney Martin.
- zz. Attorney Martin asked Mr. Starr to state his name. Mr. Starr does so.

- aaa. Attorney Martin began to question Mr. Starr. Mr. Starr answered all questions.
- bbb. Mr. Starr stated that he requested that Ms. Cox come work for him. Attorney Martin asked for the reason that resulted in this decision. Mr. Starr stated that he was concerned about how to manage cost and felt that the biggest cost would come from improving technology. Mr. Starr believed that Ms. Cox had the skills necessary to complete the task.
- ccc. Attorney Martin asked Mr. Starr if Ms. Cox ever failed to carry out a directive. Mr. Starr stated that she did not.
- ddd. Mr. Starr was asked by Attorney Martin if he knew Ms. Cox before she began working with the Clayton County Board of Commissioners. Mr. Starr stated that they went to the same church but never "hung out".
- eee. Attorney Johnson asked Mr. Starr why he chose Ms. Cox instead of Mr. Brookins. Mr. Starr stated that he wanted somebody in whom he was confident possessed the technical and interpersonal skills to perform.
- fff. Attorney Johnson continued to question Mr. Starr. Mr. Starr answered all questions asked.
- ggg. Vice-Chair Lancaster asked Mr. Starr why the RFP had been placed on hold. Mr. Starr stated that he was not "in the wheats" about that and did not know.
- hhh. Chairman Bartlett asked Counsel if Mr. Starr was subject to rebuttal. Attorney Johnson and Attorney Johnson had a discussion about the matter.
- iii. Attorney Martin stated that they did not believe that they will call Mr. Starr for rebuttal. Mr. Starr is dismissed.
- jjj. Chairman Bartlett called for a motion to take a lunch break. Dr. Jackson made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- kkk. Chairman Bartlett called the meeting back into session.
- lll. Attorney Martin called Fire Chief Landry Merkison to the witness stand.
- mmm. Attorney Joe Harris swore Chief Merkison in.
- nnn. Attorney Martin asked Chief Merksion to state his name and title. Chief Merkison did so.
- ooo. Chief Merkison is asked questions by Attorney Martin. Chief Merkison answered all questions.

- ppp. Attorney Martin asked Chief Merkison questions pertaining to his and Ms. Cox's involvement in the Public Safety Digital project. Chief Merkison answered all questions asked.
- qqq. Chief Merkison was asked to examine **Page 1 of Exhibit C4** and was asked questions by Attorney Martin pertaining to the content mentioned within. Chief Merkison answered all questions.
- rrr. Attorney Martin asked Chief Merkison about the "blind scoring" process used for rating potential vendors. Chief Merkison explained the process.
- sss. Attorney Martin continued to question Chief Merkison. Chief Merkison answered all questions asked.
- ttt. Chief Merkison was asked by Attorney Martin if he would consider Ms. Cox an asset to the Public Safety Digital Network project. Chief Merkison answered in the affirmative.
- uuu. Attorney Johnson questioned Chief Merkison. Chief Merkison answered all questions.
- vvv. Chairman Bartlett asked Chief Merkison whether or not he was part of any meeting Ms. Cox set up with Motorola or any group prior to the awarding of the contract. Chief Merkison stated that he was not.
- www. The Board questioned Chief Merkison. Chief Merkison answered all questions.
- xxx. Chairman Bartlett asked if Chief Merkison was subject to rebuttal. Attorney Martin asked that Chief Merkison be released. Attorney Johnson did not object.
- yyy. Attorney Martin called Cyd Cox to the witness stand. Attorney Joe Harris swore Ms. Cox in.
- zzz. Attorney Martin asked Ms. Cox to state her name. Ms. Cox did so.
- aaaa. Attorney Martin proceeded to question Ms. Cox. Ms. Cox was asked about conversations that she had with Motorola before the contract was awarded. Ms. Cox answered all questions.
- bbbb. Attorney Martin continued to question Ms. Cox. Ms. Cox answered all questions.
- cccc. Ms. Cox was asked if she ever had a copy of the entire contract. Ms. Cox stated that she did not.
- dddd. Attorney Martin asked more questions to Ms. Cox. Ms. Cox answered all questions asked.
- eeee. Attorney Johnson questioned Ms. Cox. Ms. Cox answered all questions.

- ffff. Ms. Cox was asked to examine **Page 2 of Exhibit C2** and was asked questions pertaining to its contents. Ms. Cox answered all questions.
- gggg. Attorney Johnson continued his line of questioning. Ms. Cox answered all questions.
- hhhh. The Board began to question Ms. Cox. Ms. Cox answered all questions.
- iiii. Chairman Bartlett asked about a date mentioned on **Page 3 in Exhibit C6** which was February 8, 2012. Ms. Cox was asked whether or not she had any meal with Motorola prior to this date. Ms. Cox stated that she did not.
- jjjj. Chairman Bartlett asked more questions. Ms. Cox answered all questions.
- kkkk. Ms. Cox spoke of a statement she said the former Information Technology Director made to her regarding Mr. Starr no longer being able to protect her. Chairman Bartlett stated that Ms. Cox's statement should be considered as hearsay.
- llll. Mr. Martin spoke about the witness not being present and that Ms. Cox's statement was admissible.
- mmmm. Chairman Bartlett stated that being that Mr. Lavendar was not present to refute any statement, her statement was hearsay.
- nnnn. The Board continued to question Ms. Cox. Ms. Cox answered all questions asked.
- oooo. Attorney Martin rested the case for the Appellant and tendered **Exhibits A1 – A2**. Attorney Johnson had no objections.
- pppp. Chairman Bartlett called for a motion to take a short break. Mr. Trimble made the motion, second by Ms. Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- qqqq. Chairman Bartlett called the meeting back into session.
- rrrr. Attorney Johnson accepted the option to present the closing argument for the County last.
- ssss. Attorney Martin presented the closing argument on behalf of the Appellant.
- tttt. Attorney Johnson presented the closing argument on behalf of the County.
- uuuu. Chairman Bartlett called for a motion to go into Executive Sessions. Dr. Jackson made the motion, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote.
- vvvv. Chairman Bartlett called the meeting back into session.

www. Chairman Bartlett called for a motion in regards to the appeal filed by Cyd Cox regarding termination. Mr. Trimble made the motion that the department's decision to terminate be upheld, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.

19. Discussion item.

- a. Selected meeting date for April 2016.
 - i. The first Wednesday in April is April 6, 2016.
 - ii. Chairman Bartlett introduced a discussion about the back log of cases. He spoke about how to move cases forward and wished to set aside time to discuss a plan on how to do so.
 - iii. The Board had a discussion on the matter of the back log of cases.

20. Other business.

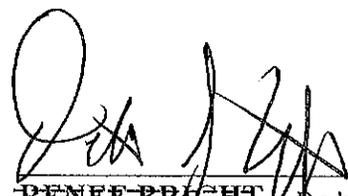
- a. Chairman Bartlett called for a motion to go into Executive Session with the County Attorney to discuss pending litigation. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- b. Chairman Bartlett called the meeting back to order.

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

Meeting adjourned.


LARRY A. BARTLETT
CHAIRMAN

Interim


~~RENEE BRIGHT~~ Detrick Stanford
HUMAN RESOURCES DIRECTOR