

CIVIL SERVICE BOARD MEETING

APRIL 26, 2017

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, April 26, 2017, in the Commissioners' Board Room.

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

Also present: Human Resources Director Pamela Ambles and staff; Civil Service Board Attorney Joe Harris; Tax Commissioner Terry Baskin; Attorney Keith Martin; Elections Director Shauna Dozier; Chief Financial Officer Ramona Bivins; County Attorney Michelle Youngblood; Police Captain Tina Daniel; Police Legal Advisor Kenneth Green; Tax Commissioner Office Manager Danielle Smith; Fire Chief Landry Merkison; Attorney James Radford; General Accounting Manager Kim Booth; Elaine Minor; Brenda French; Laterral Francis; Thomas Sheats; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:10 a.m.

Chairman Bartlett called for a motion to adopt the April 26th agenda. Mr. Trimble made the motion to adopt the agenda, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

1. Considered the Civil Service Board's Meeting Minutes held on March 22, 2017.
 - 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 unanimous vote.

2. Considered the Civil Service Board's Executive Session Minutes regarding **Andrew White, Sheriff's Office**, termination appeal called at the March 22, 2017 meeting.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the Minutes, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.

3. Considered the Civil Service Board's Decision regarding **Andrew White, Sheriff's Office**, termination appeal called at the March 22, 2017 meeting.
 - 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.
4. Considered for approval the Civil Service Board's Decision regarding **Andrew White, Sheriff's Office**, termination appeal heard at the March 22, 2017 meeting.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the Decision, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a unanimous vote.
5. Considered for approval the Civil Service Board's Decision regarding **James C. Reeves, Information Technology**, suspension appeal called at the March 22, 2017 meeting.
 - a. Chairman Bartlett confirmed Mr. Reeves was a 'no show' and that Human Resources had documentation that he was given notification.
 - b. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the Decision, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a unanimous vote.
6. Considered request from Police Captain Tina Daniel (E-911 Communications) to extend the probationary period of **Lauren Mosley, E-911 Communications**, for an additional six (6) months.
 - a. Police Captain Tina Daniel asked that the request be rescinded as Ms. Mosley resigned from her position.
 - b. Chairman Bartlett called for a motion to remove the request from the calendar due to the resignation of the employee. Mr. Trimble made the motion to remove the request, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by a unanimous vote.
7. Considered request from Deputy Chief Operating Officer Alex Cohilas (Interim Director E-911 Communications) to extend the probationary period of **Bennie Bridges, E-911 Communications**, for an additional six (6) months.
 - a. Captain Daniel presented the request in detail.
 - b. Mr. Bridges was not in attendance.
 - c. Chairman Bartlett stated the only caveat was that Mr. Bridges' administrative appointment was rescinded by Deputy Chief Operating Officer Alex Cohilas.
 - d. Captain Daniel explained Mr. Bridges never served as a Dispatcher I prior to his administrative appointment and wanted him to have the opportunity to fulfill the duties of this position.

- e. Chairman Bartlett called for a motion. 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.
8. Considered request from Chief of Police Michael Register to extend the probationary period of **Luis Tellechea**, for an additional eight (8) months.
 - a. Police Legal Advisor Kenneth Green presented the request in detail.
 - b. Officer Tellechea was not in attendance.
 - c. Human Resources Director Pamela Ambles advised she supported the request and that it was not outside the Board's Civil Service Rules and guidelines.
 - d. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the request, second by Mr. Trimble. No further discussion on the motion made. Motion carried by a unanimous vote.
 9. Considered request from Chief Financial Officer Ramona Bivins to set a six-month probationary period for **Elaine Minor, Finance**.
 - a. Chief Financial Officer Ramona Bivins presented the request in detail.
 - b. Ms. Minor was in attendance.
 - c. There was a discussion among the Board, CFO Bivins and HR Director Ambles regarding this class' different length of probationary period.
 - d. HR Director Ambles advised there is only one Payroll Manger in this class and that she supported the request.
 - e. 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 a unanimous vote.
 10. Considered request from Fire Chief Landry Merkison to extend the promotional probationary period of **Ricky Wayne Webster, Jr.**, for an additional six (6) months.
 - a. Fire Chief Landry Merkison presented the request in detail.
 - b. Lt. Webster was not in attendance.
 - c. Chairman Bartlett advised the Board received a memorandum from Lt. Webster and reviewed some of the points provided within.
 - d. There was a lengthy discussion among the Board, Fire Chief Merksion and Deputy Chief Gerald Fordham regarding Lt. Webster's memorandum.
 - e. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the request, second by Mr. Trimble. No further discussion on the motion made. Motion carried by a unanimous vote.
 - f. Chairman Bartlett stated the Board is continuously impressed and astonished at how well the Fire Department is ran; and commended the Fire Chief and staff.
 - g. The Board wished Lt. Webster good luck!

11. Calendar Call.

- a. **Thomas Sheats (Police Department)** – Appeal filed July 17, 2014, regarding: ““The termination of my employment from the Clayton County Police Department and Clayton County Government, effective July 10, 2014”.”
 - i. Attorney Keith Martin was present and advised the Board Mr. Sheats would withdraw his appeal.
 - ii. Chairman Bartlett accepted the withdrawal.
 - iii. Attorney Martin stated Mr. Sheats made the decision to withdraw this morning and had conveyed this to County Attorney Michelle Youngblood.
 - iv. Civil Service Board Attorney Joe Harris advised the Board to vote on the acceptance of the withdrawal.
 - v. Chairman Bartlett called for a motion to accept the appeal withdrawal. Mr. Trimble made the motion to accept Mr. Sheats’ withdrawal, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a unanimous vote.
 - vi. The Board thanked Attorney Martin and wished Mr. Sheats good luck!
 - vii. Chairman Bartlett released all parties to the Sheats’ appeal.

- b. **Brenda French (Tax Commissioner)** – Appeal filed April 25, 2016, regarding: “Termination”.”
 - i. Attorney Youngblood represented the County and stated the County was ready to proceed.
 - ii. Attorney James Radford represented the Appellant, Brenda French, and stated the Appellant was ready to proceed.
 - iii. Chairman Bartlett advised Ms. French’s case would be first up.
 - iv. Both attorneys confirmed the hearing would take the full 90 minutes.
 - v. Chairman Bartlett confirmed the hearing would last most of the day.

- c. **Laterrial Francis (Elections & Registration)** – Appeal filed May 27, 2016, regarding: Two-day suspension.
 - i. Ms. Laterrial Francis was present and ready to proceed.
 - ii. Attorney Youngblood stated the County was ready to proceed.
 - iii. Chairman Bartlett advised Ms. Francis that her case would be reset for May.

- d. **Kesheia B. Floyd (Probate Court)** – Appeal filed July 5, 2016, regarding: “Termination – This mischaracterization of my ‘performance as being incompetent, ineffective and negligent’”. Ms. Floyd withdrew her appeal on April 11, 2017.
 - i. Chairman Bartlett confirmed Ms. Floyd withdrew her appeal.
 - ii. HR Director Ambles advised she spoke with Ms. Floyd and she provided written correspondence to Human Resources.

- iii. Chairman Bartlett stated a motion would not be necessary to accept the withdrawal.
 - e. Chairman Bartlett called for a short break. Vice-Chair Lancaster made the motion, second by Mr. Trimble. No further discussion on the motion made. Motion carried by a unanimous vote.
 - f. Chairman Bartlett called the meeting back to order.
12. (Appeal) - **Brenda French (Tax Commissioner)** – Appeal filed April 25, 2016, regarding: “Termination”.
- a. Attorney Youngblood and Attorney Radford confirmed they were ready to move forward.
 - b. Attorney Youngblood stated one witness lived out of town but that two were in route.
 - c. Attorney Radford advised all witnesses were present as they are county employees.
 - d. Chairman Bartlett explained the hearing guidelines. Neither attorney had any questions.
 - e. Chairman Bartlett called for opening statements.
 - f. Attorney Harris swore in all witnesses: three (3) for the County and one (1) for the Appellant.
 - g. Attorney Radford asked for an order of sequestration.
 - h. Chairman Bartlett dismissed all parties except Tax Commissioner Terry Baskin and Brenda French from the board room. He ordered them not to discuss the case while sitting in the lobby.
 - i. Attorney Youngblood identified the County’s witnesses that were present as Danielle Smith and Donna Dallas.
 - j. Chairman Bartlett asked to make sure the arriving witnesses were sworn-in prior to their testimony.
 - k. Attorney Youngblood presented the County’s opening statement.
 - l. Attorney Radford presented the Appellant’s opening statement. Attorney Youngblood objected to the mention of Georgia Department of Labor. Chairman Bartlett sustained the objection.

- m. Attorney Youngblood called Tax Commissioner Terry Baskin to the witness stand. He stated his name, where employed, and tenure as Tax Commissioner. Attorney Youngblood began questioning Tax Commissioner Baskin. Tax Commissioner Baskin responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits C-17, C-16, C-5, and C-8.
- n. Attorney Youngblood continued questioning Tax Commissioner Baskin. Tax Commissioner Baskin responded in detail to all questions posed by Attorney Youngblood. Attorney Radford objected to Tax Commissioner Baskin's response on the grounds of hearsay and explained. Attorney Youngblood explained in detail. Chairman Bartlett stated he would allow the response and that appropriate weight would be given unless it is verified by direct testimony.
- o. Attorney Youngblood continued questioning Tax Commissioner Baskin and mentioned County Exhibit C-9. Attorney Radford made the same objection on the grounds of hearsay. Attorney Youngblood responded in detail.
- p. Chairman Bartlett asked Attorney Harris would this document fall under a business record. Attorney Harris responded that it was hearsay, but if Tax Commissioner Baskin relied on it to make his decision, it was admissible.
- q. There was a discussion between the Civil Service Board to get each member's viewpoint. There were two members (Dr. Jackson and Ms. Phillips-Hall voted not to allow the document) and there were three members (Chairman Bartlett, Vice-Chair Lancaster, and Mr. Trimble) voted to allow the document. Final vote 2-3. Chairman Bartlett over-ruled the objection and allowed the document at this time.
- r. Time check: County used 34 minutes.
- s. Attorney Youngblood continued questioning Tax Commissioner Baskin and mentioned County Exhibits C-4 and C-7.
- t. Attorney Radford began the cross-examination of Tax Commissioner Baskin. Tax Commissioner Baskin responded in detail to all questions posed by Attorney Radford. Attorney Youngblood objected to a question posed as "asked and answered". Chairman Bartlett had Attorney Radford rephrase the question. Tax Commissioner responded to the question.
- u. Attorney Radford continued the cross-examination of Tax Commissioner Baskin. Attorney Youngblood objected to the question "asked and answered". Chairman Bartlett advised Attorney Radford to move on. Attorney Radford did not have any other questions for Tax Commissioner Baskin.
- v. The Board questioned Tax Commissioner Baskin. He responded in detail to all questions posed by the Board.
- w. There being no further questions, the witness stepped down.

- x. Time check: County used 45 minutes and Appellant used 20 minutes.
- y. Chairman Bartlett called for a lunchbreak motion until 1:15 p.m. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a unanimous vote.
- z. Chairman Bartlett called the meeting back to order.
- aa. Attorney Youngblood called Office Manager Danielle Smith to the witness stand and confirmed she was previously sworn in. She stated her name, where employed, position and tenure in the position. Attorney Youngblood began questioning Office Manager Smith. Office Manager Smith responded in detail to all questions posed by Attorney Youngblood.
- bb. Attorney Radford began the cross-examination of Office Manager Smith. Office Manager Smith responded in detail to all questions posed by Attorney Radford.
- cc. The Board questioned Office Manager Smith. She responded in detail to all questions posed by the Board.
- dd. There being no further questions, the witness was held for rebuttal by the County and returned to sequestration.
- ee. Attorney Youngblood called Deputy Tax Accountant Danielle Trimble to the witness stand. Attorney Harris swore-in Deputy Tax Accountant Trimble. She stated her name, where employed and position. Attorney Youngblood began questioning Deputy Tax Accountant Trimble. Deputy Tax Accountant Trimble responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits C-9, C-13, C-15, C-14 and C-16.
- ff. Attorney Youngblood continued questioning Deputy Tax Accountant Trimble. Deputy Tax Accountant Trimble responded in detail to all questions posed by Attorney Youngblood.
- gg. Attorney Radford began the cross-examination of Deputy Tax Accountant Trimble and mentioned County Exhibit C-9.
- hh. Attorney Radford continued the cross-examination of Deputy Tax Accountant Trimble. Deputy Tax Accountant Trimble responded in detail to all questions posed by Attorney Radford.
- ii. The Board did not have any questions for Deputy Tax Accountant Trimble.
- jj. There being no further questions, the witness was held for rebuttal by the County and returned to sequestration.
- kk. Attorney Youngblood stated there were no further witnesses at this time and asked to tender the following County Exhibits: C-4 – C-9 and C-13 – C-17.

- ll. Attorney Radford did not have any objections to County Exhibits C-4 – C-9 and C-13 – C-17.
- mm. Attorney Radford called Brenda French to the witness stand.
- nn. Time check: County used 59:30 minutes and Appellant used 24 minutes.
- oo. She stated her full name for the record. Attorney Radford began questioning Ms. French. Ms. French responded in detail to all questions posed by Attorney Radford. Attorney Youngblood objected to a question posed as Ms. French was not physically present in order to testify as to the alleged details. Chairman Bartlett sustained the objection as hearsay.
- pp. Attorney Radford continued questioning Ms. French. Ms. French responded in detail to all questions posed by Attorney Radford. Attorney Radford mentioned Appellant Exhibits A-7, A-8 and A-9.
- qq. Attorney Youngblood began the cross-examination of Ms. French. Ms. French responded in detail to all questions posed by Attorney Youngblood.
- rr. The Board questioned Ms. French. She responded in detail to all questions posed by the Board.
- ss. There being no further questions, the witness stepped down.
- tt. Attorney Radford called Deputy Tax Commissioner Anne Wise to the witness stand.
- uu. Vice-Chair Lancaster made a motion for a short break, second by Mr. Trimble. No further discussion on the motion made. Motion carried by a unanimous vote.
- vv. Chairman Bartlett called the meeting back to order.
- ww. Attorney Harris swore-in Deputy Tax Commissioner Wise. She stated her full name. Attorney Radford began questioning Deputy Tax Commissioner Wise. Deputy Tax Commissioner Wise responded in detail to all questions posed by Attorney Radford.
- xx. Attorney Youngblood began the cross-examination of Deputy Tax Commissioner Wise. Deputy Tax Commissioner Wise responded in detail to all questions posed by Attorney Youngblood.
- yy. The Board questioned Deputy Tax Commissioner Wise. She responded in detail to all questions posed by the Board.
- zz. There being no further questions, the witness was held for rebuttal by the Appellant and returned to sequestration.

- aaa. Attorney Radford called Lisa Gillians to the witness stand. Attorney Harris swore-in Ms. Gillians. She stated her full name. Attorney Radford began questioning Ms. Gillians. Ms. Gillians responded in detail to all questions posed by Attorney Radford.
- bbb. Attorney Youngblood did not have any questions for Ms. Gillians.
- ccc. The Board questioned Ms. Gillians. She responded in detail to all questions posed by the Board.
- ddd. There being no further questions, the witness was held for rebuttal by the Appellant and returned to sequestration.
- eee. Attorney Radford called Joyce Alexander to the witness stand. Attorney Harris swore-in Ms. Alexander. She stated her full name. Attorney Radford began questioning Ms. Alexander. Ms. Alexander responded in detail to all questions posed by Attorney Radford.
- fff. The Board questioned Ms. Alexander. She responded in detail to all questions posed by the Board.
- ggg. There being no further questions, the witness was held for rebuttal by the Appellant and returned to sequestration.
- hhh. Attorney Radford stated there were no further witnesses at this time and asked to tender the following Appellant Exhibits: A-7, A-8 and A-9.
- iii. Attorney Youngblood did not have any objections to Appellant Exhibits A-7, A-8 and A-9.
- jjj. Time check: Appellant used 56 minutes and County used 62 minutes.
- kkk. Attorney Youngblood called Office Manager Smith for rebuttal and began asking additional questions. Office Manager Smith responded in detail to all questions posed by Attorney Youngblood.
- lll. Attorney Radford did not have any further questions. He conferred with the Appellant and posed a question to the witness, but later stated to disregard.
- mmm. The Board did not have any questions.
- nnn. There being no further questions, the witness was held for surrebuttal by the County.
- ooo. Attorney Youngblood called Danielle Trimble for rebuttal and began asking additional questions. Danielle Trimble responded in detail to all questions posed by Attorney Youngblood.
- ppp. Attorney Radford did not have any additional questions.

- qqq. The Board questioned Ms. Trimble. She responded in detail to all questions posed by the Board.
- rrr. There being no further questions, the witness was held for surrebuttal by the County.
- sss. Attorney Youngblood called Donna Dallas to the witness stand and began asking additional questions. Ms. Dallas responded in detail to all questions posed by Attorney Youngblood. Attorney Radford objected to a question posed as “not rebutting – but the witness was giving new testimony”.
- ttt. Chairman Bartlett asked Attorney Harris about allowing the response. Attorney Harris advised Attorney Youngblood was entitled to ask the question. Chairman Bartlett over-ruled the objection.
- uuu. Attorney Youngblood continued questioning Ms. Dallas. Attorney Youngblood mentioned County Exhibits: C-18 pages 1a, 2a, 2b, 3a, 3b, 4a, 4b, and 4c; C-19, pages 6, 2-5 and 12; and C-12.
- vvv. Attorney Radford asked additional questions to Donna Dallas. Ms. Dallas responded in detail to all questions posed by Attorney Radford.
- www. The Board questioned Donna Dallas. She responded in detail to all questions posed by the Board.
- xxx. There being no further questions, the witness was held for surrebuttal by the County.
- yyy. Attorney Youngblood called Tax Commissioner Terry Baskin to the witness stand and began asking additional questions. Tax Commissioner Baskin responded in detail to all questions posed by Attorney Youngblood.
- zzz. Attorney Radford did not have any additional questions.
- aaaa. The Board questioned Tax Commission Baskin. He responded in detail to all questions posed by the Board.
- bbbb. There being no further questions, the witness stepped down.
- cccc. Attorney Youngblood stated the County did not have any other witnesses at this time and asked to tender the following County Exhibits: C-12, C-18, and C-19.
- dddd. Attorney Radford did not object to County Exhibit C-12 but objected to County Exhibits C-18 and C-19 on “authentication grounds”.
- eeee. The Board asked for legal advice from Attorney Harris. Attorney Harris advised the documents were admissible. Chairman Bartlett over-ruled the objections.

- ffff. The County rested its case subject to surrebuttal witnesses.
- gggg. Attorney Radford called Anne Wise to the witness stand and began questioning Ms. Wise. Ms. Wise responded in detail to all questions posed by Attorney Radford.
- hhhh. Attorney Youngblood did not have any additional questions.
- iiii. The Board questioned Ms. Wise. She responded in detail to all questions posed by the Board.
- jjjj. There being no further questions, the witness was released.
- kkkk. Attorney Radford called Brenda French to the witness stand and began asking questions. Attorney Radford mentioned County Exhibits C-18 and C-19. Ms. French responded in detail to all questions posed by Attorney Radford.
- llll. Attorney Youngblood asked additional questions to Ms. French. Attorney Youngblood mentioned County Exhibit C-18. Ms. French responded in detail to all questions posed by Attorney Youngblood.
- mmmm. The Board questioned Ms. French. She responded in detail to all questions posed by the Board.
- nnnn. There being no further questions, the witness stepped down.
- oooo. Chairman Bartlett called for a short break. Mr. Trimble made the motion, second by Dr. Jackson. No further discussion on the motion made. Motion carried by a unanimous vote.
- pppp. Chairman Bartlett called the meeting back to order.
- qqqq. Off the record: Chairman Bartlett released the witnesses.
- rrrr. Off the record: Time check – the County had 14 minutes and the Appellant had 20 minutes remaining.
- ssss. The County reserved to close last.
- tttt. Attorney Radford presented the Appellant's closing arguments. Attorney Youngblood objected to a portion of Attorney Radford's closing as a "mischaracterization of testimony". Chairman Bartlett over-ruled the objection. Attorney Radford continued with the Appellant's closing.
- uuuu. Attorney Youngblood presented the County's closing arguments.
- vvvv. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the **Brenda French (Tax Commissioner)** – Appeal filed April 25, 2016, regarding: "Termination". Dr. Jackson made the motion, second by Mr. Trimble. No further discussion on the motion made. Motion carried by a unanimous vote.

www. Chairman Bartlett called the meeting back to order.

xxxx. Chairman Bartlett called for a motion regarding **Brenda French (Tax Commissioner)** appeal filed April 25, 2016, regarding: "Termination". Mr. Trimble made the motion to uphold the department's decision to terminate, second by Dr. Jackson. No further discussion on the motion made. Motion carried by a unanimous vote.

yyyy. Chairman Bartlett addressed the parties.

13. Discussion items.

a. Additional meeting date for May 2017.

- i. The Board did not consider a motion for an additional meeting date in May 2017.
- ii. Chairman Bartlett asked for this item to be removed from future agendas.

b. Upcoming Cases.

- i. Chairman Bartlett confirmed Laterral Francis, Elections & Registration two-day appeal will be heard on the May agenda.
- ii. Chairman Bartlett asked HR Director Ambles to place plenty cases on the agenda to be heard on its May agenda.
- iii. Chairman Bartlett stated the County lost a good employee in Brenda French.

14. Other business.

a. **Phillip Richards, Sheriff's Office**

- i. Chairman Bartlett confirmed the appeal would be placed on the May agenda and Attorney Thomas Florio would either move forward with the case or move on.
- ii. HR Director Ambles confirmed that was the Board's direction.

b. **Civil Service Hearing – Appeal**

- i. Chairman Bartlett asked Attorney Harris to keep the Board advised regarding the appeal (*Alan Smithwick – Police*) being heard on May 8, 2017.

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 Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.

Meeting adjourned.



LARRY BARTLETT
CHAIRMAN



PAMELA R. AMBLES
HUMAN RESOURCES DIRECTOR