

CIVIL SERVICE BOARD MEETING

MAY 24, 2017

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, May 24, 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; Attorney Keith Martin; Elections Director Shauna Dozier; County Attorney Pamela Everett; Police Legal Advisor Kenneth Green; Sheriff's Office Assistant Deputy Chief Shawn Southerland; Solicitor Tasha Mosley; Finance General Accounting Manager Kim Booth; Fire Chief Operations Officer David King; Laterral Francis; Adrienne Carr; 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 May 24th agenda. Mr. Trimble made the motion to adopt the agenda with the following amendments: (1) move Item 4 and 5 after Calendar Call and add Item 13a – Sick Leave (Jerri Crowe), 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 April 26, 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 **Brenda French, Tax Commissioner**, termination appeal heard at the April 26, 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 **Brenda French, Tax Commissioner**, termination appeal heard at the April 26, 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 request from **Rose Johnson, Library**, to use sick leave in lieu of annual leave for the care of her Daughter was approved. (Civil Service Board was polled and approved by members, Bartlett, Lancaster and Phillips-Hall, on May 4, 2017).
 - a. Chairman Bartlett went on record that the request was approved when the Board was polled.
 - b. County Attorney Pamela Everett advised it should be voted on.
 - c. 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.

5. Considered request from Fire Chief Landry Merkison to extend the probationary period of the following employees, for an additional six (6) months:

<ul style="list-style-type: none"> ▪ Steven Ashley ▪ Joseph Barber ▪ Justin Barfield ▪ Jose Bennett ▪ Daniel Blake ▪ Keon Carter ▪ Breanna Crawford ▪ Ryan Devita ▪ Ashley Dohany ▪ Brandon Evans ▪ Austin Fannin ▪ Quinesha Golden ▪ Matthew Hand 	<ul style="list-style-type: none"> ▪ Caleb Jones ▪ Russell Jones ▪ Timothy Justice ▪ Travis Lyles ▪ Diadez Mitchell ▪ Tyler Polk ▪ Taylor Ramose ▪ Marcus Rhodes ▪ Shameka Rhodes ▪ Frank Usher ▪ Donte Wince ▪ Norman Wolfe Jr.
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 - a. Fire Operations Manager Dan King presented the request in detail for Fire Chief Landry Merkison and explained all employees were recruits in the same EMT Class and that nothing was different amongst them.
 - b. Chairman Bartlett called each employee by name to check if there were any objections to the request.
 - c. None of the employees were in attendance.
 - d. Chairman Bartlett called for a motion on all twenty-five (25) employees. Dr. Jackson made the motion to approve the request for the 25 employees, second by Mr. Trimble. No further discussion on the motion made. Motion carried by a unanimous vote.

6. Considered request from Fire Chief Landry Merkison to extend the promotional probationary period of **Nicholas Ferrell**, for an additional six (6) months.
 - a. Fire CFO Timmy Sweat presented the request in detail.
 - b. Captain Nicholas Ferrell was in attendance when called and stated he was in 100% agreement with the request.
 - c. Chairman Bartlett called for a motion. 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.

7. Considered request from Chief of Police Michael Register to extend the probationary period of **Elithia S. Gibson**, for an additional six (6) months (until December 19, 2017).
 - a. Police Department Legal Advisor Kenneth Green presented the request in detail.
 - b. Chairman Bartlett called for a motion. 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.

8. Considered request from Chief of Police Michael Register to extend the probationary period of **Kyra T. King**, for an additional six (6) months (until December 19, 2017).
 - a. Kenneth Green presented the request in detail and stated it was the department's third request.
 - b. 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.

9. Considered request from Sheriff's Office to extend the probationary period of **Tyvaughn McCullor**, for an additional twelve (12) months (until June 19, 2018).
 - a. Kenneth Green presented the request in detail.
 - b. Chairman Bartlett called for a motion. 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.

10. Considered request from Sheriff's Office to extend the probationary period of **Shanta Y. Alexander**, for an additional six (6) months.
 - a. Sheriff's Assistant Deputy Chief Shawn Southerland presented the request in detail.
 - b. 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.

11. Considered request from **Denise A. Riley, Solicitor General**, to use sick leave for the care of her Father.
 - a. Solicitor Tasha Mosley presented the request in detail.
 - b. Chairman Bartlett stated the request would be approved as written and approve conversion of annual leave to sick leave for 5/23, 5/24, and 5/25 – 8 hours on each date. The Board would consider any retroactive dates upon receipt of a revised request.
 - c. Chairman Bartlett called for a motion. 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.

12. Considered request from **Jerri Crowe, Finance**, to use sick leave for the care of her Mother.
 - a. Finance General Accounting Manger Kim Booth 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 a unanimous vote.

13. Calendar Call.
 - a. **Phillip Richards (Sheriff's Office)** – Appeal filed April 16, 2014, regarding: “The wrongful termination which occurred on April 11, 2014”. Attorney Thomas Florio requested a continuance on May 19, 2017. Human Resources Director Pamela Ambles granted the request on May 19, 2017.
 - i. Chairman Bartlett confirmed the Appellant and County agreed to a continuance as Mr. Richards’ daughter was turning 18 years of age and would be able to respond on behalf of his estate, at a later date.
 - ii. Chairman Bartlett placed on the record that the continuance request would be a “joint continuance”.

 - b. **Laterrial Francis (Elections & Registration)** – Appeal filed May 27, 2016, regarding: Two-day suspension.
 - i. County Attorney Pamela Everett stated the County was ready to proceed.
 - ii. Ms. Laterrial Francis stated she was ready to proceed.
 - iii. Chairman Bartlett advised Ms. Francis’ appeal would be first after the remaining administrative business.

 - c. **Adrienne L. Carr (Superior and State Court)** – Appeal filed July 25, 2014, regarding: “I was terminated from my position as a Legal Transcriber assigned to Judge Matthew O. Simmons’ courtroom. I am appealing that termination”.
 - i. Appellant and County were ready to proceed with the hearing.

- ii. County Attorney Pamela Everett requested a continuance based on one of its witnesses needing to leave at 2 p.m. Attorney Keith Martin did not have any objections.
 - iii. Chairman Bartlett continued the case on behalf of the Board and did not charge either side (as the Board would not get to hear Ms. Carr's case today).
 - iv. Chairman Bartlett dismissed all parties.
- d. **Ryan Hall (Police Department)** – Appeal filed July 28, 2014, regarding: “I was terminated from my position as a police officer with the Clayton County Police Department on July 25, 2014”. A joint continuance request was submitted on May 8, 2017, and approved by HR Director Ambles on May 9, 2017.
- i. Chairman Bartlett confirmed Appellant and County submitted a joint continuance request and it was approved on May 9, 2017.
 - ii. Attorney Martin outlined issues that needed to be resolved prior to the matter being placed on a future agenda.
 - iii. Chairman Bartlett stated to hold everything and allow the parties to discuss settlement and the Board would address the issues as they come up.
- e. **Hope Penson (District Attorney)** – Appeal filed August 1, 2016, regarding: “My suspension for 3 days without pay”. Ms. Penson withdrew her appeal on May 19, 2017.
- i. Chairman Bartlett confirmed Ms. Penson withdrew her appeal on May 19, 2017.
- f. Chairman Bartlett called for a short break. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a unanimous vote.
14. (Appeal) – ***Laterral Francis (Elections & Registration)*** – Appeal filed May 27, 2016, regarding: “Suspension”.
- a. Attorney Pamela Everett and Laterral Francis were in attendance and ready to proceed.
 - b. Attorney Everett renewed the County's objection to the Board allowing Ms. Francis to submit exhibits after the deadline.
 - c. Chairman Bartlett noted the objection and it was over-ruled. No Board members addressed this issue.
 - d. The County and Appellant stated their witnesses were present.
 - e. Attorney Everett motioned for sequestration.
 - f. Chairman Bartlett explained sequestration to Ms. Francis. Ms. Francis did not have any objections.

- g. Civil Service Board Attorney Joe Harris swore in all witnesses who were present.
- h. Chairman Bartlett dismissed the witnesses to the lobby and explained the hearing guidelines.
- i. Attorney Everett presented the County's opening statement. Ms. Francis presented her opening statement.
- j. Attorney Everett called Elections Director Shauna Dozier to the witness stand. She stated her name, where employed and her duties. Attorney Everett began questioning Director Dozier. Director Dozier responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned County Exhibits C-6 and C-5.
- k. Ms. Francis began the cross-examination of Director Dozier. Director Dozier responded in detail to all questions posed by Ms. Francis. Attorney Everett objected to statements being made by Ms. Francis, and asked if she was 'testifying or asking a question'. Chairman Bartlett advised Ms. Francis she could ask questions but not make any statements.
- l. Ms. Francis continued the cross-examination of Director Dozier. Director Dozier responded in detail to all questions posed by Ms. Francis.
- m. The Board questioned Director Dozier. She responded in detail to all questions posed by the Board.
- n. There being no further questions, the witness was held as a rebuttal witness and stepped down from the stand.
- o. Chairman Bartlett explained to Ms. Francis that she would have the opportunity to question Director Dozier again, if she is called by Attorney Everett.
- p. Attorney Everett called Deborah Hodges to the witness stand. She stated her name and where employed. Attorney Everett began questioning Ms. Hodges. Ms. Hodges responded in detail to all questions posed by Attorney Everett.
- q. Ms. Francis began the cross-examination of Ms. Hodges. Ms. Hodges responded in detail to all questions posed by Ms. Francis. Attorney Everett objected to a question posed by Ms. Francis as to "relevancy". Ms. Francis explained. Attorney Everett explained it was irrelevant. Ms. Francis stated it spoke to the character of Ms. Hodges. Chairman Bartlett sustained the objection, but admonished Ms. Francis to stick to the issue of the two-day suspension and that she could mention this in her closing, but it would not be considered the same as sworn testimony.
- r. Ms. Francis continued the cross-examination of Ms. Hodges. Ms. Hodges responded in detail to all questions posed by Ms. Francis.
- s. The Board questioned Ms. Hodges. She responded in detail to all questions posed by the Board.

- t. There being no further questions, the witness was dismissed. Ms. Francis did not have any objections.
- u. Attorney Everett advised the County rested its cases subject to rebuttal.
- v. Time check: County used 14 minutes.
- w. Ms. Francis called Earl Randall to the witness stand. Chairman Bartlett cautioned Ms. Francis about leading the witness and that the Board would make this a level playing field. He stated his name and job title. Ms. Francis began questioning Mr. Randall. Mr. Randall responded in detail to all questions posed by Ms. Francis.
- x. Attorney Everett began the cross-examination of Mr. Randall. Mr. Randall responded in detail to all questions posed by Attorney Everett.
- y. The Board did not have any questions for Mr. Randall.
- z. There being no further questions, the witness was released.
- aa. Ms. Francis called Jerri Hadley to the witness stand. She stated her name. Ms. Francis began questioning Ms. Hadley. Ms. Hadley responded in detail to all questions posed by Ms. Francis. Attorney Everett objected to a question posed by Ms. Francis as to "relevancy". Ms. Francis explained the relevancy. Chairman Bartlett sustained the objection.
- bb. Attorney Everett began the cross-examination of Ms. Hadley. Ms. Hadley responded to the question posed by Attorney Everett.
- cc. The Board questioned Ms. Hadley. She responded in detail to all questions posed by the Board.
- dd. There being no further question, the witness returned to sequestration (subject to rebuttal).
- ee. Ms. Francis called Human Resources Director Pamela Ambles to the witness stand. She stated her name and job title. Ms. Francis began questioning HR Director Ambles. HR Director Ambles responded in detail to all questions posed by Ms. Francis. Attorney Everett objected to a question posed by Ms. Francis as to "relevancy". Ms. Francis explained its relevancy. Chairman Bartlett stated the Board was not hearing a hostile work environment case, just the two-day suspension, but did allow the question.
- ff. Ms. Francis continued questioning HR Director Ambles. HR Director Ambles responded in detail to all questions posed by Ms. Francis. Attorney Everett objected to HR Director Ambles asking Ms. Francis questions – helping the Appellant. HR Director Ambles explained the intent of questioning Ms. Francis.

- gg. Attorney Everett began the cross-examination of HR Director Ambles. HR Director Ambles responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned Appellant Exhibit A-5.
- hh. Attorney Everett continued the cross-examination of HR Director Ambles. HR Director Ambles responded in detail to all questions posed by Attorney Everett.
- ii. The Board questioned HR Director Ambles. She responded in detail to all questions posed by the Board.
- jj. There being no further questions, the witness returned to sequestration (subject to rebuttal).
- kk. Chairman Bartlett asked Ms. Francis if she intended to testify and explained the process.
- ll. Vice-Chair Lancaster motioned for a short break.
- mm. Time check: County had 11 minutes remaining and the Appellant had 15 minutes remaining.
- nn. Vice-Chair Lancaster withdrew her motion.
- oo. Chairman Bartlett called for a motion to break for lunch until 1:15 p.m. Mr. Trimble made the motion, second by Dr. Jackson. No further discussion on the motion made. Motion carried by a unanimous vote.
- pp. Chairman Bartlett called the meeting back to order.
- qq. Ms. Francis testified on her behalf. She stated her name and where employed and presented her testimony.
- rr. Attorney Everett began the cross-examination of Ms. Francis. Ms. Francis responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned County Exhibits C-9, C-10 and C-11.
- ss. Attorney Everett continued the cross-examination of Ms. Francis. Ms. Francis responded in detail to all questions posed by Attorney Everett.
- tt. The Board did not have any questions for Ms. Francis.
- uu. Ms. Francis stated she did not have any other witnesses.
- vv. Attorney Everett rested the County's case.
- ww. Ms. Francis called Ms. Hadley to the witness stand. Attorney Everett objected to Ms. Hadley being called as a rebuttal witness.
- xx. Attorney Harris advised the Board that a witness could not be recalled if there is nothing new to rebut.

- yy. Chairman Bartlett gave both sides 10 minutes to prepare their thoughts for closing arguments.
- zz. Chairman Bartlett called for a short break.
- aaa. Time check: County had 6 minutes remaining and the Appellant had 14 minutes remaining.
- bbb. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a unanimous vote.
- ccc. Chairman Bartlett called the meeting back to order.
- ddd. Chairman Bartlett advised the Appellant that the County had the option to close first or last.
- eee. Attorney Everett reserved the County's closing.
- fff. Ms. Francis presented her closing arguments. Attorney Everett presented the County's closing arguments.
- ggg. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the Lateral Francis (Elections & Registration) – Appeal filed May 27, 2016, regarding: "Suspension". Mr. Trimble made the motion, second by Dr. Jackson. No further discussion on the motion made. Motion carried by a unanimous vote.
- hhh. Chairman Bartlett called the meeting back to order.
- iii. Chairman Bartlett called for a motion regarding Lateral Francis (Elections & Registration) – Appeal filed May 27, 2016, regarding: "Suspension". Mr. Trimble made the motion to uphold the department director's decision to suspend employee for two days, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by a unanimous vote.
- jjj. Ms. Francis did not have any questions for the Board.
- kkk. Chairman Bartlett addressed Elections Director Dozier and commended her memorandum to the employee as excellent documentation.
- lll. Chairman Bartlett wished Ms. Francis well!
- mmm. Matter of record: Chairman Bartlett stated that HR Director Ambles' testimony was crucial and it reminded the Board what a good recommendation it made, as she is stellar in her position.

15. Discussion items.

a. Upcoming Cases.

i. Chairman Bartlett confirmed the following cases would be placed on the June agenda:

- (1) *Phillip Richards* (Sheriff's Office)
- (2) *Adrienne Carr* (Superior and State Court Administration)
- (3) *Ryan Hall* (Police Department)
- (4) (Corrections) One-day suspension
- (5) (Police Department) Termination

ii. Vice-Chair Lancaster stated there were currently 11 cases on the log, where there had been over 80+.

b. Meeting date for June 2017.

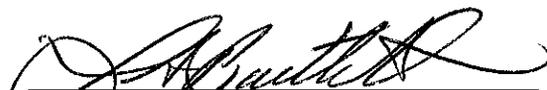
i. The Board confirmed its next Regular Meeting date would be 9:00 a.m., on Wednesday, June 28, 2017.

16. Other business.

a. None.

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 BARTLETT
CHAIRMAN


PAMELA R. AMBLES
HUMAN RESOURCES DIRECTOR