

REGULAR CALLED CIVIL SERVICE BOARD MEETING

JUNE 8, 2016

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, June 8, 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 Officer Pamela Ambles and staff; Civil Service Board Attorney Joe Harris; County Attorney Michelle Youngblood; Chief of Police Michael Register; Police Department Legal Advisor Kenneth Green; E-911 Communications Director Gregory Porter; Assistant Chief Deputy Shawn Southerland, Sheriff; Attorney Keith Martin; Andrew White; Michelle Allen; Office Manager Margaret Cauchy, Solicitor General; Attorney Kimberly Bandoh; Brenda Thomas; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:06 a.m.

Chairman Bartlett called for a motion to adopt the agenda. Mr. Trimble made the motion to approve the agenda with the following amendments – add Item 10A – (Extension of Probation for King) and Item 10B – (Extension of Probation for Huitt), second by Vice-Chair Lancaster. 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 May 4, 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 Decision regarding, **Zachary Nance, (Corrections Department)**, termination appeal called on May 4, 2016.
 - 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.

3. Considered for approval the Executive Session Minutes regarding **Andreon C. Smith (Corrections Department)** appeal heard on May 4, 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.
4. Considered for approval the Civil Service Board's Decision regarding **Andreon C. Smith (Corrections Department)** appeal heard on May 4, 2016.
 - 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 Executive Session Minutes regarding **Personnel Issue** heard on May 4, 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.
6. Considered request from **Lamarr Sullivan (Transportation and Development)** to use sick leave in lieu of annual leave for the care of his Mother and to make it retroactive to April 5, 2016.
 - a. Mr. Sullivan was not in attendance when the item was called.
 - b. A representative from the Transportation and Development was not in attendance.
 - c. Human Resources Officer Pamela Ambles confirmed that the request met all requirements.
 - d. Chairman Bartlett called for a motion to allow use of sick leave in lieu of annual leave. 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.
 - e. Chairman Bartlett called for a motion to make the use of sick leave retroactive to April 5, 2016. 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 **Eitho Lemon (Refuse Control/Corrections Department)**, to:
 - (1) receive annual leave donation and (2) release 74 hours held in sick leave reserve.
 - a. Chairman Bartlett confirmed the Board had been polled on this item and approved. The Board needed to place the approval on the record.
 - b. Chairman Bartlett called for a motion to allow annual leave donation. 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.
 - c. Chairman Bartlett called for a motion to allow the release of 74 hours held in sick leave reserve. 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 E-911 Communications Director Gregory Porter to extend the probationary period of **Lisa Michelle Allen** for six (6) months (until January 4, 2017).
 - a. E-911 Communications Director Gregory Porter presented the request in detail.
 - b. Lisa Michelle Allen was in attendance and did not have any questions for the Board.
 - c. Chairman Bartlett addressed Ms. Allen and stated this was an opportunity to better her performance.
 - d. 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 Chief of Police Michael Register to extend the probationary period of **Kyra T. King** for an additional six (6) months (until December 15, 2016).
 - a. Police Department Legal Advisor, Kenneth Green presented the request in detail. (Note: Chief of Police Michael Register was in attendance).
 - b. The Board did not have any questions for Mr. Green.
 - 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.

10. Considered request from Chief of Police Michael Register to extend the probationary period of **Kali K. Huitt** for an additional six months (until December 15, 2016).
 - a. Police Department Legal Advisor, Kenneth Green presented the request in detail. (Note: Chief of Police Michael Register was in attendance).
 - b. The Board did not have any questions for Mr. Green.
 - 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.
 - d. Chairman Bartlett mentioned the Civil Service Board would like to see something from the Police Department and the Sheriff's Office along the lines of how the Fire Department is handling probationary periods.
 - e. Board member, Dr. Cephus Jackson, asked why there was not a one blanket policy that covers all three departments (public safety). Chairman Bartlett responded the main issue was cost and explained in detail.
 - f. Chairman Bartlett also mentioned the Board of Commissioners approved a 5.5% pay increase to public safety employees and a 3% pay increase to other employees.
11. Considered request from Solicitor General Tasha Mosley to extend the Leave of Absence for **Keith Gammage** through July 27, 2016.
 - a. Solicitor General Office Manager Margaret Cauchy presented the request in detail and stated Solicitor General Mosley apologized that she could not be in attendance. (Note: Mr. Gammage is in a political run-off).
 - 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.
12. Calendar Call.
 - a. *Brenda Lee Thomas, Sheriff's Office* – Grievance filed June 3, 2015.
 - i. Brenda Thomas and Attorney Kimberly Bandoh were present and ready to proceed.
 - ii. Chairman Bartlett advised this would be the first case on today's agenda.

- b. **Frances White (Magistrate Court)** – Appeal filed October 21, 2013, regarding: “Termination due to job performance.” County’s continuance request was received May 12, 2016, and was granted on May 17, 2016.
 - i. Chairman Bartlett confirmed the appeal would be continued to the July agenda.
- c. **Jarryn Bingham (Police Department)** – Appeal filed October 25, 2013, regarding: “I am appealing the action of my termination from the Clayton County Police Department.”
 - i. Chairman Bartlett called for Mr. Bingham.
 - ii. Mr. Bingham was not in attendance and did not respond when his case was called.
 - iii. Chairman Bartlett asked Victoria Jeffers how Mr. Bingham was notified. Ms. Jeffers responded via, email, phone message and certified and regular mail.
 - iv. Attorney Youngblood made a motion for dismissal.
 - v. Chairman Bartlett called for a motion. Mr. Trimble made the motion to dismiss the appeal, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a unanimous vote.
- d. **Andrew White (Sheriff’s Office)** – Appeal filed January 10, 2014, regarding: “My termination due to untruthfulness and neglect to duty.”
 - i. Chairman Bartlett called for Andrew White.
 - ii. Mr. White and his attorney, Keith Martin, were present and ready to proceed.
 - iii. Chairman Bartlett advised all parties the appeal would be second on today’s agenda.
 - iv. All parties were dismissed and advised to provide contact information to HR Officer Ambles.
- e. **Tina Smith (Transportation and Development)** – Appeal filed March 5, 2014, regarding: “Two (2) day suspension.” Employee withdrew her appeal on May 17, 2016.
 - i. Chairman Bartlett confirmed Ms. Smith withdrew her appeal on May 17, 2016, and removed the case from the log.
- 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.
- g. Chairman Bartlett called the meeting back to order.

13. **(Grievance) Brenda Lee Thomas, Sheriff's Office** – Grievance filed June 3, 2015, regarding: “Improper promotion within the department”.
- a. Chairman Bartlett confirmed the County was represented by Attorney Youngblood and the Sheriff's Office by Assistant Chief Deputy Shawn Southerland.
 - b. Chairman Bartlett confirmed the Grievant, Brenda Thomas, was represented by Attorney Kimberly Bandoh.
 - c. Chairman Bartlett asked Attorney Bandoh if she had any questions after reviewing the hearing guidelines. She did not have any questions.
 - d. Neither side requested an order of sequestration.
 - e. Attorney Bandoh presented the Grievant's opening statement. Attorney Youngblood presented the County's opening statement.
 - f. Attorney Bandoh called Brenda Thomas to the witness stand. Civil Service Board Attorney Joe Harris swore-in Ms. Thomas.
 - g. Ms. Thomas stated her full name and where she was currently employed.
 - h. Attorney Bandoh began questioning Ms. Thomas. Ms. Thomas responded to all questions posed by Attorney Bandoh. Attorney Bandoh mentioned Grievant Exhibit G-9.
 - i. Attorney Bandoh continued questioning Ms. Thomas. Attorney Youngblood objected to a question posed by Attorney Bando as the attorney cannot testify as to what the document was. Attorney Bandoh rephrased the question.
 - j. Attorney Bandoh continued questioning Ms. Thomas. Ms. Thomas responded to all questions posed by Attorney Bandoh. Attorney Bandoh mentioned Grievant Exhibits: G-18 (paragraph 4) and G-9.
 - k. Attorney Youngblood cross-examined Ms. Thomas. Ms. Thomas responded to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned Grievant Exhibits G-9 and G-18.
 - l. The Board questioned Ms. Thomas. She responded in detail to all questions posed by the Board.
 - m. There being no further questions, the witness returned to her seat.
 - n. Attorney Bandoh asked to tender the following Grievant Exhibits:

- i. **Exhibit G-9** – County’s objection: Ms. Thomas does not have personal knowledge of this document. Attorney Bandoh replied it is considered a business record and was received through an Open Records request with the County. Chairman Bartlett denied the County’s objection;
 - ii. **Exhibit G-18** – County’s objection: Same objection for Grievant Exhibit G-9. Chairman Bartlett denied the County’s objection;
 - iii. **Exhibit G-1** – County’s objection: Same objection for Grievant Exhibit G-9, as there was no testimony given. Chairman Bartlett asked Attorney Harris to stop the Board if he found it was not proceeding appropriately/legally. Ms. Thomas advised she offered the document to the Sheriff’s Office. Chairman Bartlett over-ruled the objection;
 - iv. **Exhibit G-18** – County had no objection; and
 - v. **Exhibit G-19** – County had no objection.
- o. Attorney Youngblood called Assistant Chief Deputy Shawn Southerland to the witness stand. Attorney Harris swore-in Asst. Chief Deputy Southerland.
- p. Asst. Chief Deputy Southerland stated his name and position.
- q. Attorney Youngblood began questioning Asst. Chief Deputy Southerland. Asst. Chief Deputy Southerland responded in detail to all questions posed by Attorney Youngblood.
- r. Attorney Bandoh cross-examined Asst. Chief Deputy Southerland. Asst. Chief Deputy Southerland responded in detail to all questions posed by Attorney Bandoh.
- s. The Board questioned Asst. Chief Deputy Southerland.
- t. Attorney Bandoh stated she had additional questions.
- u. Chairman Bartlett allowed her to ask but advise the County would have the opportunity to do the same.
- v. Attorney Bandoh asked follow-up questions to Asst. Chief Deputy Southerland.
- w. Attorney Youngblood asked follow-up questions to Asst. Chief Deputy Southerland.
- x. There being no further questions, the witness returned to his seat.
- y. Attorney Youngblood called Major Leigh Deeann Cash to the witness stand. Attorney Harris swore-in Major Cash.
- z. Major Cash stated her name, current position and position held in May of 2015.

- aa. Attorney Youngblood began questioning Major Cash. Major Cash responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits: C-14, C-8, C-7, C-11 and C-9.
- bb. Attorney Bandoh cross-examined Major Cash. Major Cash responded in detail to all questions posed by Attorney Bandoh. Attorney Bandoh mentioned County Exhibit C-5.
- cc. The Board questioned Major Cash. She responded in detail to all questions posed by the Board.
- dd. There being no further questions, the witness returned to her seat.
- ee. 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.
- ff. Chairman Bartlett called the meeting back to order.
- gg. Attorney Youngblood called Captain K.T. Smith to the witness stand. Attorney Harris swore-in Captain Smith.
- hh. Captain Smith stated his name, where he was employed in May of 2015 and his position.
- ii. Attorney Youngblood began questioning Captain Smith. Captain Smith responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits: C-7, C-8 and C-11.
- jj. Attorney Bandoh cross-examined Captain Smith. Captain Smith responded in detail to all questions posed by Attorney Bandoh. Attorney Bandoh mentioned Grievant Exhibit G-14.
- kk. The Board questioned Captain Smith.
- ll. There being no further questions, the witness returned to his seat.
- mm. Attorney Youngblood asked to tender the following **County Exhibits: C-5, C-6, C-7, C-8, C-9, and C-11**. Attorney Bandoh did not have any objections to the exhibits being tendered into evidence.
- nn. There were no objections from either party to proceed directly with closing arguments.
- oo. Attorney Youngblood asked the Board if her witnesses could be excused.
- pp. Chairman Bartlett excused all witnesses.

- qq. Mr. Trimble (timekeeper) advised the County had 9 minutes remaining and the Grievant had 13 minutes remaining.
- rr. Attorney Bandoth reserved her right to close last.
- ss. Attorney Youngblood presented the County's closing arguments. Attorney Bandoth presented the Grievant's closing arguments.
- tt. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the grievance filed by *Brenda Thomas*. Mr. Trimble made the motion, second by Dr. Jackson. No further discussion on the motion made. Motion carried by a unanimous vote.
- uu. Chairman Bartlett called the meeting back to order.
- vv. Chairman Bartlett called for a motion regarding the grievance filed by *Brenda Thomas, Sheriff's Office* regarding: "Improper promotion within the department". Dr. Jackson made the motion to deny the grievance and uphold the promotional process of the Sheriff's Office, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by a unanimous vote.
- ww. The Board wished Ms. Thomas good luck.
- xx. Chairman Bartlett stated the next case on the agenda would be *Andrew White (Sheriff's Office)* but that the Board was not willing to start the hearing and not finish in one day.
- yy. Chairman Bartlett asked HR Officer Ambles to contact Attorney Martin.
- zz. Attorney Youngblood stated the County would submit a continuance request for the *Frances White* matter.
- aaa. Chairman Bartlett stated *Andrew White's* appeal would have priority over all other cases.
- bbb. Chairman Bartlett advised once the Board returned from lunch, it would handle the discussion items and select a meeting date for July.
- ccc. Chairman Bartlett called for a lunch break motion. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a unanimous vote.
- ddd. Chairman called the meeting back to order.

14. Discussion items.

a. Upcoming cases.

- i. A discussion among the Board occurred cases for the July agenda.
- ii. Chairman Bartlett advised that *Frances White* and *Andrew White* hearings would be placed on the July agenda and then any requests for continuances could be submitted.

b. Selected meeting date(s) for July 2016.

- i. Chairman Bartlett called for a motion. Mr. Trimble made the motion to move the Regular Meeting date from July 6, 2016 to July 13, 2016, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a unanimous vote.

15. Other business.

- a. Chairman Bartlett mentioned Chief Operating Officer Detrick Stanford notified him that the Board of Commissioners voted to post the Human Resources Director position.

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 a unanimous vote.

Meeting adjourned.



LARRY A. BARTLETT
CHAIRMAN



DETRICK STANFORD
INTERIM HUMAN RESOURCES DIRECTOR