CIVIL SERVICE BOARD MEETING

JULY 26, 2017

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, July 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; County Attorney Pamela Everett; Sheriff's Office Assistant Deputy Chief Shawn Southerland; Transportation & Development Jeffrey Metarko; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:04 a.m.

Chairman Bartlett called for a motion to adopt the July 26th agenda. Mr. Trimble made the motion to adopt the agenda with an addition of item 5a – sick leave request from Wesley Brown (T&D), 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 June 28, 2017.

    a. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the Minutes, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0; Mr. Trimble abstained).

2. Considered request from **James Roland, Corrections/Refuse Control**, to use sick leave in lieu of annual leave for the care of his Mother, and to make request retroactive to June 19, 2017.

    a. Mr. Roland was not in attendance.
    b. The Board did not have any questions for Lt. Sean MacDonald.
    c. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the request, second by Dr. Jackson. No further discussion on the motion made. Motion carried by a unanimous vote.

3. Considered request from **Jeffrey Workman, Transportation & Development**, to use sick leave in lieu of annual leave for the care of his Sister.

    a. Mr. Workman was in attendance.

b. The Board did not have any questions for Director Jeffrey Metarko, as he supported 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.

4. Considered request from **Wesley Brown, Transportation & Development**, to use sick leave in lieu of annual leave for the care of his Mother.

   a. Mr. Brown was in attendance.
   b. The Board did not have any questions for Director Metarko, as he supported the request.
   c. 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.

5. Considered request from **Susan Wilt-Lowery, Sheriff's Office**, to use sick leave in lieu of annual leave for the care of her Father.

   a. Ms. Wilt-Lowery was in attendance.
   b. The Board did not have any questions for Sheriff's Office Assistant Chief Deputy Shawn Southerland, as the department did not oppose 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.

6. Chairman Bartlett and the Board gave "best wishes" to all employees and hoped everything worked out!

7. Considered request from the Sheriff's Office to extend the promotional probationary period of **Kimberlee Koon,** for an additional six (6) months.

   a. Sheriff's Office Assistant Chief Deputy Southerland presented the request in detail.
   b. Sgt. Koon was in attendance and stated she understood the process and did not have any questions.
   c. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the request, second by Dr. Jackson. No further discussion on the motion made. Motion carried by a unanimous vote.
   d. The Board wished Sgt. Koon good luck!

8. Considered request from the Sheriff's Office to extend the probationary period of **Kurt Taylor,** for an additional six (6) months.

   a. Sheriff's Office Assistant Chief Deputy Southerland presented the request in detail.
   b. The Board did not have any questions.

c. Mr. Taylor was not in attendance.

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. 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 July 17, 2017. The continuance was granted on July 19, 2017.

i. County Attorney Pamela Everett stated the County did not have any objections to the request.

ii. Chairman Bartlett confirmed the Appellant's continuance request was granted and explained the Board needed to make sure the rights of the family were protected.

b. **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". Attorney Keith Martin advised Human Resources of his court conflicts on July 15, 2017.

i. Chairman Bartlett confirmed Attorney Keith Martin's court conflicts.

ii. Attorney Everett stated the County did not have any objections to the request.

iii. Chairman Bartlett stated the case was continued.

c. **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". Attorney Keith Martin advised Human Resources the matter was settled and forwarded to the Staff Attorney's Office on June 17, 2017.

i. Attorney Everett advised the settlement agreement was signed but there is an unresolved pension issue.

ii. Human Resources Director Pamela Ambles advised the Finance Department would ensure payments are provided timely to Mr. Hall.

iii. Civil Service Board Attorney Joe Harris stated it was okay to remove this case from the agenda, and place back on if the matter is not resolved.

iv. Chairman Bartlett advised the matter was settled but the hearing would be added to an agenda if the settlement falls through.

d. **Michael Bivins (Police Department)** – Appeal filed September 1, 2016, regarding: "Termination". Attorney Keith Martin advised Human Resources of his court conflicts on July 15, 2017.

i. Chairman Bartlett confirmed the case is still being mitigated.

ii. Attorney Everett advised the settlement agreement is still in circulation (further research is needed). An agreement should be reached by next week.
iii. Chairman Bartlett requested this matter be placed on the August calendar.

e. **Michael Bivins (Police Department)** – Appeal filed September 1, 2016, regarding: "Termination". Attorney Keith Martin advised Human Resources of his court conflicts on June 18, 2017.

i. Attorney Keith Martin spoke and advise he believed all parties have an agreement in place which would allow Mr. Bivins to resign.
ii. Chairman Bartlett clarified that Mr. Bivins would come back as resigning in lieu of termination.

f. **Carolyn Marcus (Clerk Superior/Magistrate Courts)** – Appeal filed April 20, 2015, regarding: "I was terminated from my position as Deputy Clerk, Superior Court of Clayton County". Attorney Keith Martin advised Human Resources of his court conflicts on July 15, 2017.

i. Chairman Bartlett stated Attorney Keith Martin also represented this Appellant and that he had court conflicts.
ii. HR Director Ambles stated Attorney Martin requested a continuance.
iii. Attorney Everett stated the County did not have any objections to the request.
iv. Chairman Bartlett stated the matter would be continued to August.

g. **Preston White (Sheriff's Office)** – Appeal filed January 20, 2017, regarding: "Termination".

i. Chairman Bartlett stated the Board received an update that Mr. White had withdrawn his appeal.
ii. HR Director Ambles confirmed the withdrawal was received in writing.
iii. Chairman Bartlett stated the case was resolved.

h. **Taft Hood III (Transportation & Development)** – Appeal filed January 20, 2017, regarding: "Termination".

i. Mr. Hood was in attendance and ready to proceed.
ii. Attorney Everett stated the County was ready to proceed.

i. The Board thanked HR Director Ambles and staff for keeping the Board informed and handling all work for the Board. They are valuable team members.
j. Chairman Bartlett called for a motion (short break). Mr. Trimble made the motion, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by a unanimous vote.
k. Chairman Bartlett called the meeting back to order.

10. **(Appeal)** – **<u>Taft Hood III, Transportation & Development/Landfill</u>** – Appeal filed January 20 2017, regarding: "Termination".

a. Mr. Hood and Attorney Everett were ready to proceed.

b. Mr. Hood did not have any witnesses, as he stated they feared for their jobs.

c. Attorney Everett stated all County witnesses were present.

d. Attorney Harris swore in all witnesses.

e. Chairman Bartlett addressed Mr. Hood and explained the hearing process in detail.

f. No one requested an order sequestration.

g. Chairman Bartlett advised Mr. Hood he received notification via the mail and email that the County provided documents and that HR did not receive a response from him.

h. Mr. Hood stated he had exhibits (including a drawing) but received the notice late.

i. Attorney Everett stated the County would object to any exhibits being presented to the Board as the deadline for submission had passed.

j. Chairman Bartlett advised Mr. Hood that he could draw for the Board if he testified but that the County would be able to cross-examine him.

k. Attorney Everett presented the County's opening statement.

l. Mr. Hood presented his opening statement.

m. Chairman Bartlett explained to Mr. Hood, the Board does not consider an opening statement as testimony and that he would be allowed to ask questions but not make any statements when cross-examining witnesses.

n. Attorney Everett called Captain Robert Boyd to the witness stand. He stated his name, where he worked and tenure. Attorney Everett began questioning Captain Boyd. Captain Boyd responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned County Exhibits C-8 and C-14.

o. Mr. Hood cross-examined Captain Boyd. Attorney Everett objected to Mr. Hood "testifying". Chairman explained to Mr. Hood that he was not allowed to make statements and that the objection was sustained.

p. Mr. Hood continued the cross-examination of Captain Boyd. Attorney Everett objected to Mr. Hood "testifying". Chairman Bartlett sustained the objection.

q. Mr. Hood continued the cross-examination of Captain Boyd. Attorney Everett objected to Mr. Hood "making a statement". Chairman Bartlett sustained the objection and advised the Board to disregard the statement.

r. The Board questioned Captain Boyd. He responded in detail to all questions posed by the Board.

s. There being no further questions, the witness stepped down from the witness stand.

t. Attorney Everett called Deputy Warden Randal Holsey to the witness stand. He stated his name, position and duties. Attorney Everett began questioning Deputy Warden Holsey. Deputy Warden Holsey responded in detail to all questions posed by Attorney Everett.

u. Mr. Hood did not have any questions for Deputy Warden Holsey.

v. The Board did not have any questions for Deputy Warden Holsey.

w. The Board thanked him and his department for their service in a dangerous job.

x. Attorney Everett called Transportation & Development Director Jeffrey Metarko to the witness stand. He stated his name, where employed and duties. Attorney Everett began questioning Director Metarko. Director Metarko responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned County Exhibit C-4.

y. Mr. Hood cross-examined Director Metarko. Director Metarko responded in detail to all questions posed by Mr. Hood. Attorney Everett objected to Mr. Hood "testifying". Chairman Bartlett sustained the objection.

z. Mr. Hood continued the cross-examination of Director Metarko. Director Metarko responded in detail to all questions posed by Mr. Hood. Attorney Everett objected to Mr. Hood "making statements; need to ask a question".

aa. Mr. Hood continued the cross-examination of Director Metarko. Director Metarko responded in detail to all questions posed by Mr. Hood.

bb. The Board questioned Director Metarko. He responded in detail to all questions posed by the Board.

cc. Mr. Hood told the Board he had another question for Director Metarko.

dd. The Board continued its questioning of Director Metarko.

ee. Chairman Bartlett addressed Mr. Hood and advised Director Metarko was not his witness and he would allow the County to object.

ff. Attorney Everett objected to any additional questions.

gg. Chairman Bartlett asked the other Board members if Mr. Hood should be allowed to ask additional questions. Dr. Jackson and Vice-Chair Lancaster agreed and explained.

hh. Chairman Bartlett called for a motion. Dr. Jackson made the motion to allow the additional questions, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a unanimous vote.

ii. Mr. Hood asked additional questions of Director Metarko. He responded in detail to all questions posed by Mr. Hood. Attorney Everett objected to the "form of the question" and that Mr. Hood "testified at the end of it".

jj. Chairman Bartlett explained what follow-up questions were for and that he could not make statements. Further advised Mr. Hood his question was "asked and answered".

kk. Mr. Hood continued with his additional questions of Director Metarko. Attorney Everett objected, as Mr. Hood was "testifying". Chairman Bartlett sustained the objection.

ll. Attorney Everett asked additional questions of Director Metarko. He responded in detail to all questions posed by Attorney Everett.

mm. The Board asked additional questions of Director Metarko. He responded in detail to all questions posed by the Board.

nn. Time check: County used 30 minutes.

oo. Attorney Everett stated the County rested its case subject to the recall of Captain Boyd.

pp. Mr. Hood did not have any witnesses, but stated he would take the witness stand.

qq. A brief discussion between the Board and Mr. Hood occurred.

rr. Attorney Harris swore in Mr. Hood.

ss. Mr. Hood gave his testimony. Attorney Everett objected to the "document". Attorney Everett approached Mr. Hood to review the document.

tt. Chairman Bartlett advised Mr. Hood the Board would take a short break to allow him to review (refresh his memory) and that the document could not be used to testify.

uu. Mr. Hood stated he did not need a break and continued testimony (showed the Board his drawing). Chairman Bartlett advised Mr. Hood to explain verbally.

vv. Over the course of Mr. Hood's testimony, Attorney Everett objected to the "relevancy" of Mr. Hood's testimony. All objections were sustained.

ww. Attorney Everett cross-examined Mr. Hood. Mr. Hood responded in detail to all questions posed by Attorney Everett.

xx. The Board questioned Mr. Hood. Mr. Hood responded in detail to all questions posed by the Board.

yy. There being no further questions, Mr. Hood stepped down from the witness stand.

zz. Chairman Bartlett stated the Board would address the issue of cellphone records.

aaa. Chairman Bartlett stated there would be a five-minute break to allow Mr. Hood to prepare his closing arguments.

bbb. Chairman Bartlett called for a motion (short break) and allow him time to get exhibits from Human Resources Department. Dr. Jackson made the motion, second by Mr. Trimble. No further discussion on the motion made. Motion carried by a unanimous vote.

ccc. Chairman Bartlett called the meeting back to order.

ddd. Mr. Hood presented his closing arguments.

eee. Attorney Everett presented the County's closing arguments.

fff. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the Taft Hood III, Transportation & Development/Landfill – Appeal filed January 20 2017, regarding: "Termination". Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a unanimous vote.

ggg. Chairman Bartlett called the meeting back to order.

hhh. Chairman Bartlett called for a motion regarding Taft Hood III, Transportation & Development/Landfill – Appeal filed January 20 2017, regarding: "Termination". Dr. Jackson made the motion to uphold the termination, second by Mr. Trimble. No further discussion on the motion made. Motion carried by a unanimous vote.

iii. Mr. Hood did not have any questions.

11. Discussion items.

a. Upcoming Cases.

i. Chairman Bartlett stated all continued cases and two (2) additional cases (not any represented by Keith Martin) would be put on the August agenda.

ii. Chairman Bartlett asked HR Director Ambles to research for the Board's two-hour training that is needed.

12. Other business.

a. Next Regular Business Meeting.

i. The Board confirmed August 23, 2017, as its next meeting date.

ii. Mr. Trimble noted that it was monumental that the Board heard a case within the same year.

iii. Chairman Bartlett stated the Board may be close to hearing cases within 90 days and applauded the diligent work of the members.

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 Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote.

Meeting adjourned.

LARRY BARTLETT
CHAIRMAN

PAMELA R. AMBLES
HUMAN RESOURCES DIRECTOR