

CIVIL SERVICE BOARD MEETING

FEBRUARY 1, 2018

A regular called meeting of the Clayton County Civil Service Board was held on Thursday, February 1, 2018, in the Commissioners' Board Room.

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

Member absent: J. Mark Trimble, Member

Also present: Human Resources Director Pamela Ambles and staff; Civil Service Board Attorney Joe Harris; County Attorney Pamela Everett; County Attorney Michelle Youngblood; Chief Operating Officer Detrick Stanford; Deputy Chief Operating Officer Alex Cohilas; Attorney Wayne Kendall; Gregory Porter; Court reporter; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:08 a.m.

Chairman Bartlett called for a motion to adopt the February 1st agenda. Dr. Jackson made the motion to adopt the agenda, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

For the record: The County had used 45 minutes and the Appellant had used 1 hour 5 minutes.

1. ***Appeal*** (continuation) – **Gregory Porter (911 Communications Center)** – Termination appeal filed March 17, 2017, regarding: “Termination on March 17, 2017”.
 - a. Attorney Pamela Everett called Linda Franklin to the witness stand.
 - b. Attorney Harris swore in Linda Franklin.
 - c. She stated her name, former employer and office duties. Attorney Everett began questioning Ms. Franklin. Ms. Franklin responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned County Exhibits C-49; C-5; and C-8 (p. 81).
 - d. Attorney Everett continued questioning Ms. Franklin. Ms. Franklin responded in detail to all questions posed by Attorney Everett.

- e. Attorney Kendall began the cross-examination of Ms. Franklin. Ms. Franklin responded in detail to all questions posed by Attorney Kendall. Attorney Everett objected to a question posed as “asked and answered”. Chairman Bartlett over-ruled the objection.
- f. Attorney Kendall continued the cross-examination of Ms. Franklin. Attorney Everett objected to a question posed as being “compound”. Chairman Bartlett advised Attorney Kendall to compartmentalize the question. Chairman Bartlett sustained the objection.
- g. Attorney Kendall continued the cross-examination of Ms. Franklin. Attorney Everett objected to the questions posed as it called for “speculation on behalf of the witness”.
- h. Attorney Kendall continued the cross-examination of Ms. Franklin. Ms. Franklin responded in detail to all questions posed by Attorney Kendall. Attorney Kendall mentioned County Exhibit C-5 (pgs. 82 and 132).
- i. The Board was about to begin questioning Ms. Franklin, but then Attorney Kendall requested to ask additional questions.
- j. Chairman Bartlett advised he would allow the questions; however, he would allow the County to ask additional questions as well.
- k. Attorney Kendall asked additional questions of Ms. Franklin. She responded in detail to all questions posed by Attorney Kendall. Attorney Everett objected to a question posed as it “assumed facts not in evidence”. Attorney Kendall repeated the question.
- l. Attorney Kendall asked additional questions of Ms. Franklin. She responded in detail to all questions posed by Attorney Kendall.
- m. Attorney Everett did not have any additional questions of Ms. Franklin.
- n. The Board questioned Ms. Franklin. She responded in detail to all questions posed by the Board. Attorney Kendall objected to a response made by Ms. Franklin as it was “not the answer to your question”.
- o. The Board continued questioning Ms. Franklin. She responded in detail to all questions posed by the Board.
- p. There being no further questions, the witness was released (not subject to rebuttal).
- q. Chairman Bartlett called for a quick break. Vice-Chair Lancaster made a motion, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- r. Chairman Bartlett called the meeting back to order.

- s. Attorney Everett called Deputy Chief Operating Officer Alex Cohilas to the witness stand. He stated his name, position and tenure with the County. Attorney Everett began the questioning of DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned County Exhibits C-5; C-13 (last page); and C-6.
- t. Attorney Everett continued questioning DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Everett. Attorney Kendall objected to a response as it was “talking from hearsay”. Attorney Everett stated she would ask the witness specifically. Chairman Bartlett over-ruled the objection and explained the Board knew what hearsay was and cautioned the Board.
- u. The Board had a brief discussion with its attorney.
- v. Attorney Kendall renewed his objection and explained in detail. Attorney Everett responded it will all become relevant with his witness.
- w. The Board was polled: Ms. Phillips-Hall stated hearsay was not relevant and should not be heard; Vice-Chair Lancaster stated no weight should be placed on hearsay; and Dr. Jackson stated the hearsay was not relevant.
- x. Chairman Bartlett called for a motion to sustain the objection of Attorney Kendall. Dr. Jackson made the motion, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- y. Chairman Bartlett confirmed the objection was sustained.
- z. Attorney Everett continued questioning DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned County Exhibit C-28 and had the following County Exhibits identified: C-29; C-30; C-31; C-32; and C-49.
- aa. Attorney Everett continued questioning DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned the following County Exhibits: C-7; C-8; C-9 (5.208 and 5.209); C-10 (p. 220).
- bb. Attorney Everett continued questioning DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned County Exhibit C-11.
- cc. Attorney Everett continued questioning DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned County Exhibits C-5 (pgs. 73 and 75); C-30 (pgs. 18 and 19); C-5 (p. 77); C-7 (p. 79); C-30; and C-5 (pgs. 81, 87, 95 and 115).

- dd. Attorney Everett continued questioning DCOO Cohilas. Attorney Kendall objected to a question posed as it was “making mischaracterization: and ‘facts not in evidence’”. Attorney Everett agreed. Chairman Bartlett sustained the objection.
- ee. Attorney Everett continued questioning DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned County Exhibit C-40 (pgs. 116, 117-119) – identified exhibit and signature as that of Mr. Porter.
- ff. Attorney Everett continued questioning DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned County Exhibit C-5 (report produced by DCOO Cohilas). Attorney Kendall objected to question posed as it had “nothing to do with appeal”. Chairman Bartlett stated it was part of the investigation. All Board members agreed. Chairman Bartlett over-ruled the objection.
- gg. Attorney Everett continued questioning DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned County Exhibit C-14.
- hh. Attorney Kendall began the cross-examination of DCOO Alex Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Kendall. Attorney Everett objected to a question posed as being “compound”. Chairman Bartlett sustained the objection and explained (allowed DCOO Cohilas to answer the question).
- ii. Attorney Kendall continued the cross-examination of DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Kendall. Attorney Everett objected to a question posed as to its “relevancy”. Attorney Kendall responded. Chairman Bartlett over-ruled the objection.
- jj. Attorney Kendall continued the cross-examination of DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Kendall. Attorney Everett objected to a question posed as to its “relevancy”. Attorney Kendall responded. Chairman Bartlett over-ruled the objection.
- kk. Attorney Kendall continued the cross-examination of DCOO Cohilas.
- ll. Chairman Bartlett excused DCOO Cohilas from the witness stand to hold conference with counsel.
- mm. Chairman Bartlett addressed counsel and stated emphatically the Board would ensure that a level of professionalism would be maintained.

- nn. A discussion among the Board, Attorney Harris, Attorney Kendall, and Attorney Everett occurred regarding either Chairman Bartlett reminding the witness or Attorney Everett.
- oo. Chairman Bartlett called DCOO Cohilas back to the witness stand.
- pp. Chairman Bartlett addressed DCOO Cohilas and reminded him to stay on a professional level.
- qq. Attorney Kendall mentioned County Exhibit C-81 (pgs. 10 and 9).
- rr. Attorney Kendall continued the cross-examination of DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Kendall. Attorney Everett objected to a question posed as being “argumentative”. DCOO Cohilas responded to the question.
- ss. Attorney Kendall continued the cross-examination of DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Kendall. Attorney Everett objected to a question posed as to “speculation”. Attorney Kendall responded. Chairman Bartlett asked for the question to be reworded. Attorney Kendall responded once again. Attorney Everett advised Attorney Kendall he could ask Chief Operating Officer Detrick Stanford what he meant. Attorney Kendall responded once more.
- tt. Attorney Kendall continued the cross-examination of DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Kendall. Attorney Everett objected, the “document says what it says”. Chairman Bartlett over-ruled and allowed Attorney Kendall to re-word the question.
- uu. Attorney Kendall continued the cross-examination of DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Kendall. Attorney Everett objected, the “document says what it says”. Chairman Bartlett over-ruled the objection.
- vv. Attorney Kendall continued the cross-examination of DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Kendall. Attorney Kendall mentioned County Exhibits C-5 and C-1. Attorney Everett objected as to “relevancy”. Chairman Bartlett over-ruled the objection.
- ww. Attorney Kendall continued the cross-examination of DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Kendall. Attorney Everett objected to a question posed as “asked and answered”. Chairman Bartlett did not recall the question being answered and over-ruled the objection.

- xx. Attorney Kendall continued the cross-examination of DCOO Cohilas. Attorney Kendall requested to play an audio. Attorney Everett objected as Attorney Kendall did not have an audio in his exhibits. Attorney Kendall responded in detail.
- yy. A brief discussion among the Board, Attorney Harris and Attorney Kendall occurred regarding the transcript of the audio.
- zz. Chairman Bartlett called for a motion to allow or not allow Attorney Kendall to play the audio portion. Dr. Jackson made a motion to hear the tape, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- aaa. **For the record:** Attorney Everett stated she renewed her objection.
- bbb. The audio was played.
- ccc. Attorney Kendall continued the cross-examination of DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Kendall. Attorney Youngblood objected to the ‘tone’ of the question. Chairman Bartlett sustained the objection.
- ddd. Attorney Kendall continued the cross-examination of DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Kendall. Attorney Kendall mentioned County Exhibit C-14. Attorney Everett objected to a question as being ‘compound’. Attorney Kendall stated he would re-phrase the question. Chairman Bartlett over-ruled the objection.
- eee. Attorney Kendall continued the cross-examination of DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Kendall. Attorney Everett objected to a question posed as ‘asked and answered’. Chairman Bartlett over-ruled the objection.
- fff. Attorney Kendall continued the cross-examination of DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Kendall. Attorney Everett objected. Chairman Bartlett cautioned Attorney Kendall to remain civil and professional. Attorney Kendall mentioned County Exhibit C-13 (second page).
- ggg. Attorney Kendall continued the cross-examination of DCOO Cohilas. Chairman Bartlett stated ‘asked and answered’ and told Attorney Kendall to move on.
- hhh. Attorney Kendall continued the cross-examination of DCOO Cohilas. DCOO Cohilas responded in detail to all questions posed by Attorney Kendall.
- iii. The Board questioned DCOO Cohilas. He responded in detail to all questions posed by the Board.

- jjj. There being no further questions, the witness stepped down from the witness stand.
- kkk. The County advised the witness was subject to rebuttal and was returned to sequestration.
- lll. **Timecheck:** County had used 1 hour 30 minutes plus 45 min and the Appellant had used 1 hour 34 minutes plus 1 hour and 5 minutes.
- mmm. Chairman Bartlett called for a lunch break motion until 2:40 p.m. Dr. Jackson made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- nnn. Chairman Bartlett called the meeting back to order.
- ooo. Attorney Everett called Tonya Logan to the witness stand. (Note: Attorney Everett mentioned the witness had a sick child and needed to leave early).
- ppp. Chairman Bartlett called for a recess until the witness arrived. Dr. Jackson made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- qqq. Chairman Bartlett called the meeting back to order.
- rrr. Attorney Everett called Tonya Logan to the witness stand. She stated her name and where she was employed. Attorney Everett began questioning Ms. Logan. Ms. Logan responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned County Exhibit C-21 (video showed to Ms. Logan by Mr. Porter).
- sss. Attorney Everett continued questioning Ms. Logan. Ms. Logan responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned the following County Exhibits: C-53; C-54; and C-5 (pgs. 57 and 39).
- ttt. Attorney Kendall began the cross-examination of Ms. Logan. Ms. Logan responded in detail to all questions posed by Attorney Kendall. Attorney Everett objected to a question posed as "compound". Chairman Bartlett stated the question was lengthy and had Attorney Kendall to re-phrase. Attorney Kendall re-phrased the question.
- uuu. Attorney Kendall continued the cross-examination of Ms. Logan. Ms. Logan responded in detail to all questions posed by Attorney Kendall. Attorney Kendall mentioned County Exhibit C-5 (p. 56).
- vvv. Attorney Kendall continued the cross-examination of Ms. Logan. Ms. Logan responded in detail to all questions posed by Attorney Kendall.
- www. The Board questioned Ms. Logan. She responded in detail to all questions posed by the Board.

- xxx. There being no further questions, the witness stepped down from the witness stand.
- yyy. The County advised the witness was subject to rebuttal and was returned to sequestration and admonished not discuss her testimony.
- zzz. Attorney Everett called Daeontae Smith to the witness stand.
- aaaa. **Timecheck:** Appellant had used 2 hours 5 minutes plus 65 minutes and the County had used 2 hours 51 minutes.
- bbbb. He stated and spelled his name for the record and where he was employed. Attorney Everett began questioning Mr. Smith. Attorney Everett played the video again for Mr. Smith.
- cccc. Attorney Kendall did not cross-examine Mr. Smith.
- dddd. The Board questioned Mr. Smith. He responded in detail to all questions posed by the Board.
- eeee. There being no further questions, the witness was dismissed.
- ffff. Attorney Everett called Kierstin Wolfe to the witness stand.
- gggg. Vice-Chair Lancaster made a motion for a quick break, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- hhhh. Chairman Bartlett called the meeting back to order.
- iiii. She stated her name and where employed. Attorney Everett began questioning Ms. Wolfe. Ms. Wolfe responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned County Exhibit C-5 (p. 53). Attorney Kendall objected to the affidavit as "hearsay".
- jjjj. Chairman Bartlett called for a quick break. Vice-Chair Lancaster made a motion, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- kkkk. Chairman Bartlett called the meeting back to order.
- llll. Attorney Kendall raised his objection to the affidavit being entered as "hearsay" and cited case law.
- mmmm. Attorney Harris advised the Board. Chairman Bartlett over-ruled the objection.

- nnnn. Attorney Everett continued questioning Ms. Wolfe. Ms. Wolfe responded in detail to all questions posed by Attorney Everett.
- oooo. Attorney Kendall began the cross-examination of Ms. Wolfe. Ms. Wolfe responded in detail to all questions posed by Attorney Kendall.
- pppp. The Board questioned Ms. Wolfe. She responded in detail to all questions posed by the Board.
- qqqq. There being no further questions, the witness was dismissed (not subject to recall or rebuttal).
- rrrr. Attorney Everett called Devorah Lane to the witness stand.
- ssss. **Timecheck:** Appellant had used 2 hours 65 minutes = 3 hours 5 minutes.
- tttt. Chairman Bartlett stated at the end of the day a discussion will take place regarding time limits.
- uuuu. She stated and spelled her name, where employed and duties. Attorney Everett began questioning Ms. Lane. Ms. Lane responded in detail to all questions posed by Attorney Everett.
- vvvv. Attorney Kendall did not cross-examine Ms. Lane.
- wwww. The Board questioned Ms. Lane. She responded in detail to all questions posed by the Board.
- xxxx. There being no further questions, the witness stepped down from the witness stand.
- yyyy. The County advised the witness was subject to rebuttal and was returned to sequestration.
- zzzz. Attorney Youngblood asked the Board how late the Board was going tonight.
- aaaa. Chairman Bartlett advised the Board was not sure it would finish the hearing by Friday and that any requests for additional time would be re-evaluated.
- bbbb. Chairman Bartlett called for a 10-minute break.
- cccc. **Timecheck:** Appellant had used 3 hours 11 minutes – 49 minutes left and the County had used 2 hours 52 minutes – 68 minutes left.
- dddd. Chairman Bartlett called for a 10-minute break. Dr. Jackson made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

- eeee. Chairman Bartlett called the meeting back to order.
- ffff. Chairman Bartlett advised Attorney Kendall had a conflict for February 6, 2018.
- gggg. The County did not request additional time at this moment but the Appellant requested an additional 90 minutes.
- hhhh. A discussion between the Board members occurred.
- iiii. Chairman Bartlett called for a motion regarding the Appellant's request for additional time. Dr. Jackson made a motion that the Board approve the additional 90 minutes for the County and the Appellant, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- jjjj. A lengthy discussion among the Board members, Attorney Harris, Attorney Everett, Attorney Youngblood and Attorney Kendall occurred regarding dates needed to complete the hearing.
- kkkk. Chairman Bartlett confirmed the granting of additional time and that there should be a Public Notice drafted to convene at 1:30 p.m., on February 5, 2018.
- llll. Chairman Bartlett stated the Board would recess for the day and reconvene at 9:00 a.m., on February 2, 2018 and handle as much as it could.
- mmmm. Chairman Bartlett called for a motion to schedule a meeting on Monday, February 5, 2018 at 1:30 p.m. Dr. Jackson made a motion, second by Vice-Chair. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- nnnn. There were no objections from either the Appellant or County and the matter would be continued until 9:00 a.m., on February 2, 2018.

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 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