

CIVIL SERVICE BOARD MEETING

March 28, 2018

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, March 28, 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; Police Chief Kevin Roberts; Fire Chief Landry Merkison; Assistant Fire Chief David King; Parks & Recreation Director Troy Hodges; District Attorney Tracy Lawson; Police Department Legal Advisor Kenneth Green; Attorney Keith Martin; Errol Clarke; Carolyn Marcus; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:09 a.m.

Chairman Bartlett called for a motion to adopt the March 28th agenda. Dr. Jackson made the motion to adopt the agenda, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

1. Civil Service Board's Meeting Minutes – Item #3 - January 31, 2018, Item #4 - February 1, 2018, and Item #5 - February 2, 2018.
 - a. Human Resources Director Pamela Ambles requested an extension until the close of business on Monday, April 2, 2018, for the preparation of the Board's Minutes for January 31, 2018, February 1, 2018, and February 2, 2018.
 - b. Chairman Bartlett confirmed that there were no Decisions involved in the meetings requiring a deadline for submission and that the only appeal hearing heard on these dates was *Gregory Porter*.
 - c. Chairman Bartlett called for a motion to approve the extension of the submission until the April meeting. Dr. Jackson approved the extension, second by Vice-

Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

2. Considered request from **Kevin Lewis, Police Department**, for annual leave donation. (**Note:** The Board was polled on February 27, 2018. Members, Bartlett, Lancaster and Phillips-Hall approved.)
 - a. Chairman Bartlett confirmed the Board was polled on February 27, 2018 and approved the request.
 - b. Dr. Jackson confirmed his approval on the record.
 - c. Chairman Bartlett called for a motion. Vice-Chair Lancaster made the motion to approve the request, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
3. Considered request from **Dexter Norwood, Police/Code Enforcement**, for annual leave donation. (**Note:** The Board was polled on February 27, 2018. Members, Bartlett, Lancaster and Phillips-Hall approved.)
 - a. Chairman Bartlett confirmed the Board was polled on February 27, 2018 and approved the request.
 - b. Dr. Jackson confirm his approval on the record.
 - c. 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 unanimous vote (4-0).
4. Considered request from **Michael Crawford, Transportation & Development**, for annual leave donation. (**Note:** The Board was polled on March 16, 2018. Members, Bartlett, Lancaster and Phillips-Hall approved.)
 - a. Chairman Bartlett confirmed the Board was polled on February 27, 2018, and approved the request.
 - b. Dr. Jackson confirmed his approval on the record.
 - c. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the request, second by Ms. Philips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
5. Considered request from **Annell Graniela, Juvenile Court**, to receive annual leave donation.
 - a. Chairman Bartlett called for a motion.

- b. Dr. Jackson made the motion to approve the request, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
6. Considered request from **Samantha Kearns, Parks & Recreation**, to use sick leave reserve.
- a. Ms. Samantha Kearns was in attendance.
 - b. Human Resources Director Pamela Ambles confirmed the request met the Civil Service requirements.
 - c. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - d. The Board wished her good luck!
7. Considered request from District Attorney Tracy Lawson to end the probationary periods of **Brian Busch** and **Kimberly Arnzen**.
- a. District Attorney Lawson presented the request in detail.
 - b. A lengthy discussion among the Board, HR Director Ambles, District Attorney Lawson, Civil Service Board Attorney Joe Harris, Attorney Pamela Everett occurred regarding the request and whether it met the Civil Service Rule 7.
 - c. The Board was concerned this request was setting a precedent and that this matter should and would be taken up during the Civil Service Rules Re-Write Committee meetings.
 - d. Chairman Bartlett asked DA Lawson her reason for the request.
 - e. DA Lawson responded it was creating a stressful situation (don't need this hanging over their heads) for the employees' families.
 - f. District Attorney Lawson advised the Board she is being considered to serve on the Court of Appeals, but this did not happen until after she submitted her request (for transparency purpose).
 - g. The Board asked its attorney if this was appropriate.
 - h. Attorney Harris recommended the Board could make this a "single" request and it would not be setting a precedent.
 - i. Attorney Everett interjected and stated the Board would be going down a "slippery slope" if this request was approved.

- j. (Note: The recording device malfunctioned and stopped working. IT employee, Matthew Hutcherson would be called to check on.)
 - k. Chairman Bartlett called for a motion to take a short break. Dr. Jackson made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a unanimous vote (4-0).
 - l. Chairman Bartlett called the meeting back to order.
 - m. Chairman Bartlett asked Attorney Harris for his recommendation to the Board so as to be clear.
 - n. Attorney Harris once again recommended the Board could make the decision as a “single request”.
 - o. Chairman Bartlett called for a motion to end the probationary period of Brian Busch effective immediately (March 28, 2018). Dr. Jackson made the motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a (3-1 vote, Ms. Phillips-Hall voting nay).
 - p. Chairman Bartlett called for a motion to end the probationary period of Kimberly Arnzen effective immediately (March 28, 2018). Dr. Jackson made the motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by (3-1 vote, Ms. Phillips-Hall voting nay).
8. Considered request from **Kevin Mitchell, Fire**, to use sick leave reserve.
- a. Fire Chief Landry Merkison presented the request in detail and supported the request.
 - b. HR Director Ambles responded the request met the Civil Service requirement.
 - c. 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 unanimous vote (4-0).
 - d. The Board stated, “Best Wishes” to Kevin Mitchell!
9. Considered request from Police Chief Kevin Roberts to extend the probationary period of **John Lively** for an additional six (6) months.
- a. Police Department Legal Advisor Kenneth Green presented the request in detail.
 - b. Chairman Bartlett asked if Mr. Lively was on promotional probation.
 - c. Mr. Green responded in the affirmative.

- d. 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 unanimous vote (4-0).
10. Calendar Call.
- a. **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”.
 - i. County advised it was ready to proceed.
 - ii. Appellant’s counsel, Keith Martin, stated she was ready. Ms. Marcus was also in attendance and ready.
 - iii. Attorney Martin stated all witnesses were present except Sharon Edwards, as she was tied up in Court.
 - iv. Chairman Bartlett stated this hearing would be the first case heard today.
 - b. **Kristofer Sargent (Buildings & Maintenance)** – Suspension appeal filed August 11, 2017, regarding: “The suspension of 8/4/17 – 8/8/17”; and **Kristofer Sargent (Buildings & Maintenance)** – Termination appeal filed August 18, 2017, regarding: “The termination of Kristofer Sargent”.
 - i. County advised it was ready to proceed.
 - ii. Appellant’s counsel, Keith Martin, stated he was ready to proceed when the Civil Service Board calls his case.
 - iii. Chairman Bartlett stated the matter was continued until the May or June meeting.
 - c. **Errol Clarke (Police Department)** – Termination appeal filed September 18, 2017, regarding: “I am appealing a termination”.
 - i. County advised it was ready to proceed.
 - ii. Mr. Clarke was in attendance and stated he was ready to proceed and that he would represent himself.
 - iii. Chairman Bartlett stated the matter was continued until the May or June meeting.
 - d. **Monique Smith (District Attorney’s Office)** – Demotion appeal filed November 8, 2017, regarding: “Demotion to Lower position”. Ms. Smith requested a continuance and for her deadlines to be extended on March 19, 2018. The continuance request was granted on March 21, 2018.
 - i. Chairman Bartlett stated Ms. Smith’s continuance request was granted.
 - ii. Ms. Smith was not in attendance today.
 - iii. HR Director Ambles advised Ms. Smith did not submit any evidence (exhibits).

- iv. Chairman Bartlett called for a motion regarding extending deadlines of evidence.
- v. A discussion between the Board members occurred regarding prior extensions granted by the Civil Service Board.
- vi. Attorney Everett objected to the Board granting the extension.
- vii. Chairman Bartlett read Ms. Smith's request.
- viii. HR Director Ambles confirmed Ms. Smith had not picked up the County's exhibits from Human Resources.
- ix. Chairman Bartlett called for a motion. Vice-Chair Lancaster made the motion to deny the County's request to deny the extension, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- x. Chairman Bartlett confirmed that the Appellant would be allowed to submit a witness list only, but no exhibits.
- xi. All witnesses for hearings other than *Carolyn Marcus* were excused by Chairman Bartlett.
- xii. Chairman Bartlett called for a motion to take a short break. Dr. Jackson made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- xiii. Chairman Bartlett called the meeting back to order.

10. Appeal – **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”.

- a. County and Appellant attorneys stated they were ready to proceed.
- b. Attorney Pamela Everett advised the County's witnesses were present.
- c. Attorney Keith Martin advised the Appellant's witnesses were present with the exception of Sharon Edwards.
- d. Civil Service Board attorney Joe Harris swore in all witnesses. (Note: Sharon Edwards would be sworn in before providing testimony.)
- e. Attorney Martin requested an order of sequestration on behalf of the Appellant.
- f. Chairman Bartlett explained the hearing time limits and hearing guidelines.
- g. Attorney Everett gave the County's opening statement.
- h. Attorney Martin gave the Appellant's opening statement.

- i. Attorney Everett called Diane Simcox to the witness stand. She stated her name, position and tenure with the County. Attorney Everett began questioning Superior Court Deputy Clerk Administrator Simcox. Deputy Clerk Simcox responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned the following County Exhibits: C-11; C-13; C-5; C-14; C-19; C-20 (pg. 307 at the bottom); C-18; and C-22.
- j. Attorney Everett continued questioning Deputy Clerk Simcox. Deputy Clerk Simcox responded in detail to all questions posed by Attorney Everett.
- k. Attorney Martin began the cross-examination of Deputy Clerk Simcox. Deputy Clerk Simcox responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned County Exhibit C-20 and Appellant Exhibit A-2 (page 3).
- l. Attorney Martin continued the cross-examination of Deputy Clerk Simcox. Deputy Clerk Simcox responded in detail to all questions posed by Attorney Martin. Attorney Everett objected to the way Attorney Martin phrased a question. Attorney Martin withdrew the question.
- m. Attorney Martin continued the cross-examination of Deputy Clerk Simcox. Deputy Clerk Simcox responded in detail to all questions posed by Attorney Martin. Attorney Everett objected to a question posed by Attorney Martin as “speculation on part of the witness”. Chairman Bartlett sustained the objection.
- n. Attorney Martin continued the cross-examination of Deputy Clerk Simcox. Deputy Clerk Simcox responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned County Exhibit C-5 and Appellant Exhibit A-4.
- o. Attorney Martin continued the cross-examination of Deputy Clerk Simcox. Deputy Clerk Simcox responded in detail to all questions posed by Attorney Martin. Attorney Everett objected to the exhibit as it was not an official transcript (exact copy). Attorney Martin stated he had not yet tendered the exhibit.
- p. A discussion among the Board, Attorney Harris, Attorney Martin, Attorney Everett occurred regarding the exhibit.
- q. Chairman Bartlett over-ruled the objection in part and stated the Board would not consider until later.
- r. Attorney Martin continued the cross-examination of Deputy Clerk Simcox. Deputy Clerk Simcox responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned County Exhibits C-14 and C-15. Attorney Everett objected and asked to “allow the witness to answer the question”. Deputy Clerk Simcox responded in detail to the question.
- s. Attorney Martin continued the cross-examination of Deputy Clerk Simcox. Deputy Clerk Simcox responded in detail to all questions posed by Attorney Martin.

- t. The Board questioned Deputy Clerk Simcox. She responded in detail to all questions posed by the Board.
- u. There being no further questions, the witness was returned to sequestration (held for rebuttal).
- v. Attorney Everett asked if the witness could return to work and be “on call”. Attorney Martin did not have any objections.
- w. Vice-Chair Lancaster made a motion for a short break, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- x. Chairman Bartlett called the meeting back to order.
- y. Timecheck: 27:52 minutes were used by the County and 31:06 minutes were used by the Appellant.
- z. Attorney Everett called Rita Whitlock to the witness stand. She stated her name, tenure and former duties as Deputy Clerk. Attorney Everett began questioning Ms. Whitlock. Ms. Whitlock responded in detail to all questions posed by Attorney Everett.
- aa. Attorney Everett continued questioning Ms. Whitlock. Ms. Whitlock responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned County Exhibits C-14 and C-5.
- bb. Attorney Everett continued questioning Ms. Whitlock. Ms. Whitlock responded in detail to all questions posed by Attorney Everett.
- cc. Attorney Martin began the cross-examination of Ms. Whitlock. Attorney Martin mentioned County Exhibits C-14, C-15 and C-16.
- dd. Attorney Martin continued the cross-examination of Ms. Whitlock. Ms. Whitlock responded in detail to all questions posed by Attorney Martin. Attorney Everett objected to a question posed by Attorney Martin as “asked and answered”. Chairman Bartlett instructed the witness to say “yes or no” and then she could explain.
- ee. Attorney Martin continued the cross-examination of Ms. Whitlock. Ms. Whitlock responded in detail to all questions posed by Attorney Martin. Attorney Everett objected to a question as “assumed facts not in evidence”. Ms. Whitlock responded to the question.
- ff. Attorney Martin continued the cross-examination of Ms. Whitlock. Ms. Whitlock responded in detail to all questions posed by Attorney Martin.
- gg. The Board questioned Ms. Whitlock.

- hh. (Note: The recording device malfunctioned a second time. HR Director Ambles advised she had call IT Director Jason Brookins.)
- ii. Chairman Bartlett called for a short break to allow IT to be notified. Ms. Phillips-Hall made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- jj. Chairman Bartlett called the meeting back to order.
- kk. The Board continued questioning Ms. Whitlock. She responded in detail to all questions posed by the Board.
- ll. There being no further questions, the witness was released (not subject to rebuttal).
- mm. Chairman Bartlett called for a motion to take lunch until 2:15 p.m. Dr. Jackson made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- nn. Chairman Bartlett called the meeting back to order.
- oo. Attorney Everett called Jacqueline Wills to the witness stand. She stated her name, duties and title. Attorney Everett began questioning Clerk Wills. Clerk Wills responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned the following County Exhibits: C-7; C-8; C-10 (and page 3); C-18; C-19 (and last page); and C-20.
- pp. Attorney Everett continued questioning Clerk Wills. Clerk Wills responded in detail to all questions posed by Attorney Everett.
- qq. Attorney Martin did not question Clerk Wills on cross-examination.
- rr. The Board questioned Clerk Wills. She responded in detail to all questions posed by the Board.
- ss. There being no further questions, the witness stepped down from the witness stand.
- tt. Attorney Everett advised the county rested subject to the recall of Diane Simcox.
- uu. Attorney Everett asked to tender the following exhibits:

Ex. No.

Objections (No/Yes, explanation)

**C-5; C-7; C-8; C-9;
C-10; C-11**

Attorney Martin – no objections

C-12

Attorney Martin – no objections to all except form dated March 12,

2015, as there was no foundation laid or who wrote it
Chairman Bartlett – sustained the objection and asked the Board
remove C-12 (dated 3/12/15)

C-13 Attorney Martin – objected as after document was created there was
foundation who wrote entries dated 4/8/15
Attorney Everett – advised Diane Simcox testified to this document
Chairman Bartlett – over-ruled the objection

**C-14; C-16; C-18; C-19; C-20; C-22; C-23;
C-21** Attorney Martin – no objections

- vv. Attorney Martin called Sharon Edwards to the witness stand.
- ww. (Off the Record: Chairman Bartlett called a sidebar with counsel.)
- xx. Back on the record.
- yy. Attorney Harris swore in Sharon Edwards.
- zz. Timecheck; Appellant had used 38 minutes.
- aaa. She stated her name and where employed.
- bbb. Attorney Martin began questioning Ms. Edwards. Ms. Edwards responded in detail to all questions posed by Attorney Martin. Attorney Everett objected as the “witness said she did not remember what she said”. Chairman Bartlett sustained the objection.
- ccc. Attorney Martin continued questioning Ms. Edwards. Ms. Edwards responded in detail to all questions posed by Attorney Martin.
- ddd. Attorney Everett began the cross-examination of Ms. Edwards. Ms. Edwards responded in detail to all questions posed by Attorney Everett.
- eee. The Board questioned Ms. Edwards. She responded in detail to all questions posed by the Board.
- fff. There being no further questions, the witness was released (not held for rebuttal).
- ggg. Vice-Chair made a motion for a short break, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- hhh. Chairman Bartlett called the meeting back to order.

- iii. Attorney Martin called Carolyn Marcus to the witness stand. She stated her current name. Attorney Martin began questioning Ms. Karim. Ms. Karim responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned County Exhibit C-5.
- jjj. Attorney Martin continued questioning Ms. Karim. Ms. Karim responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned Exhibits C-12; A-2 (pages 3 and 4); C-5; and A-5.
- kkk. Attorney Martin continued questioning Ms. Karim. Ms. Karim responded in detail to all questions posed by Attorney Martin. Attorney Everett objected to a question posed as to “relevancy”. Chairman Bartlett polled the Board.
- lll. Chairman Bartlett called for a motion. Dr. Jackson made the motion to admit the exhibit, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- mmm. Chairman Bartlett over-ruled the objection.
- nnn. Attorney Martin continued questioning Ms. Karim. Ms. Karim responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned County Exhibit C-5 (first page).
- ooo. Attorney Martin continued questioning Ms. Karim. Ms. Karim responded in detail to all questions posed by Attorney Martin.
- ppp. Attorney Everett began the cross-examination of Carolyn Marcus (Carolyn Karim). Ms. Karim responded in detail to all questions posed by Attorney Everett. Attorney Everett mentioned the following Exhibits: A-5 (page 3); C-12; and C-16.
- qqq. Attorney Everett continued the cross-examination of Ms. Karim. Ms. Karim responded in detail to all questions posed by Attorney Everett.
- rrr. The Board questioned Ms. Karim. She responded in detail to all questions posed by the Board.
- sss. There being no further questions, the witness stepped down from the witness stand.
- ttt. Attorney Martin asked to tender the following exhibits:

<u>Ex. No.</u>	<u>Objections (No/Yes, explanation)</u>
A-3	Attorney Everett – no objections
A-5	Attorney Everett – my objections remain

- uuu. Vice-Chair Lancaster made a motion for a short break, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - vvv. Timecheck: Appellant had used 1 hour and 6 minutes and the County had used 1 hour and 22 minutes.
 - www. Chairman Bartlett called the meeting back to order.
 - xxx. County reserved its right to present closing arguments last.
 - yyy. Attorney Martin presented the Appellant's closing arguments.
 - zzz. Attorney Everett presented the County's closing arguments.
 - aaaa. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the **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”. Dr. Jackson made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - bbbb. Chairman Bartlett called the meeting back to order.
 - cccc. Chairman Bartlett called for a motion regarding the **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”. Dr. Jackson made the motion to over-rule the termination and reinstate the employee with back-pay and full benefits, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
11. Discussion items.
- a. Confirmed meeting date(s) for April 2018.
 - i. Monday, April 23, 2018 and Tuesday, April 24, 2018.
 - ii. The Board would only hear the continuation of *Gregory Porter's* appeal hearing on these dates in April 2018.
 - b. Upcoming cases for April 2018.
 - i. **Gregory Porter (E-911 Communications)** – Termination appeal continuation.
 - (1) Chairman Bartlett confirmed *Gregory Porter's* hearing would be continued on April 23 and 24, 2018.

- ii. **Dorian Greene (Transportation & Development)** – Termination appeal.
 - (1) HR Director Ambles advised the Board, Mr. Greene’s Father is aware of the appeal but does not have an attorney as of yet. His desire is to proceed with the appeal hearing.
 - (2) Attorney Martin interjected and advised Mr. Greene has a daughter by his ex-wife and Mr. Greene does have an estate.
 - (3) HR Director Ambles advised all parties including the ex-wife and Father are working together in the best interest of the child.

- iii. **Kristofer Sargent and Errol Clarke**

- (1) Chairman Bartlett advised these appeals would be placed on the May 2018 agenda.

- iv. **Monique Smith**

- (1) Chairman Bartlett confirmed only the witness list deadline would be re-set.

12. Other business.

- a. **C-VAP**

- i. Chairman Bartlett confirmed the Board as a group would register as vendors at its April meeting.

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