

REGULAR CALLED CIVIL SERVICE BOARD MEETING

MARCH 5, 2014

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, March 5, 2014, in the Commissioners' Board Room.

Members present: Larry Bartlett, Chairman
 Gbenga Osagie, Member
 J. Mark Trimble, Member
 Lori Favre, Member

Member absent: Troyce B. Lancaster, Vice-Chair

Also present: Human Resources Director Renee Bright and various staff members; Civil Service Board Attorney Joe Harris; County Attorney Michelle Terry; Assistant Deputy Chief Shawn Southerland; Police Department Legal Advisor Kenneth Green; Attorney Keith Martin; Ahmed Handfield; Kimberle Windley; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:11 a.m., and noted for the record that all Board members were present. Chairman Bartlett called for a motion to adopt the March 5th agenda. Mr. Trimble made a motion to adopt the agenda with the following amendments: add item 12a – sick leave request from Ashley Adams, omit items 17, 18 and 21, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

1. Considered for approval the Civil Service Board Meeting minutes that was held on March 4, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the minutes, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

2. Considered for approval the Civil Service Board Meeting minutes that was held on March 5, 2014.
 - a. Chairman Bartlett noticed the agenda mentioned the wrong date. County Attorney Michelle Terry suggested that the board amend the entire agenda all the way down.

3. Chairman Bartlett called for a motion to adopt the March 5th agenda. Mr. Trimble made a motion to adopt the agenda with the following amendments: change date from March to February for the first 10 items, add sick leave request for Ashley Adams, and omit items

18 and 21, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

4. Chairman Bartlett, for the record, stated the first motion was voided.
5. Considered for approval the Civil Service Board Meeting minutes that was held on February 4, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the minutes, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
6. Considered for approval the Civil Service Board Meeting minutes that was held on February 5, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the minutes, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
7. Considered for approval the Civil Service Board's Executive Session Minutes for the Lutisha L. Smith, Police Department/Animal Control, appeal that was heard on February 5, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the minutes, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
8. Considered for approval the Civil Service Board's Decision regarding Lutisha L. Smith, Police Department/Animal Control, appeal that was heard on February 4 and 5, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the decision, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
9. Considered for approval the Civil Service Board's Executive Session Minutes for the Christopher Bass, Corrections Department/Prison, appeal that was heard on February 5, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the minutes, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

10. Considered for approval the Civil Service Board's Decision regarding Christopher Bass, Corrections Department/Prison, appeal that was heard on February 5, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the decision, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

11. Considered the Civil Service Board's Decision regarding Michael Grant, Fire & Emergency Services, appeal that was called on February 4 and 5, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the decision, second by Mr. Osagie. Discussion on the motion made: Chairman Bartlett stated the Appellant was a no-show on both days when appeal was called. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

12. Considered the Civil Service Board's Decision regarding Irma Monroe, Parks & Recreation/Virginia Gray Recreation Center, suspension and demotion appeals that were called on February 4 and 5, 2014.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the decision, second by Mr. Osagie. Discussion on the motion made: Chairman Bartlett stated the Appellant was a no-show on both days when the appeals were called. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

13. Chairman Bartlett presented the following training certificates:
 - a. Employee Professional
 - i. Charwyna Byrd - District Attorney/Child Support
 - ii. Mylisha Adams - Juvenile Court
 - iii. Amanda Gilbert - Juvenile Court
 - iv. Taaron Savannah Stanton - Juvenile Court
 - v. Melanie Hall - Parks and Recreation
 - vi. Briana Yelverton - Parks and Recreation
 - vii. Latoya Lettsome - Police Department
 - viii. Patricia Straight - Tax Commissioner
 - ix. Tina Brownlee - Transportation and Development

 - b. Manager Basic
 - i. Keisha Johnson - Juvenile Court

- c. Manager Professional
 - i. Keisha Johnson - Juvenile Court
14. Considered request from Cheryl C. Livingston, Sheriff's Office, for annual leave donations.
- a. Human Resources Director Renee Bright stated the request met the requirement of Civil Service and that there was no opposition from the Sheriff's Office.
 - b. Chairman Bartlett asked if Ms. Livingston was present. She was not in attendance.
 - c. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the request, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
15. Considered request from Ashley Adams, E911/Communications, for annual leave donations.
- a. HR Director Bright stated the request met the requirements of Civil Service.
 - b. Police Department Legal Advisor Kenneth Green stated Police Chief Gregory Porter did not have any opposition.
 - c. Chairman Bartlett asked if Ms. Adams was present. She was not in attendance.
 - d. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the request, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
16. Considered request from Betty Nelms, Superior Court, to use sick leave in lieu of annual leave.
- a. Chairman Bartlett stated this request was outside the Civil Service Rules.
 - b. Chairman Bartlett asked if Ms. Nelms was present. HR Director Bright stated she was not since her daughter had surgery yesterday.
 - c. HR Director Bright also stated she had spoken with Clerk Wills and that she did not have any problems with the request.
 - d. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the request, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

17. Considered request from Jennifer Dutcher, Human Resources, to reverse annual leave into sick leave.
 - a. Chairman Bartlett asked if Ms. Dutcher was present. She was in attendance.
 - b. HR Director confirmed Ms. Dutcher worked for Human Resources and that she did not have any opposition.
 - c. Chairman Bartlett stated the request was outside the Civil Service Rules and needed the Board's approval.
 - d. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the request, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

18. Considered changes to the Civil Service Board's Policy on Continuances.
 - a. Mr. Trimble made a motion to continue this item until next month's business meeting, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - b. Chairman Bartlett advised the audience that this was an important document if they ever had to appeal or grieve before the Board.

19. Calendar call.
 - a. **Ahmed Handfield (Sheriff's Office)** – Termination Appeal
 - i. County – Attorney Michelle Terry (was present and ready to proceed).
 - ii. Appellant – Mr. Handfield (was present and ready to proceed).

 - b. **Kimberle Windley (Sheriff's Office)** – Termination Appeal
 - i. County – Attorney Terry (was present and ready to proceed).
 - ii. Chairman Bartlett confirmed he excused Attorney Keith Martin until 1:30 p.m., today.

 - c. **Scott Smith (Sheriff's Office)** – Termination Appeal
 - i. Chairman Bartlett confirmed the appeal hearing had been continued until next month's calendar.
 - ii. Attorney Terry advised the Board that her witnesses were not in attendance for the next appeal hearing.
 - iii. Chairman Bartlett called for a short break. Mr. Trimble made a motion, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote.
 - iv. Chairman Bartlett called the meeting back to order.
 - v. Chairman Bartlett recognized HR Intern, Martina Simmons.

20. *Appeal* – Considered appeal that was filed on August 31, 2011, by Ahmed K. Handfield, Sheriff's Office, with regards to: Termination from the Sheriff's Dept.
- a. Attorney Terry and Mr. Handfield stated they were ready to proceed.
 - b. Board member, Gbenga Osagie, advised the Board of a possible conflict, as he has a relationship with the Appellant and explained in detail.
 - c. Attorney Terry, after conferring with Assistant Chief Shawn Southerland, asked Mr. Osagie to recuse himself.
 - d. Chairman Bartlett stated Mr. Osagie would be recused (Mr. Osagie left the platform).
 - e. Chairman Bartlett explained to Mr. Handfield the hearing procedures in detail. Mr. Handfield did not have any questions for the Board.
 - f. Chairman Bartlett explained the order of sequestration to Mr. Handfield. Mr. Handfield requested sequestration.
 - g. Civil Service Board Attorney Joe Harris swore in all witnesses.
 - h. Chairman Bartlett explained what an opening statement was and stated the County had the right to present closing arguments last.
 - i. Attorney Terry gave the County's opening statement. Mr. Handfield gave his opening statement.
 - j. Attorney Terry called Sgt. Geraldine Gardiner to the stand. She stated her name, where employed and tenure. Attorney Terry began questioning Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Attorney Terry. Attorney Terry mentioned County Exhibits C-16 page 19, C-16 page 14, C-16 page 29, and C-16 page 25.
 - k. Attorney Terry continued questioning Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Attorney Terry. Mr. Handfield objected to a response made by Sgt. Gardiner and stated her statement was not entirely true. Chairman Bartlett stated he would give Mr. Handfield an opportunity to clarify later and explained. Chairman Bartlett advised Mr. Handfield what could be objected (i.e., if a question is non-relevant, improper, hearsay or outside the scope).
 - l. Attorney Terry continued questioning Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Attorney Terry. Attorney Terry mentioned County Exhibits C-18, C-19, C-20, C-21, and C-22.

- m. Attorney Terry continued questioning Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Attorney Terry.
- n. Chairman Bartlett reminded Mr. Handfield he could ask questions but could not make any statements.
- o. Mr. Handfield cross-examined Sgt. Gardiner. Sgt. Gardiner responded in detail to all questions posed by Mr. Handfield. Mr. Handfield mentioned County Exhibit C-22.
- p. Mr. Handfield continued the cross-examination of Sgt. Gardiner with a question, but stated to “disregard”.
- q. The Board questioned Sgt. Gardiner. She responded in detail to all questions posed by the Board.
- r. There being no further questions, the witness was dismissed (subject to recall).
- s. Chairman Bartlett explained the term “recall” to Mr. Handfield.
- t. Attorney Terry called Major Samuel Smith to the stand. He stated his name, where employed, tenure and rank. Attorney Terry began questioning Major Smith. Major Smith responded in detail to all questions posed by Attorney Terry. Attorney Terry mentioned County Exhibit C-16 pages 9 and 11.
- u. Attorney Terry continued questioning Major Smith. Major Smith responded in detail to all questions posed by Attorney Terry.
- v. Mr. Handfield did not have any questions for Major Smith.
- w. The Board questioned Major Smith. He responded in detail to all questions posed by the Board.
- x. There being no further questions, the witness was dismissed (subject to recall).
- y. Attorney Terry called Major Robert Sowell to the stand. He stated his name, employer, position and tenure in position. Attorney Terry began questioning Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Terry. Attorney Terry mentioned County Exhibit C-16 pages 9, 11, 14, 19 and 25.
- z. Attorney Terry continued questioning Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Terry.

- aa. Mr. Handfield cross-examined Major Sowell. Major Sowell responded in detail to all questions posed by Mr. Handfield.
- bb. The Board questioned Major Sowell. He responded in detail to all questions posed by the Board.
- cc. Mr. Handfield wanted to ask Major Sowell a follow-up question.
- dd. Chairman Bartlett stated he would allow the question, but the County would object.
- ee. Attorney Terry objected as there is nothing in the Policy allowing it.
- ff. A discussion between Chairman Bartlett and Attorney Terry occurred.
- gg. Mr. Trimble stated he would be inclined to let Major Sowell answer the question now. Board member, Lori Favre agreed. Chairman Bartlett overruled the objection.
- hh. Mr. Handfield asked the follow-up question regarding an inmate escape. Attorney Terry objected as to relevance. Mr. Handfield explained in detail. Chairman Bartlett explained to Mr. Handfield that he was not charged with allowing an escape and stated the question was outside the scope. Mr. Trimble and Ms. Favre agreed.
- ii. There being no further questions, the witness was released. Mr. Handfield did not have any objections.
- jj. Attorney Terry called Lt. Keith McLaughlin to the stand. He stated his name, employer, position and tenure. Attorney Terry began questioning Lt. McLaughlin. Lt. McLaughlin responded in detail to all questions posed by Attorney Terry. Attorney Terry mentioned County Exhibits C-16 and C-15.
- kk. Attorney Terry continued questioning Lt. McLaughlin. Lt. McLaughlin responded in detail to all questions posed by Attorney Terry.
- ll. The Board did not have any questions for Lt. McLaughlin.
- mm. There being no further questions or objections, the witness was released.
- nn. Attorney Terry called Assistant Chief Deputy Shawn Southerland to the stand. He stated his name, employer, position and tenure. Attorney Terry began questioning Assistant Chief Southerland. Assistant Chief Southerland responded in detail to all questions posed by Attorney Terry. Attorney Terry mentioned County Exhibits C-16 page 30, C-4, C-5, C-6, C-7, C-8, C-9, C-10, C-11, C-12, and C-13.

- oo. Attorney Terry continued questioning Assistant Chief Southerland. Assistant Chief Southerland responded in detail to all questions posed by Attorney Terry.
- pp. Mr. Handfield did not have any questions for Assistant Chief Southerland.
- qq. The Board questioned Assistant Chief Southerland. He responded in detail to all questions posed by the board.
- rr. There being no further questions, the witness was dismissed.
- ss. Attorney Terry stated she did not have any other witnesses and tendered the following exhibits: C-4 – C-13, and C-15 – C-22.
- tt. Chairman Bartlett explained to Mr. Handfield that he could object to any exhibit.
- uu. Mr. Handfield objected to County Exhibit C-7 and explained. Chairman Bartlett overruled the objection to County Exhibit C-7.
- vv. Mr. Handfield objected to County Exhibit C-22 and stated he wanted to explain his actions. Chairman Bartlett overruled the objection to County Exhibit C-22.
- ww. Attorney Terry stated the County rested subject to the rebuttal witnesses.
- xx. Mr. Handfield called Rhonda Allah to the stand.
- yy. Ms. Allah was not present. Chairman Bartlett explained to Mr. Handfield that it was his responsibility to make sure his witnesses were present.
- zz. Mr. Handfield called Sgt. Arthur Love to the stand. Chairman Bartlett confirmed he was previously sworn in. He stated his name, employer and position. Mr. Handfield began questioning Sgt. Love. Sgt. Love responded in detail to all questions posed by Mr. Handfield.
- aaa. Attorney Terry cross-examined Sgt. Love. Sgt. Love responded in detail to all questions posed by Attorney Terry. Attorney Terry mentioned County Exhibit C-16 page 29.
- bbb. Attorney Terry continued the cross-examination of Sgt. Love. Sgt. Love responded in detail to all questions posed by Attorney Terry.
- ccc. The Board questioned Sgt. Love. He responded in detail to all questions posed by the Board.
- ddd. There being no further questions, the witness was released. Attorney Terry told Sgt. Love he could return to work.

- eee. Chairman Bartlett asked Mr. Handfield if he wanted to testify and explained the difference between closing arguments.
- fff. Mr. Handfield stated he wanted to testify. Chairman Bartlett advised Mr. Handfield he would be subject to questions by Attorney Terry.
- ggg. Mr. Handfield gave his testimony.
- hhh. Attorney Terry cross-examined Mr. Handfield. Mr. Handfield responded in detail to all questions posed by Attorney Terry.
- iii. The Board questioned Mr. Handfield. He responded in detail to all questions posed by the Board.
- jjj. There being no further questions, the witness was dismissed.
- kkk. Chairman Bartlett called for a five-minute break before closing statements. Mr. Trimble made a motion, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote (3-0).
- lll. Off the record: Chairman Bartlett released all witnesses.
- mmm. Chairman Bartlett called the meeting back to order.
- nnn. Attorney Terry reserved the right to present the County's closing arguments last.
- ooo. Mr. Handfield gave his closing arguments. Attorney Terry objected. Chairman Bartlett explained to Mr. Handfield what the Board would consider as testimony.
- ppp. Attorney Terry gave the County's closing arguments.
- qqq. Chairman Bartlett called for a motion to adjourn into Executive Session to consider the appeal that was filed on August 31, 2011, by Ahmed K. Handfield, Sheriff's Office, with regards to: Termination from the Sheriff's Dept. Mr. Trimble made a motion, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote (3-0).
- rrr. Chairman Bartlett called the meeting back to order.
- sss. Chairman Bartlett called for a motion regarding the appeal that was filed on August 31, 2011, by Ahmed K. Handfield, Sheriff's Office, with regards to: Termination from the Sheriff's Dept. Mr. Trimble made a motion that the decision be upheld, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote (3-0).
- ttt. Chairman Bartlett explained the Board's decision to Mr. Handfield and wished him well.

21. *Appeal* – Considered appeal that was filed on August 31, 2011, by Kimberle Windley, Sheriff's Office, with regards to: Rules and regulation violation, conduct unbecoming, truthfulness, and attendance (Termination).
- a. Chairman Bartlett called for a lunch break until 2:00 p.m. Mr. Trimble made a motion, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - b. Chairman Bartlett called the meeting back to order.
 - c. Attorney Terry stated the County was ready proceed. Attorney Keith Martin stated the Appellant was ready to proceed.
 - d. Attorney Martin asked for an order of sequestration and to approach the bench (a sidebar occurred).
 - e. Chairman Bartlett stated the appeal hearing was ready but that there was a motion for continuance.
 - f. Attorney Martin stated his three (3) objections and explained in detail:
 - i. (1) Rebutttal and surrebuttal witnesses,
 - i. Chairman Bartlett stated the Board would consider each witness on a case-by-case basis.
 - ii. (2) Board being provided exhibits before the hearing, and
 - i. Chairman confirmed all documents/exhibits would be returned to Human Resources. Attorney Terry did not have any objections.
 - ii. Chairman Bartlett denied Attorney Martin's objection and cautioned the Board to only use submitted evidence supported by testimony.
 - iii. (3) Attorney Martin withdrew a portion of it but wanted to be allowed to call any witnesses listed for the County.
 - i. Chairman Bartlett stated the Board would allow witnesses to be called by either party.
 - g. A discussion occurred among the Board, Attorney Martin and Attorney Terry regarding beginning the appeal hearing today and completing it at next month's meeting.

- h. Chairman Bartlett called for a motion to continue the appeal hearing until next month. Mr. Trimble made a motion, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - i. Chairman Bartlett confirmed the following cases would be heard at next month's meeting: **Barry Cauthen**, **Khadidiatou M'Backe**, **Kimberle Windley** and **Scott Smith**.
 - j. Chairman Bartlett stated he would allow Attorney Lansing Kimmey to present his cases back-to-back (**M'Backe** and **Smith**).
 - k. Chairman Bartlett (recommended) made a motion to allow the **Windley** case be placed first on the calendar, due to her having a 10 hour drive from Illinois, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - l. Chairman Bartlett advised HR Director Bright to explain in the notification letter as to why Ms. Windley's case was placed first on the calendar.
 - m. A discussion between the Board and HR Bright occurred.
22. Discussion items.
- a. Selected a second meeting date for April 2014.
 - i. The Board selected April 1, 2014, as the special called meeting and April 2, 2014, as the regular called meeting.
 - ii. Chairman Bartlett called for a motion regarding setting the above dates. Mr. Trimble made a motion, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - b. Chairman Bartlett excused the **Windley** parties.
 - c. Chairman Bartlett stated the Board would strictly go by chronological order and confirmed that *all* will need to appear on April 1, 2014.
 - d. **Burnesta Booth** and **Andrea Cooper** –
 - i. HR Director Bright stated there were two cases for each party and that they would be scheduled on the same agenda.

23. Other business.

a. There was no other business.

Chairman Bartlett stated that all matters have been concluded and called for a motion to adjourn this meeting. Mr. Trimble made a motion to adjourn, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

Meeting adjourned.



LARRY BARTLETT
CHAIRMAN



RENEE BRIGHT
HUMAN RESOURCES DIRECTOR