

## *CIVIL SERVICE BOARD MEETING*

*NOVEMBER 9, 2016*

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, November 9, 2016, 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; Police Department Legal Advisor Kenneth Green; County Attorney Pamela Everett; Sheriff's Office Assistant Chief Deputy Shawn Southerland; Attorney Thomas Florio; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:02 a.m.

As a matter of record: Chairman Bartlett stated the Board voted unanimously at its October Meeting to meet the second Wednesday of November.

Chairman Bartlett called for a motion to adopt the November 9<sup>th</sup> 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.

1.     Considered for approval the Civil Service Board Meeting minutes that was held on October 5, 2016.
  - 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 a vote (4-0; Mr. Trimble abstained).
  
2.     Considered for approval the Executive Session Minutes regarding **Frances White, Magistrate Court**, termination appeal heard October 5, 2016.
  - a.     Chairman Bartlett made the motion to approve the minutes, second by Dr. Jackson. No further discussion on the motion made. Motion carried by a vote (4-0; Mr. Trimble abstained).

3. Considered for approval the Civil Service Board's Decision regarding **Frances White, Magistrate Court**, termination appeal heard October 5, 2016.
  - a. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the Decision, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a vote (4-0; Mr. Trimble abstained).
4. Considered for approval the Civil Service Board's Decision regarding **Toni Richmond, Sheriff's Office**, demotion and alleged forced resignation appeal called October 5, 2016.
  - a. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the Decision, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a vote (4-0; Mr. Trimble abstained).
5. Considered request from the Sheriff's Office to extend the promotional probationary period of **Charlotte Malloy** for an additional six (6) months.
  - a. Sheriff's Office Assistant Chief Deputy Shawn Southerland presented the request in detail.
  - b. 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.
6. Calendar Call.
  - a. Andrew White (Sheriff's Office) – Appeal filed January 10, 2014, regarding: "My termination due to untruthfulness and neglect of duty". (The County's request for continuance was granted on November 1, 2016.)
    - i. The Board confirmed the County's motion for continuance was granted on November 1, 2016.
  - b. Phillip Richards (Sheriff's Office) – Appeal filed April 16, 2014, regarding: "The wrongful termination which occurred on April 11, 2014".
    - i. Chairman Bartlett advised County Attorney Pamela Everett and Appellant Attorney Thomas Florio the Board would address this appeal first after today's calendar call.
  - c. Francisco Santos (Police Department) – Appeal filed November 24, 2014, regarding: One day suspension based on any wrongdoing on this officers actions. I do not wish to waive any civil service rights. (The appeal was withdrawn by Appellant's attorney, Grady Dukes, on October 10, 2016.)
    - i. The Board confirmed the appeal was withdrawn in writing on October 10, 2016.

- ii. Human Resources Director Pamela Ambles confirmed the withdrawal.
- d. **Francisco Santos (Police Department)** – Appeal filed November 24, 2014, regarding: Five day suspension based on any wrongdoing on this officers actions. I do not wish to waive my civil service rights. (The appeal was withdrawn by Appellant’s attorney, Grady Dukes, on October 10, 2016.)
  - i. The Board confirmed the appeal was withdrawn in writing on October 10, 2016.
  - ii. HR Director Ambles confirmed the withdrawal.
- e. **Wayne Martin (Fire/E.M.S.)** – Appeal filed October 6, 2015, regarding: Termination”. The Appellant and County reached a settlement agreement. Mr. Martin verbally withdrew his appeal on October 21, 2016.
  - i. HR Director Ambles advised the Board she had received a written withdrawal from Mr. Martin (copies were made and passed to the Board).
- f. **Jason Foster (Sheriff’s Office)** – Appeal filed November 2, 2015, regarding: “Suspension without pay, working without being compensated” and an Appeal filed January 15, 2016, regarding: “12 day suspension for missing training”. (The County’s request for continuance was granted on October 31, 2016.)
  - i. The Board confirmed the County’s motion for continuance was granted on October 31, 2016.
- g. **Jason Foster (Sheriff’s Office)** – Appeal filed January 15, 2016, regarding: “12 day suspension for missing training”.
  - i. The Board confirmed the County’s motion for continuance was granted on October 31, 2016.
- 7. ***Appeal - Phillip Richards (Sheriff’s Office)*** – Appeal filed April 16, 2014, regarding: “The wrongful termination which occurred on April 11, 2014”.
  - a. Attorney Florio presented in detail the specifics surrounding his presence today, namely he was not in communication with any of Mr. Richards’ family members; that he was protecting his integrity and financial interests and confirmed he was ready to proceed with the hearing.
  - b. Attorney Everett advised she recently filed a Suggestion of Death, which would put the next of kin on notice they had 180 days to respond and that the County could not go forward with the hearing.
  - c. A lengthy discussion occurred among the Board, Civil Service Board Attorney Joe Harris and Attorneys Florio and Everett regarding moving forward with the hearing.

- d. Chairman Bartlett called for a motion that the Richards' appeal be continued on behalf of the County by its filing the *Suggestion of Death*. Mr. Trimble made the motion to approve, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
  - e. The Board agreed to place the appeal on the May 2017 agenda (after the 180 days).
  - f. Chairman Bartlett advised Attorney Florio the Board was considering moving its calendar to the end of the month to get more cases heard.
  - g. Attorney Florio thought it was a fantastic idea as most Court/Judge's calendars are at the beginning of the month.
8. **Appeal** – Wayne Martin (Fire/E.M.S.) filed October 6, 2015, regarding: "Termination". The Appellant and County reached a settlement agreement. Mr. Martin verbally withdrew his appeal on October 21, 2016.
- a. The Board took a few minutes to read the letter provided by Mr. Martin.
  - b. HR Director Ambles advised the Board the County would meet the conditions outlined in the letter.
  - c. Chairman Bartlett called for a motion to accept the withdrawal of Wayne Martin. Mr. Trimble made the motion to accept, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote.
  - d. Chairman Bartlett wanted to make sure that all documents are placed in Mr. Martin's personnel file.
  - e. HR Director Ambles advised the Board Mr. Martin's Personnel Action Form was processed as a "resignation". She further communicated to Mr. Martin that previous documents could not be removed from his file. Mr. Martin stated he understood.
9. Discussion items.
- a. Additional meeting date for December 2016.
    - i. The Board did not make a motion to meet for a second date in December.
    - ii. The Board confirmed the next Regular Meeting date would be 9:00 a.m., on Wednesday, December 7, 2016.

- b. **Revision to Civil Service Rule 7.301** – Review revision and draft memorandum to Board of Commissioners.
- i. Chairman Bartlett asked why this matter was on the agenda, as none of the Board members received a copy of the revised Rule.
  - ii. HR Department (V. Jeffers) responded that County Attorney Youngblood was to communicate with Chief of Police Michael Register to ascertain if the Code Enforcement Officers should be included in this revision and to forward his response to Civil Service Board Attorney Harris.
  - iii. Police Department Legal Advisor Kenneth Green explained that there was no logical reason to include the Code Enforcement per Chief of Police Register and explained in detail.
  - iv. Chairman Bartlett stated the main crux was that public safety namely, Fire, Sheriff, CI and Police were covered.
  - v. Chairman Bartlett asked that Attorney Harris pass along the Revision to Rule 7.301 to the Board of Commissioners.
  - vi. Chairman Bartlett called for a motion regarding the final draft of the Civil Service Rule 7.301 to be inclusive of Fire, Sheriff, CI and Police, but not to include Code Enforcement. Discussion on the motion made: Advised Attorney Harris to keep the revision as the last one drafted but to make sure the cover letter (is current) to reflect the Civil Service Board voted November 9, 2016. Dr. Jackson made the motion to approve the motion, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
- c. Upcoming Cases.
- i. Chairman Bartlett stated the Board should be within a 60-90 day window after the First of the year and that the Board should entertain a motion to change the dates in January or February 2017 after the two positions that are up for Election are filled.
  - ii. Chairman Bartlett confirmed the Board discussed having the Regular Meeting date on the Fourth Wednesday and that it should be discussed, as a courtesy, with the Chief Operating Officer to bring before the Board of Commissioners.
  - iii. HR Director Ambles advised COO Detrick Stanford had no problem with the change.

- iv. Chairman Bartlett did not want to leave the Board of Commissioners out of the loop.
  - v. Chairman Bartlett asked HR Director Ambles to make sure the January 2017 agenda had the issue of moving the Board's Regular Meeting date from the First Wednesday to the Fourth Wednesday of the month.
  - vi. Chairman Bartlett also asked Attorney Harris to make sure the Civil Service Rules & Regulations reflect this change and that Board of Commissioners be involved if necessary.
- d. **Decisions** - Frances White (Magistrate Court) and Toni Richmond (Sheriff's Office).
- i. Chairman Bartlett called for a five minute break to review the two Decisions presented earlier by Attorney Harris. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
  - ii. Chairman Bartlett called the meeting back to order.
  - iii. Chairman Bartlett stated both Orders were reviewed and they are good and the Board members would sign.
  - iv. The Board voiced their appreciation for Attorney Harris' work and quality of work.
10. Other business.
- a. None.

*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 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