

CIVIL SERVICE HEARING OFFICER MEETING

MARCH 1, 2023

A regular called meeting of the Clayton County Civil Service Hearing Officer was held on Wednesday, March 1, 2023, in-person and virtually via Zoom Video Communications.

Presiding Meeting: Hearing Officer Starkeisha Tucker

Present: Human Resources Director Pamela Ambles and staff; Counsel for the Civil Service Hearing Officers Bebe Baxter; County Attorney Michelle Youngblood; Appellant Attorney Jake Knanishu; Brenda Thomas; Sheriff Levon Allen; Sheriff's Office Legal Advisor Alan Parker; Sheriff Major Ronnae Tolbert; Chief Clerical Supervisor Rayjaunda Hardnett; Chief Staff Attorney Charles Reed; Staff Attorney India Keefover; Chief Deputy Sheriff Jonathan Green; various employees from County departments; and other individuals.

Hearing Officer Tucker called the meeting to order at 9:10 a.m.

Hearing Officer Tucker called for a motion to adopt the agenda for March 1, 2023.

1. Calendar Call.

- a. **Brenda Thomas (Sheriff's Office)** – Termination appeal filed August 2, 2018, regarding: "Termination".
 - i. Hearing Officer Tucker asked if all parties were present. County Attorney Michelle Youngblood and Appellant Attorney Jake Knanishu replied in the affirmative.
 - ii. Hearing Officer Tucker explained the time limits to all parties present.
 - iii. Hearing Officer Tucker asked if all witnesses were present. County Attorney Michelle Youngblood replied in the affirmative and stated she has preliminary matters to discuss before the hearing began.
 - iv. County Attorney Michelle Youngblood stated Sheriff Levon Allen has been Sheriff for approximately two months and has advised the County yesterday that he wants to be represented by a different Counsel in this case. Because of the recent development, the County is requesting this case be postponed to allow Sheriff Allen to seek Counsel of his choice.
 - v. Appellant Attorney Jake Knanishu stated this is not some kind of unforeseen exigency which would permit delayed continuance request, and he understands that County Attorney Youngblood is not authorized to represent the Sheriff's Office in this case.
 - vi. Hearing Officer Tucker recommended Brenda Thomas' case to be heard today.

- vii. **Discussion:** Hearing Officer Tucker, County Attorney Michelle Youngblood, and Appellant Attorney Jake Knanishu discussed the time frame of receiving any concerns about this hearing, appropriate notices, and the continuance deadline.
- viii. Hearing Officer Tucker made a motion to take a break at 9:17 a.m. for County Attorney Youngblood to have a short discussion with Sheriff Levon Allen and Sheriff Legal Advisor Alan Parker.
- ix. Hearing Officer Tucker called the meeting back to order at 9:27 a.m.
- x. County Attorney Michelle Youngblood stated Sheriff Levon Allen has some concerns that have risen in the last couple of days about the process how the Hearing Officers were selected. Sheriff Allen has communicated his concerns to the Board of Commissioners. The Board of Commissioners will take up these concerns at their next meeting, which will be next week.
- xi. Hearing Officer Tucker began questioning County Attorney Youngblood. County Attorney Youngblood responded in detail to all questions posed by Hearing Officer Tucker.
- xii. Appellant Attorney Jake Knanishu stated he has his own concerns as to how the pool of the Hearing Officers were selected. The rule is that the panel of the Hearing Officer selected, pursuing the process was established by the Chairman of the Board of Commissioners and that rule has been on the books for two and a half years. Appellant Attorney Knanishu continued stating he is not sure why Sheriff Alan in the last two days has been concerned about how the Hearing Officers are picked, but this is information that has been available to him before he became Sheriff.
For the Record: Appellant Attorney Jake Knanishu stated the Sheriff's Office has been finding ways to not have this case heard before the Civil Service Board and it's unfair to come today when we have cleared every hurdle that they presented and now to say they do not want the Civil Service Hearing Officer to hear this case. There is no basis for an emergency continuance to be granted today for this hearing.
- xiii. Hearing Officer Tucker stated based on the information that has always been available, the information leading up to this hearing, there was no notice as to who would be conducting this hearing prior to today, parties have been waiting for some time for this case to be heard, and there was a continuance deadline to adhere to if needed. Hearing Officer Tucker made a motion for Brenda Thomas' case to be heard today.
- xiv. **For the Record:** County Attorney Michelle Youngblood stated the issues Sheriff Levon Allen raised are valid legal issues and at this point those issues has been confirmed by one previous decision maker and it's not against Hearing Officer Tucker, any specific individual, or any other Hearing Officer. The issue has to do with the process by which the Hearing Officers in general were paneled and not the existence of the Hearing Officer or the procedures for having cases where there is a conflict with majority of the Civil Service Board to come before the Hearing Officer.
- xv. **Discussion:** Hearing Officer Tucker, County Attorney Michelle Youngblood, and Appellant Attorney Jake Knanishu continued a discussion on the request for continuance.

- xvi. **For the Record:** Human Resources Director Pamela Ambles presented Ordinance 2020-91 (Development of the Hearing Officer) and the process of the Hearing Officer in detail to the Hearing Officer Tucker, County Attorney Michelle Youngblood, and Appellant Attorney Jake Knanishu.
- xvii. Appellant Attorney Jake Knanishu stated there are no concerns from the Appellant to proceed with Brenda Thomas' case.
- xviii. Hearing Officer Tucker denied the County's request for a continuance of this case.
- xix. **For the Record:** County Attorney Youngblood stated Sheriff Levon Allen has a standard reason to have counsel. Hearing Officer Tucker stated the County's concerns have been noted.

2. **(Appeal) – Brenda Thomas (Sheriff's Office)** – Termination appeal filed August 2, 2018, regarding: "Termination" [9:57 a.m.]

- a. Counsel for the Hearing Officers Bebe Baxter swore in all the witnesses present individually: Ronnae Tolbert, Rayjaunda Hardnett, Sheriff Levon Allen, and Brenda Thomas.
- b. County Attorney Michelle Youngblood presented the County's opening statement in detail to the Hearing Officer.
- c. Appellant Attorney Jake Knanishu presented the Appellant's opening statement in detail to the Hearing Officer
- d. Human Resources Director Pamela Ambles announced that she and her Chief Administrative Officer Noi Souphanthavong will be the timekeepers.
- e. County Attorney Michelle Youngblood called witness Rayjaunda Hardnett to the witness stand. She stated her name, position, and tenure. County Attorney Youngblood began questioning Ms. Hardnett. Ms. Hardnett responded in detail to all questions posed by County Attorney Youngblood. County Attorney Youngblood mentioned County's Exhibits C-5, C-6, C-7, C-10, and C-11.
- f. Appellant Attorney Jake Knanishu began cross-examination of Rayjaunda Hardnett. Ms. Hardnett responded in detail to all questions posed by Appellant Attorney Knanishu. Appellant Attorney Knanishu mentioned County's Exhibit C-10.
- g. Hearing Officer Tucker began questioning Rayjaunda Hardnett. She responded in detail to all questions posed by Officer Tucker. **For the Record:** Ms. Harnett stated that everyone had the opportunity to become a supervisor.
- h. Hearing Officer Tucker asked if there were any other questions for Rayjaunda Hardnett. There were none.
- i. Hearing Officer Tucker dismissed Rayjaunda Hardnett from the witness stand. Ms. Hardnett was held for rebuttal.

- j. County Attorney Michelle Youngblood called Sheriff Major Ronnae Tolbert to the witness stand. Appellant Attorney Knanishu objected to this witness because the witness was not on the witness list. Hearing Officer Tucker sustained the objection.
- k. County Attorney Michelle Youngblood called Sheriff Levon Allen to the witness stand. Appellant Attorney Knanishu objected this witness because he was not on the original witness list, but Appellant Attorney Knanishu is fine with Sheriff Allen testifying because he is the Department Head. County Attorney Youngblood stated Sheriff Allen was on the witness list before the deadline set for this hearing. Human Resources Director Pamela Ambles confirmed the witness list was submitted on time. Hearing Officer Tucker allowed Sheriff Allen to testify.


Sheriff Allen stated his name, position, and tenure. County Attorney Youngblood began questioning Sheriff Allen. Sheriff Allen responded in detail to all questions posed by County Attorney Youngblood. County Attorney Youngblood mentioned County's Exhibits C-4, C-10, C-12, C-14, C-15, C-16, C-17, C-18, C-19, C-20.

- l. Appellant Attorney Jake Knanishu began cross-examination of Sheriff Levon Allen. Sheriff Allen responded in detail to all questions posed by Appellant Attorney Knanishu. Appellant Attorney Knanishu mentioned County's Exhibit C-15, C-16, and C-17.
- m. Hearing Officer Tucker began questioning Sheriff Levon Allen. He responded in detail to all questions posed by Officer Tucker.
- n. Hearing Officer Tucker asked if there were any other questions for Sheriff Allen. There were none.
- o. Hearing Officer Tucker dismissed Sheriff Levon Allen from the witness stand.
- p. County Attorney Michelle Youngblood rested and subjected for rebuttal.
- q. County Attorney Michelle Youngblood tendered County's Exhibits C-3 through C-7, and C-10 through C-12, and C-14 through C-20. There were no objections from the Appellant.
- r. Hearing Officer Tucker made the motion to take a break at 10:57 a.m.
- s. Hearing Officer Tucker called the meeting back to order at 11:05 a.m.
- t. Appellant Attorney Jake Knanishu called witness Brenda Thomas to the witness stand. She stated her name, former position, and tenure with Clayton County. Attorney Knanishu began questioning Ms. Thomas. County Attorney Youngblood objected to hearsay. Appellant Attorney Knanishu rephrase the question. Ms. Thomas responded in detail to all questions posed by Appellant Attorney Knanishu. Appellant Attorney Knanishu mentioned Appellant's Exhibits A-1, A-2, A-8, A-9, A-10, A-11, A-14, A-15.


- u. Appellant Attorney Jake Knanishu continued questioning Ms. Thomas. Ms. Thomas responded to all questions posed by Attorney Knanishu. County Attorney Youngblood objected to grounds of irrelevance. Officer Tucker sustained the objection.
- v. Appellant Attorney Jake Knanishu continued questioning Ms. Thomas. Ms. Thomas responded to all questions posed by Appellant Attorney Knanishu. County Attorney Youngblood objected to not testifying from personal knowledge. Hearing Officer Tucker sustained the objection.
- w. Appellant Attorney Jake Knanishu continued questioning Ms. Thomas. Ms. Thomas responded to all questions posed by Appellant Attorney Knanishu.
- x. County Attorney Michelle Youngblood began cross-examination of Brenda Thomas. Ms. Thomas responded in detail to all questions posed by County Attorney Youngblood. Appellant Attorney Knanishu objected to irrelevant question. Hearing Officer Tucker sustained the objection.
- y. County Attorney Michelle Youngblood continued cross-examination of Brenda Thomas. Ms. Thomas responded in detail to all questions posed by County Attorney Youngblood. County Attorney Youngblood mentioned County's Exhibit C-12.
- z. Appellant Attorney Jake Knanishu re-questioned Ms. Thomas. Ms. Thomas responded to all questions posed by Appellant Attorney Knanishu.
- aa. Hearing Officer Tucker began questioning Brenda Thomas. She responded in detail to all questions posed by Officer Tucker.
- bb. Hearing Officer Tucker asked if there were any other questions for Brenda Thomas. There were none.
- cc. Hearing Officer Tucker dismissed Brenda Thomas from the witness stand.
- dd. Appellant Attorney Jake Knanishu tendered Appellant's Exhibits A-8 through A-15. County Attorney Michelle Youngblood had no objection to A-8 through A-11 and A-14 through A-15. County Attorney Youngblood objected to A-12 and A-13 for lack of testimony. Appellant Attorney Knanishu stated he will omit Appellant's Exhibits A-12 and A-13.
- ee. Attorney Jake Knanishu stated the Appellant has no other witnesses.
- ff. County Attorney Michelle Youngblood called Sheriff Levon Allen to the witness stand for rebuttal. County Attorney Youngblood began questioning Sheriff Allen. Sheriff Allen responded in detail to all questions posed by County Attorney Youngblood.
- gg. Appellant Attorney Jake Knanishu had no questions for Sheriff Levon Allen.

- hh. Hearing Officer Tucker had no questions for Sheriff Levon Allen.
 - ii. Hearing Officer Tucker dismissed Sheriff Levon Allen from the witness stand.
 - jj. County Attorney Michelle Youngblood reserved the right to close last.
 - kk. Appellant Attorney Jake Knanishu presented the Appellant's closing arguments to Hearing Officer Tucker.
 - ll. County Attorney Michelle Youngblood presented the County's closing arguments to Hearing Officer Tucker.
 - mm. Hearing Officer Tucker called for a motion to adjourn into Executive Session at 12:06 p.m. to discuss ***Brenda Thomas (Sheriff's Office)*** – Termination appeal filed August 2, 2018, regarding: "Termination".
 - nn. Hearing Officer Tucker called the meeting back to order at 12:59 p.m.
 - oo. Regarding ***Brenda Thomas (Sheriff's Office)*** – Termination appeal filed August 2, 2018; Hearing Officer Tucker made the motion to uphold the County's decision for termination.
- 3. Executive Session (as needed).
 - a. None needed.
 - 4. Other business.
 - a. There were none.

Hearing Officer Starkeisha Tucker stated that all matters have been concluded and called for the meeting to adjourn. No further discussion on the adjournment was made.



**STARKEISHA TUCKER
CHAIRMAN**



**PAMELA R. AMBLES
HUMAN RESOURCES DIRECTOR**