

# ***SPECIAL CALLED CIVIL SERVICE BOARD MEETING***

***SEPTEMBER 4, 2014***

A special called meeting of the Clayton County Civil Service Board was held on Thursday, September 4, 2014, in the Commissioners' Board Room.

Members present:     Larry Bartlett, Chairman  
                          Troyce B. Lancaster, Vice-Chair  
                          Dr. Cephus Jackson, Member  
                          Gbenga Osagie, Member

Member absent:     J. Mark Trimble, Member

Also present:        Human Resources Director Renee Bright and various staff members; Civil Service Board Attorney Joe Harris; County Attorney Michelle Youngblood; Sheriff's Office Assistant Chief Deputy Shawn Southerland; Attorney Keith Martin; Attorney Janet Scott; Sergeant Cassandra Pitts; Sonja Sanchez; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:15 a.m., and noted for the record that all Board members were present, except J. Mark Trimble.

Chairman Bartlett called for a motion to adopt the September 4<sup>th</sup> agenda. Dr. Jackson made the motion to adopt the agenda, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

1.     Calendar call

- a.     **Barry Cauthen, Sheriff's Office** - Termination Appeal filed February 14, 2011, continued at the request of Appellant Attorney Thomas Florio due to court conflicts.
  - i.     Chairman Bartlett confirmed appeal was continued.
  
- b.     **Sherice Jones, Police/Animal Control** - Termination Appeal filed October 24, 2011.
  - i.     Chairman Bartlett stated there was a preliminary request to continue this appeal.
  - ii.    County Attorney Michelle Youngblood requested a continuance due to a death in the family of one of her witnesses.

- iii. Attorney Keith Martin (representing Sherice Jones) had no objections.
  - iv. Chairman Bartlett called for a motion to continue Sherice Jones' termination appeal. Mr. Osagie made the motion to continue the appeal, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- c. **Cassandra Pitts, Sheriff's Office** - Demotion Appeal filed July 30, 2010 and Termination Appeal filed January 12, 2012.
- i. Attorney Youngblood stated the County was ready to proceed with the demotion appeal but had not received any deadlines for the termination appeal. No settlement agreement was reached regarding the termination.
  - ii. Sergeant Cassandra Pitts advised she was back employed with the Sheriff's Office.
  - iii. Attorney Janet Scott (representing Sergeant Pitts) stated her client was willing to withdraw the termination appeal and move forward with the demotion appeal.
  - iv. Chairman Bartlett stated this matter would be revisited once the case was called and would give counsel time to confer.
- d. **Sonja Sanchez, Sheriff's Office** - Termination Appeal filed January 12, 2012.
- i. Attorney Youngblood stated the County was not ready to proceed as one of its witnesses was not complying with the subpoena issued.
  - ii. A discussion among the Board, Attorney Martin and Attorney Youngblood occurred.
  - iii. Attorney Martin asked for a few minutes to discuss with his client.
- e. **Enrique St. Louis, Sheriff's Office** - Termination Appeal filed June 4, 2012, continued at the request of Appellant Attorney Thomas Florio due to court conflicts
- i. Chairman Bartlett confirmed appeal was continued.
- f. **Joseph Rushin, Fire/EMS** - Termination Appeal filed October 1, 2012.
- i. Chairman Bartlett confirmed appeal was continued to October.
- g. **Donna Harris, Sheriff's Office** - Suspension Appeal filed October 19, 2012, with regards to: I was suspended for one day for violations 7.13 Neglect of Duty and 7.16 requirement that employees complete all tasks assigned to them as assigned.

- i. Chairman Bartlett confirmed appeal was continued to October.
- h. *Donna Harris, Sheriff's Office* – Suspension Appeal filed December 20, 2012, with regards to: C.C.S.O. rules and regulations violation 7.18 requirement that employees complete all task assigned to them as assigned – I was suspended for two days.
  - i. Chairman Bartlett confirmed appeal was continued to October.
  - i. Chairman Bartlett called for a 10 minute break. Mr. Osagie made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
  - j. Chairman Bartlett called the meeting back to order.
- 2. *Appeal* - Considered appeal filed by Cassandra Pitts, Sheriff's Office, on January 12, 2012, with regards to: Termination.
  - a. Chairman Bartlett asked Attorney Scott if she was withdrawing the termination appeal.
  - b. Attorney Scott replied in the affirmative. Attorney Youngblood had no objections.
  - c. Chairman Bartlett called for a motion to allow Cassandra Pitts' termination appeal to be withdrawn. Vice-Chair Lancaster made the motion to allow the withdrawal, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
- 3. *Appeal* - Considered appeal filed by Sonja Sanchez, Sheriff's Office, on January 12, 2012, with regards to: Termination.
  - a. Attorney Martin addressed the Board and stated he was asking the Board to consent to setting new deadlines for witness list and exhibits. Attorney Youngblood had no objections.
  - b. Chairman Bartlett confirmed that Sonja Sanchez would maintain her place on the Civil Service log.
  - c. Sonja Sanchez addressed the Board and asked for direction with regards to her appeal.
  - d. A discussion between the Board and Ms. Sanchez occurred.

4. *Appeal* - Considered appeal filed by Cassandra Pitts, Sheriff's Office, on July 30, 2010, with regards to: I am appealing my demotion from Correctional Sergeant to Correctional Officer.
  - a. Attorney Scott stated she had a preliminary matter to discuss with the Board, namely a Motion in Limine, which she handed to Board members and explained in detail.
  - b. Civil Service Board Attorney Joe Harris reviewed the Motion.
  - c. Attorney Youngblood stated it would be premature to respond and could not object at this time.
  - d. A discussion among the Board, Attorney Harris, Attorney Scott and Attorney Youngblood occurred.
  - e. Chairman Bartlett called for a motion regarding Attorney Scott's Motion in Limine. Mr. Osagie made the motion to grant the Motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
  - f. Chairman Bartlett cautioned the witnesses and explained.
  - g. Appellant and County were ready to proceed.
  - h. Attorney Harris swore in all witnesses.
  - i. Attorney Scott asked for an order of sequestration
  - j. Chairman Bartlett explained the hearing procedures.
  - k. Attorney Youngblood gave the County's opening statement. Attorney Scott gave the Appellant's opening statement. Attorney Youngblood objected to Attorney Scott asking for compensation due to loss of employment.
  - l. Attorney Youngblood called Major Robert Sowell to the witness stand. He stated his name, position and tenure. Attorney Youngblood began questioning Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C-11 p. 37.
  - m. Attorney Scott stated she did not know what documents Attorney Youngblood had Major Sowell reviewing. She asked for time to review the documents to confirm they were the same ones presented in May.
  - n. Chairman Bartlett called for short break. Mr. Osagie made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

- o. Chairman Bartlett called the meeting back to order.
- p. Chairman Bartlett gave a copy of the Witness Stand exhibits that were made to Attorney Scott.
- q. Attorney Youngblood continued questioning Major Sowell. Attorney Youngblood mentioned County Exhibits C-11 pages 37-40, 41, 42, 43, 44 and C-12. Attorney Scott objected to any of these records being admitted as there was no foundation laid. Attorney Scott also said she needed time to go through the exhibits.
- r. Attorney Youngblood explained what Major Sowell testified to.
- s. Chairman Bartlett over-ruled the objection and advised Attorney Youngblood to identify the exhibit and not just its page number.
- t. Attorney Youngblood mentioned County Exhibit C-12 p. 34 and continued questioning Major Sowell. Major Sowell attempted to respond when Attorney Scott objected as to the narrative – there was no question asked regarding memoranda.
- u. Chairman Bartlett stated the witness had a right to answer as long as he stays on point. The objection was over-ruled.
- v. Major Sowell continued with his response. Attorney Youngblood mentioned County Exhibits C-12 p. 33, p. 42, p. 41, pgs. 39-40, pgs. 37-38, p. 34, pgs. 43-44, p. 45, p. 46, p. 47 and pgs. 48-49.
- w. Attorney Youngblood continued questioning Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C-12 p. 54 and p. 55. Attorney Scott objected as to relevance – the document does not discuss Pitts. Attorney Youngblood responded to the objection. Chairman Bartlett over-ruled the objection.
- x. Attorney Youngblood continued questioning Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C-12 p. 56, p. 57, and p. 58. Attorney Scott objected as documents involved other sergeants and was not directly related to Pitts. Chairman Bartlett advised this was not the first case the Board heard regarding these issues and the Board need to have a complete story told. The objection was over-ruled.
- y. Attorney Youngblood continued questioning Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Youngblood. Attorney Scott objected as Attorney Youngblood referenced Ms. Scott instead of Sgt. Pitts. Chairman Bartlett sustained the objection.
- z. Attorney Youngblood continued questioning Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Youngblood.

- aa. Attorney Scott began cross-examination of Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Scott. Attorney Scott mentioned County Exhibit C-12 p. 42.
- bb. Attorney Scott continued the cross-examination of Major Sowell. Major Sowell responded in detail to all questions posed by Attorney Scott.
- cc. The Board questioned Major Sowell. He responded in detail to all questions posed by the Board. The witness was subject to recall by the County.
- dd. Attorney Youngblood called Lt. Robert Pauls to the witness stand. He stated his name, where employed and position. Attorney Youngblood began questioning Lt. Pauls. Lt. Pauls responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C-12 p. 27.
- ee. Attorney Youngblood continued questioning Lt. Pauls. Lt. Pauls responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C-11 p. 46, p. 50 and C-12 p. 27 and p. 28.
- ff. Attorney Scott began cross-examination of Lt. Pauls. Attorney Scott mentioned County Exhibit C-12 p. 28. Lt. Pauls responded in detail to all questions posed by Attorney Scott. Attorney Scott asked that Attorney Youngblood not “coach the witness by nodding her head”. Attorney Youngblood stated she was only agreeing and not coaching. Chairman Bartlett stated “so noted”.
- gg. Attorney Scott continued the cross-examination of Lt. Pauls. Lt. Pauls responded in detail to all questions posed by Attorney Scott.
- hh. The Board questioned Lt. Pauls. He responded in detail to all questions posed by the Board. The witness was subject to recall by the County.
- ii. Chairman Bartlett called for a lunch break (until 1:00 p.m.) motion. Vice-Chair Lancaster made the motion, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
- jj. Mr. Trimble gave a time-check as follows: Attorney Scott used 14:46 minutes and Attorney Youngblood had used 25:13 minutes.
- kk. Chairman Bartlett called the meeting back to order.
- ll. Attorney Youngblood called Assistant Chief Deputy Shawn Southerland to the witness stand. Attorney Youngblood began questioning Chief Southerland. Chief Southerland responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C-12 p. 5, p. 11-26 and p. 27.
- mm. Attorney Youngblood continued questioning Chief Southerland. Chief Southerland responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C-12 p. 14. Attorney Scott objected as Chief Southerland did not write nor can he authenticate this

document. Attorney Youngblood explained part of his investigation. Attorney Scott further explained her objection. Chairman Bartlett sustained the objection in part as hearsay but witness could use the document to refresh his memory.

- nn. Attorney Youngblood continued questioning Chief Southerland. Chief Southerland responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood stated she still objected and explained. Chairman Bartlett cautioned the board to take as direct evidence from Chief Southerland and explained.
- oo. A discussion among the Board, Attorney Scott and Chief Southerland occurred.
- pp. Chairman Bartlett stated the Board would accept the testimony of the witness' role with this document. Attorney Scott still objected to this document. Chairman Bartlett over-ruled the objection.
- qq. Attorney Youngblood continued questioning Chief Southerland. Chief Southerland responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits C-5, C-6, C-7 and C-13. Attorney Scott objected to last document as Pitts was not in role of a sergeant. Chairman Bartlett over-ruled as it was part of her personnel file and explained.
- rr. Attorney Youngblood continued questioning Chief Southerland. Chief Southerland responded in detail to all questions posed by Attorney Youngblood.
- ss. Attorney Scott began cross-examination of Assistant Chief Deputy Shawn Southerland. Chief Southerland responded in detail to all questions posed by Attorney Scott. Attorney Scott mentioned County Exhibit C-12 p. 42 (last sentence). Attorney Youngblood objected as the question was asked and answered. Chairman Bartlett advised Attorney Scott to move on.
- tt. Attorney Scott continued the cross-examination of Chief Southerland. Chief Southerland responded in detail to all questions posed by Attorney Scott. Attorney Scott mentioned County Exhibits C-6 p. 2, C-12 pgs. 8 and 5.
- uu. The Board questioned Chief Southerland. He responded in detail to all questions posed by the Board. Attorney Scott objected to Mr. Osagie's line of questioning as it had nothing to do with her client. Chairman Bartlett over-ruled the objection and advised the Board members could ask any questions.
- vv. There being no further questions the witness stepped down.
- ww. Attorney Youngblood stated the County did not have any other witnesses but tendered the following exhibits: C-5, C-6, C-7, C-12 and C-13. Attorney Scott did not have any objections to C-5, C-6 and C-7, but objected to C-12 and explained. Chairman Bartlett over-ruled and advised the Board would determine what weight to apply as it relates to Pitts and how it connects.
- xx. Attorney Scott further objected to C-13 and explained. Chairman Bartlett sustained the objection. County Exhibit C-13 would not be allowed.

- yy. Attorney Scott asked for a directed verdict and explained. Attorney Youngblood responded in detail.
- zz. Chairman Bartlett called for a motion regarding Attorney Scott's Motion for a Directed Verdict. Vice-Chair Lancaster made the motion to deny, second by Mr. Osagie. Discussion on the motion made: The testimony related to more failure doing her job than the release(s). No further discussion on the motion made. Motion carried by unanimous vote.
- aaa. Attorney Scott called Lt. K.T. Smith to the witness stand.
- bbb. Chairman Bartlett called for 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.
- ccc. Chairman Bartlett called the meeting back to order.
- ddd. Attorney Scott began questioning Lt. Smith. Lt. Smith responded in detail to all questions posed by Attorney Scott.
- eee. Attorney Youngblood began cross-examination of Lt. Smith. Attorney Youngblood mentioned County Exhibit C-12 p. 27. Lt. Smith responded in detail to all questions posed by Attorney Youngblood.
- fff. The Board questioned Lt. Smith. He responded in detail to all questions posed by the Board.
- ggg. There being no further questions, the witness was released.
- hhh. Attorney Scott called Cassandra Pitts to the witness stand. Attorney Scott began questioning Sergeant Pitts. Sgt. Pitts responded in detail to all questions posed by Attorney Scott. Attorney Scott mentioned County Exhibits C-6 and C-12 p. 33.
- iii. Attorney Scott continued questioning Sgt. Pitts. Sgt. Pitts responded in detail to all questions posed by Attorney Scott.
- jjj. Attorney Youngblood began cross-examination of Sgt. Pitts. Sgt. Pitts responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits C-14, C-15, C-12 p. 14-16 and p. 42, and Appellant Exhibit A-3. Attorney Scott renewed her objection to C-12 as the document could not be authenticated as the author was not present to cross-examine. Chairman Bartlett over-ruled the objection and explained.
- kkk. The Board questioned Sgt. Pitts. She responded in detail to all questions posed by the Board.
- lll. Mr. Trimble gave a time check: Attorney Scott used 38:59 minutes and Attorney Youngblood used 47:15 minutes.

- mmm. Attorney Youngblood called Assistant Chief Shawn Southerland as a rebuttal witness. He responded in detail to all questions posed by Attorney Youngblood.
  - nnn. Attorney Scott asked follow-up questions to Chief Southerland. He responded in detail to all questions posed by Attorney Scott.
  - ooo. The Board questioned Chief Southerland. He responded in detail to all questions posed by the Board.
  - ppp. There being no further questions, the witness stepped down.
  - qqq. Attorney Youngblood stated the County had no further witnesses but tendered County Exhibits C-14 and C-15. Attorney Scott did not have any objections.
  - rrr. Chairman Bartlett called for a short break. Mr. Osagie made the motion, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.
  - sss. Chairman Bartlett called the meeting back to order.
  - ttt. Attorney Scott presented the Appellant's closing arguments. Attorney Youngblood presented the County's closing arguments.
  - uuu. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the appeal filed by Cassandra Pitts, Sheriff's Office, on July 30, 2010, with regards to: I am appealing my demotion from Correctional Sergeant to Correctional Officer. Mr. Osagie made the motion, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.
  - vvv. Chairman Bartlett called the meeting back to order.
  - www. Chairman Bartlett called for a motion regarding the appeal filed by Cassandra Pitts, Sheriff's Office, on July 30, 2010, with regards to: I am appealing my demotion from Correctional Sergeant to Correctional Officer. Mr. Osagie made the motion to uphold the Sheriff's Office decision to demote, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
  - xxx. Chairman Bartlett and Dr. Jackson addressed Sgt. Pitts in detail.
16. Discussion items.
- a. None.

17. Other business.

a. None.

*Chairman Bartlett stated that all matters have been concluded and called for a motion to adjourn this meeting. Dr. Jackson made a motion to adjourn, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.*

*Meeting adjourned.*

  
LARRY BARTLETT  
CHAIRMAN

  
RENEE BRIGHT  
HUMAN RESOURCES DIRECTOR