

CIVIL SERVICE BOARD MEETING

NOVEMBER 7, 2012

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, November 7, 2012, in the Commissioners' Board Room.

Members present: Larry A. Bartlett, Chairman
 Troyce B. Lancaster, Vice-Chair
 Lori Favre, Member
 Gbenga Osagie, Member
 J. Mark Trimble, Member

Also present: Human Resources Director Renee Bright and various staff members; Civil Service Board Attorney Joe Harris; Police Department Legal Advisor Kenneth Green; County Attorney Pamela Everett; Chief Deputy Garland Watkins; Sheriff's Office Legal Advisor Stacey McClurkin; Johnette Colquitt; Attorney Lance Kimmey; Parks and Recreation Deputy Administrator Ricardo Newman; Major Joseph Southerland; Nola Carter, Jr.; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:05 a.m., and noted for the record that all members were present. Chairman Bartlett called for a motion to adopt the November 7th Agenda. Mr. Trimble made a motion to approve the agenda, second by Mr. Osagie. 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 3, 2012.
 - 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.

2. Considered for approval the Civil Service Board Meeting minutes that was held on October 4, 2012.
 - 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). Board member, Lori Favre abstained from voting.

3. Considered for approval the Civil Service Board Decision regarding Jimmy Williams, T&D, appeal that was held on October 3, 2012.

- a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
4. Considered for approval the Civil Service Board's Decision regarding Johnette Colquitt, Sheriff's Office, demotion appeal that was held on October 4, 2012.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the Decision, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0). Board member, Lori Favre abstained from voting.
5. Considered for approval request from Amelia McBride, Library Services, for annual leave donations.
 - a. Chairman Bartlett asked if Ms. McBride was present. Ms. McBride was not in attendance.
 - b. Human Resources Director Renee Bright presented the request in detail and stated the request met the Civil Service requirements.
 - c. Chairman Bartlett called for a motion. Mr. Osagie made a motion to approve the request, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
6. Considered for approval the request from Parks and Recreation Director Detrick Stanford to extend the probationary period of Rickie L. Collier, Sr., for one (1) year.
 - a. Director Bright presented the request and stated that Deputy Administrator Ricardo Newman was present on behalf of Director Detrick Stanford to answer any questions.
 - b. A lengthy discussion among the Board and Director Bright occurred.
 - c. Mr. Trimble made a motion to adjourn into Executive Session to discuss this personnel matter, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - d. Chairman Bartlett asked if the Board could have anyone it needed to be present during the Executive Session. Civil Service board Attorney Joe Harris replied in the affirmative. (Deputy Administrator Newman attended during a portion of the Executive Session.)
 - e. Chairman Bartlett called the meeting back to order.

- f. 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.
7. *Appeal* – Considered the appeal that was filed by Nola J. Carter, Jr., Sheriff’s Office, on July 14, 2010, regarding “demotion from Sergeant to Correctional Officer”.
 - a. Chairman Bartlett excused all parties until 1 p.m., as the Board needed to hear the continuation of Johnette Colquitt demotion appeal. Ms. Favre excused herself, as she was not present during all of Ms. Colquitt’s hearing.
 8. *Appeal* – Considered the appeal that was filed by Johnette Colquitt, Sheriff’s Office on July 19, 2010, regarding, “My demotion. I would like to refute any and all violations”.
 - a. Chairman Bartlett advised there was an order of sequestration and that Major Shawn Southerland would be acting as Department head. Mr. Kimmey had no objections.
 - b. Attorney Pamela Everett renewed her objection to the playing of the Appellant’s Exhibit A-5 (cd).
 - c. Chairman Bartlett polled the Board again and the objection was over-ruled.
 - d. Chairman Bartlett called for a short break to allow the attorneys to prepare and prepare CD player. Vice-Chair Lancaster made a motion, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - e. Chairman Bartlett called the meeting back to order.
 - f. Mr. Kimmey played **Appellant Exhibit A-5** (cd) for the Board.
 - g. Mr. Kimmey called Heather Smith to the witness stand. Mr. Harris swore in Officer Smith. She stated her full name, where employed and job title. Mr. Kimmey began questioning Officer Smith. Officer Smith responded in detail to all questions posed by Mr. Kimmey.
 - h. Ms. Everett cross-examined Officer Smith. Officer Smith responded in detail to all questions posed by Ms. Everett.
 - i. The Board did not question the witness.
 - j. There being no further questions, the witness was released (not subject to recall).
 - k. Mr. Kimmey stated there were no more witnesses on behalf of the Appellant.
 - l. Chairman Bartlett advised Director Bright to release all witnesses.

- m. Chairman Bartlett called for a short break to allow attorneys to prepare of closing arguments. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - n. Chairman Bartlett called the meeting back to order.
 - o. Mr. Kimmey presented the Appellant's closing arguments. Ms. Everett presented the Sheriff's Office closing arguments.
 - p. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the appeal that was filed by Johnette Colquitt, Sheriff's Office on July 19, 2010, regarding, "My demotion. I would like to refute any and all violations". Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - q. A discussion among the Board, Mr. Harris and Mr. Kimmey regarding when to take lunch since Mr. Kimmey had to attend a court hearing at 1 p.m.
 - r. Chairman Bartlett called the meeting back to order.
 - s. Chairman Bartlett called for a motion regarding the appeal that was filed by Johnette Colquitt, Sheriff's Office on July 19, 2010, regarding, "My demotion. I would like to refute any and all violations". Mr. Osagie made a motion to reinstate the employee to her position, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by 3-1 vote, with Mr. Trimble voting nay.
 - t. Chairman Bartlett advised the Board would reconvene at 1:45 p.m., and asked to have Ms. Favre notified of the new time.
 - u. Chairman Bartlett called for a motion to adjourn for a lunch break. Mr. Osagie made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
 - v. Chairman Bartlett called the meeting back to order.
9. *Appeal* – Considered appeal that was filed by Nola J. Carter, Jr., Sheriff's Office, on July 14, 2010, regarding, "Demotion from Sergeant to Correctional Officer".
- a. Chairman Bartlett asked if anyone had any questions regarding a formal hearing.
 - b. Ms. Everett swore in all witnesses and asked for an order of sequestration. Mr. Carter agreed.
 - c. Chairman Bartlett advised both parties of the Board's policy regarding formal appeal hearings.

- d. Ms. Everett presented the Sheriff's Office opening statement. Mr. Carter presented his opening statement. Ms. Everett objected to statements made by Mr. Carter. Chairman Bartlett over-ruled the objection and explained in detail.
- e. Deputy Sheriff Carter changed his request and asked for only back without being reinstated to Sergeant.
- f. Ms. Everett objected to Deputy Sheriff Carter's request.
- g. A discussion among the Board, Ms. Everett, Mr. Harris, and Deputy Sheriff Carter occurred.
- h. Mr. Trimble stated that Director Bright needed to be present during an Executive Session.
- i. Chairman Bartlett called for a short break. Mr. Trimble made a 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.
- k. Mr. Harris stated he had spoken with Deputy Sheriff Carter and Ms. Everett and advised that he had two choices, to be reinstated or not, per Judge Simmons' prior ruling.
- l. Deputy Sheriff Carter stated he would keep his original request for full back pay and reinstatement.
- m. Ms. Everett called Lt. Robert Pauls to the witness stand. He stated his name, where employed and duties. Ms. Everett began questioning Lt. Pauls. Lt. Pauls responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned **County Exhibits C-11** (p. 000045 – 000046).
- n. Ms. Everett continued questioning Lt. Pauls. Lt. Pauls responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned **County Exhibit C-12** (p. 000028).
- o. Ms. Everett continued questioning Lt. Pauls. Lt. Pauls responded in detail to all questions posed by Ms. Everett.
- p. Deputy Sheriff Carter cross-examined Lt. Pauls. Lt. Pauls responded in detail to all questions posed by Deputy Sheriff Carter. Deputy Sheriff Carter mentioned **County Exhibit C-12** (p. 00004) – Lt. Pauls read. Ms. Everett objected to a question posed by Deputy Sheriff Carter as it was "asked and answered". Chairman Bartlett allowed the question.

- q. Deputy Sheriff Carter continued the cross-examination of Lt. Pauls. Lt. Pauls responded in detail to all questions posed by Deputy Sheriff Carter. Ms. Everett objected to a question posed by Deputy Sheriff Carter as it called for “speculation on the part of the witness”. The objection was sustained.
- r. Deputy Sheriff Carter continued the cross-examination of Lt. Pauls. Lt. Pauls responded in detail to all questions posed by Deputy Sheriff Carter. Ms. Everett objected to a question posed by Deputy Sheriff Carter as it “assumed facts not in evidence”. Chairman Bartlett advised the Appellant to re-word his question.
- s. Deputy Sheriff Carter continued the cross-examination of Lt. Pauls. Lt. Pauls responded in detail to all questions posed by Deputy Sheriff Carter
- t. Ms. Everett asked additional questions to Lt. Pauls. He responded in detail to all questions posed by Ms. Everett.
- u. Deputy Sheriff Carter asked an additional question to Lt. Pauls. He responded in detail to the question posed by Deputy Sheriff Carter. Ms. Everett objected as the question “exceeded the scope of re-direct”.
- v. The Board questioned Lt. Pauls. He responded in detail to all questions posed by the Board.
- w. There being no further questions, the witness was released (not subject to recall).
- x. Ms. Everett called Deputy Sheriff Joseph Spain to the witness stand. He stated his name, where employed, duties during August 2010 and current duties. Ms. Everett began questioning Deputy Sheriff Spain. Deputy Sheriff Spain mentioned **County Exhibits C-11** (p. 000060) and **C-12**.
- y. Ms. Everett continued questioning Deputy Sheriff Spain. Deputy Sheriff Spain responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned **County Exhibit C-12** (p. 0100014).
- z. Deputy Sheriff Carter cross-examined Deputy Sheriff Spain. Deputy Sheriff Spain responded in detail to all questions posed by Deputy Sheriff Carter. Deputy Sheriff Carter mentioned **County Exhibit C-11** (p. 000015).
- aa. Deputy Sheriff Carter continued the cross-examination of Deputy Sheriff Spain. Deputy Spain responded in detail to all questions posed by Deputy Sheriff Carter. Ms. Everett objected and asked if there “was a question”. Chairman Bartlett advised Deputy Sheriff Carter to ask a question and not to make statements.
- bb. Deputy Sheriff Carter continued the cross-examination of Deputy Sheriff Spain. Ms. Everett objected to a question posed by Deputy Sheriff Carter as it was “asked and answered”. The objection was sustained.

- cc. Ms. Everett asked additional questions to Deputy Sheriff Spain. He responded in detail to all questions posed by Ms. Everett.
- dd. Deputy Sheriff Carter asked additional questions to Deputy Sheriff Spain. He responded in detail to all questions posed by Deputy Sheriff Carter. Deputy Sheriff Carter mentioned **County Exhibit C-11** (p. 000030).
- ee. The Board questioned Deputy Sheriff Spain. He responded in detail to all questions posed by the Board.
- ff. There being no further questions, the witness was released (not subject to recall).
- gg. Ms. Everett called Major Robert Sowell to the witness stand. He stated his name, where employed and duties. Ms. Everett began questioning Major Sowell. Major Sowell responded in detail to all questions posed by Ms. Everett.
- hh. Ms. Everett continued questioning Major Sowell. Major Sowell responded in detail to all questions posed by Ms. Everett.
- ii. Deputy Sheriff Carter cross-examined Major Sowell. Major Sowell responded in detail to all questions posed by Deputy Sheriff Carter. Deputy Sheriff Carter mentioned **Appellant Exhibits A-12** (first one) and **A-13**.
- jj. Deputy Sheriff Carter continued cross-examination of Major Sowell. Major Sowell responded in detail to all questions posed by Deputy Sheriff Carter. Deputy Sheriff Carter mentioned **Appellant Exhibit A-12** and **County Exhibit C-11** (p. 000050).
- kk. Ms. Everett asked additional questions to Major Sowell. He responded in detail to all questions posed by Ms. Everett.
- ll. The Board questioned Major Sowell. He responded in detail to all questions posed by the Board.
- mm. There being no further questions, the witness was dismissed from the witness stand (subject to recall).
- nn. Mr. Trimble recommenced the hearing be continued until 9:00 a.m., on December 4, 2012, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
- oo. For a matter of record, the Sheriff's Office used 42:26 and Appellant used 51:16 towards each two-hour time limit.

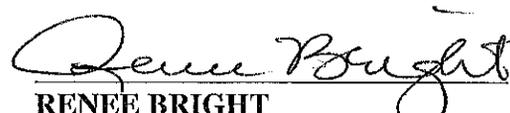
10. Discussion items.

- a. Selected a second meeting date for February 2013.
 - i. Mr. Trimble made a motion for February 5, 2013 as the Special Called Meeting date and February 6, 2013 as the Regular Meeting date, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote.
- b. Execution of Executive Session Minutes.
 - i. Chairman Bartlett called for a motion regarding the Executive Session Minutes regarding Johnette Colquitt demotion appeal. 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.
- c. Backlog of Appeals/Grievances.
 - i. A discussion among the Board and Director Bright occurred regarding options / solutions to remedying the hearing of appeals/grievances in a timely fashion.

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 A. BARTLETT
CHAIRMAN


RENEE BRIGHT
HUMAN RESOURCES DIRECTOR