

REGULAR CALLED CIVIL SERVICE BOARD MEETING

AUGUST 5, 2015

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, August 5, 2015, in the Commissioners' Board Room.

Members present: Larry Bartlett, Chairman
 Troyce B. Lancaster, Vice-Chair
 Virginia Phillips-Hall, Member
 Dr. Cephus Jackson, Member
 J. Mark Trimble, Member

Also present: Human Resources Director Renee Bright and staff; Civil Service Board Attorney Joe Harris; County Attorney Michelle Youngblood; Police Department Legal Advisor Kenneth Green; Warden Dennis Nelson; Fire Chief Landry Merkison; Juvenile Court Director John Johnson, III; Attorney Keith Martin; Attorney Regan Keebaugh; Glen King; Anthony Thomas; Martavis Simmons; Edward McKenzie; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:05 a.m.

Chairman Bartlett called for a motion to adopt the agenda. Mr. Trimble made the motion with the following change: move item #13A to item #10A, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.

1. Considered for approval the Civil Service Board's Meeting Minutes held on July 1, 2015.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the Minutes, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote.

2. Considered for approval the Executive Session Minutes regarding Enrique St. Louis, Sheriff's office, termination appeal heard on July 1, 2015.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the request, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.

3. Considered for approval the Civil Service Board's Decision regarding Enrique St. Louis, Sheriff's Office, termination appeal heard on July 1, 2015.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the request, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote.

4. Considered request from Interim Chief of Police Michael Register to extend the provisional appointments of the following for an additional 180 days or until new promotional lists are certified: **Glen King and Anthony Thomas** (provisionally appointed to Sergeant) and **Jodi Turnipseed** (provisionally appointed to Lieutenant).
 - a. Police Department Legal Advisor Kenneth Green explained the request in detail.
 - b. A discussion among the Board, Human Resources Director Renee Bright and Mr. Green occurred.
 - c. **Glen King** – Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - d. Mr. King was present and did not have any questions.
 - e. The Board wished him well.
 - f. **Anthony Thomas** – Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the request, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote.
 - g. Mr. Thomas was present and did not have any questions.
 - h. **Jodi Turnipseed** – Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - i. Ms. Turnipseed was not present.
 - j. Chairman Bartlett wished the employees well.
 - k. A brief discussion between Chairman Bartlett and Dr. Jackson occurred regarding there being a consistent promotional policy in place.

5. Considered request from **Miyoshi Griffin, Transportation and Development**, for annual leave donation.
 - a. HR Director Bright confirmed the request met the requirements.
 - b. The Board did not have any questions.
 - c. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the request, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote.
6. Considered request from **Shawn Gonzales, Central Services**, for annual leave donation.
 - a. HR Director Bright confirmed the request met the requirements.
 - b. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the request, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote.
7. Considered request from **Gary W. King, Parks & Recreation**, for annual leave donation.
 - a. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the request, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote.
8. Considered request from **Eleanor Richardson, State Court Probation**, for annual leave donation.
 - a. HR Director Bright advised employee would use any donated leave at the end of this pay period.
 - b. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the request, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote.
9. Considered request from Fire Chief Landry Merkison to make recommended changes to the Fire Department Promotional procedures.
 - a. Fire Chief Merkison presented request in detail.
 - b. A discussion among the Board, HR Director Bright and Fire Chief Merkison occurred.

- c. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the changes as outlined, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
10. Calendar Call.
- a. **Ronnie Wyatt (Sheriff's Office)** – Termination appeal filed June 8, 2012. Attorney Keith Martin's continuance request granted due to court conflict and unavailability of a witness.
 - i. Attorney Youngblood advised the County had no objections.
 - ii. Attorney Keith Martin advised he no longer had a court conflict but that his witness was still unavailable and explained in detail.
 - iii. Chairman Bartlett advised hearing would be continued to September's Meeting.
 - b. **Martavis Simmons (County Prison)** – Termination Appeal filed April 22, 2013.
 - i. Appellant, Martavis Simmons, and his attorney, Keith Martin were present and ready to proceed.
 - ii. Warden Dennis Nelson was present and ready to proceed.
 - c. **Edward McKenzie (Juvenile Court)** – Termination Appeal filed July 1, 2013.
 - i. Appellant, Edward McKenzie and his attorney, Regan Keebaugh were present.
 - ii. Juvenile Court Director John Johnson was present and ready to proceed.
 - iii. Attorney Youngblood advised she would be representing the County.
 - iv. Chairman Bartlett advised Messrs. Keebaugh and McKenzie to provide contact information to HR Director Bright and Director Johnson to provide contact information to Attorney Youngblood.
 - v. All parties were excused.
 - vi. Chairman Bartlett advised that the *Martavis Simmons (County Prison)* hearing would proceed this morning.
 - vii. Chairman Bartlett called for a short break. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - viii. Chairman Bartlett called the meeting back to order.
11. **Appeal** – Considered appeal filed by **Martavis Simmons, County Prison**, on April 22, 2013.
- a. Appellant, Martavis Simmons, was present and was represented by Attorney Keith Martin.

- b. Warden Dennis Nelson was present and was represented by County Attorney Michelle Youngblood.
- c. Parties advised the Board that all witnesses were present.
- d. Civil Service Board Attorney Joe Harris swore in all witnesses, except Former Warden Frank Smith, who was not present.
- e. Attorney Martin requested an order of sequestration.
- f. Attorney Youngblood presented the County's opening statement.
- g. Attorney Martin waived the Appellant's opening statement.
- h. Attorney Youngblood called Lt. Angelique Fox to the witness stand. She stated her name, where employed, tenure at the Prison, position and tenure at position. Attorney Youngblood began questioning Lt. Fox. Lt. Fox responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit 7 pages 7, 8, 9 and 12.
- i. Attorney Youngblood continued questioning Lt. Fox. Attorney Martin objected to a question posed as it was "leading". Chairman Bartlett over-ruled the objection. Lt. Fox responded to the question.
- j. Attorney Youngblood continued questioning Lt. Fox. Lt. Fox responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit 8 page 4 and County Exhibit 13.
- k. Attorney Martin began the cross-examination of Lt. Fox. Attorney Martin mentioned Exhibit C-6. Lt. Fox responded in detail to all questions posed by Attorney Martin.
- l. Attorney Martin continued the cross-examination of Lt. Fox. Lt. Fox responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned County Exhibit C-13.
- m. Attorney Martin continued the cross-examination of Lt. Fox. Attorney Youngblood objected as the question posed "misconstrued testimony".
- n. Attorney Martin continued the cross-examination of Lt. Fox. Lt. Fox responded in detail to all questions posed by Attorney Martin. Attorney Youngblood objected and asked Attorney Martin to allow the witness to finish answering the question (was interrupted). Attorney Martin allowed Lt. Fox to finish responding.

- o. Attorney Martin continued the cross-examination of Lt. Fox. Lt. Fox responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned County Exhibits C-11 and C-13.
- p. The Board questioned Lt. Fox. She responded in detail to all questions posed by the Board.
- q. There being no further questions, the witness was retained (subject to rebuttal).
- r. Attorney Youngblood called Sgt. Angela Gooden to the witness stand. She stated her name, where employed, tenure with the County, current position and tenure as sergeant. Attorney Youngblood began questioning Sgt. Gooden. Sgt. Gooden responded in detail to all questions posed by Attorney Youngblood.
- s. Attorney Youngblood continued questioning Sgt. Gooden. Sgt. Gooden responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit 7 pages 2, 3, 4, 5, 10 and 11, County Exhibit 8 page 3 and County Exhibit 6 pages 2, 3, 4 and 5.
- t. Attorney Martin began the cross-examination of Sgt. Gooden. Attorney Martin mentioned County Exhibit C-6 page 6. Attorney Martin continued the cross-examination of Sgt. Gooden. Sgt. Gooden responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned County Exhibit C-6 pages 1 and 2.
- u. The Board did not have any questions for Sgt. Gooden.
- v. There being no further questions, the witness was retained (subject to rebuttal).
- w. Chairman Bartlett called for a lunch break. Mr. Trimble made the motion to return from lunch at 1:00 p.m., second by Vice-Chair Lancaster.
- x. Chairman Bartlett stated there were housekeeping issues and asked if the Board members would like to remain late this afternoon to hear a second case. The Board members all agreed to not hear a second case today.
- y. Chairman Bartlett then asked HR Director Bright to contact Mr. McKenzie to advise that his case would be placed on the September agenda and asked Attorney Youngblood to contact Director Johnson.
- z. No further discussion on the motion made. Motion carried by unanimous vote.
- aa. Mr. Trimble advised Attorney Youngblood (County) had used 29:30 minutes and Attorney Martin (Appellant) had used 41:00 minutes.
- bb. Chairman Bartlett called the meeting back to order.

- cc. Attorney Youngblood called Deputy Warden Randal Holsey to the witness stand. He stated his name, where employed, position, tenure at position and position held in April of 2013. Attorney Youngblood began questioning Deputy Warden Holsey. Deputy Warden Holsey responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit 3 page 4, County Exhibit 7 pages 1-12, County Exhibit 6, County Exhibits 11 and 12, County Exhibit 8 page 3, County Exhibit 9 page 2, and County Exhibit 10.
- dd. Attorney Martin began the cross-examination of Deputy Warden Holsey. Deputy Warden Holsey responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned County Exhibits 13 and 4 and Appellant Exhibits H-1 and D-1 page 2.
- ee. Attorney Martin continued the cross-examination of Deputy Warden Holsey. Deputy Warden Holsey responded in detail to all questions posed by Attorney Martin.
- ff. The Board questioned Deputy Warden Holsey. He responded in detail to all questions posed by the Board.
- gg. There being no further questions, the witness was retained (subject to rebuttal).
- hh. Attorney Youngblood called Warden Dennis Nelson to the witness stand. He stated his name, where employed, position, tenure at position, and law enforcement background. Attorney Youngblood began questioning Warden Nelson. Warden Nelson responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits 4, 5, 6, 7, 11, 12, 13, 8, 9 and 10.
- ii. Attorney Youngblood continued questioning Warden Nelson. Warden Nelson responded in detail to all questions posed by Attorney Youngblood. Attorney Martin objected to a question posed as to its 'relevance', as the prior department head was not present. Attorney Youngblood explained. Chairman Bartlett overruled the objection and stated the witness could testify based on personal experience.
- jj. Attorney Youngblood continued questioning Warden Nelson. Warden Nelson responded in detail to all questions posed by Attorney Youngblood.
- kk. Attorney Martin began the cross-examination of Warden Nelson. Warden Nelson responded in detail to all questions posed by Attorney Martin.
- ll. The Board did not have any questions for Warden Nelson.
- mm. Attorney Youngblood asked to tender County Exhibits 4-13. Attorney Martin did not have any objections to County Exhibits 4-13.

- mn. Attorney Youngblood rested on behalf of the County subject to rebuttal witnesses.
- oo. Attorney Martin called Martavis Simmons to the witness stand. He confirmed he was previously sworn in and stated his name and when employed with the County. Attorney Martin began questioning Mr. Simmons. Mr. Simmons responded in detail to all questions posed by Attorney Martin. Attorney Martin mentioned Appellant Exhibits D-1, D, and H-1.
- pp. Attorney Youngblood began the cross-examination of Mr. Simmons. Mr. Simmons responded in detail to all questions posed by Attorney Youngblood. Attorney Martin objected and asked to allow the witness to expound his answer. Chairman Bartlett sustained the objection.
- qq. Attorney Youngblood continued the cross-examination of Mr. Simmons. Mr. Simmons responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit 6 pages 1, 2, 4, 5, 8, 9, 10, 11, 12 and 13. Attorney Youngblood objected that the witness was using her time. Chairman Bartlett explained to Mr. Simmons what was and was not allowed when elaborating.
- rr. Attorney Youngblood continued the cross-examination of Mr. Simmons. Mr. Simmons responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit 11. Attorney Martin objected "asked and answered". Chairman Bartlett stated the witness answered and had Attorney Youngblood to move on.
- ss. Attorney Youngblood continued the cross-examination of Mr. Simmons. Mr. Simmons responded in detail to all questions posed by Attorney Youngblood. Attorney Martin objected and asked if it was a question or comment. Chairman Bartlett confirmed "strike question".
- tt. Attorney Youngblood continued the cross-examination of Mr. Simmons. Mr. Simmons responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned Appellant Exhibits B and B-1.
- uu. The Board questioned Mr. Simmons. He responded in detail to all questions posed by the Board.
- vv. There being no further questions, the witness was dismissed.
- ww. Chairman Bartlett called for a short break. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- xx. Chairman Bartlett called the meeting back to order.

- yy. Attorney Martin stated that the Appellant did not have any other witness to present and asked to tender the following Appellant Exhibits:
- i. **Appellant Exhibits B and B-1** – Attorney Youngblood objected as there was no testimony given. Chairman Bartlett made the motion to allow, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
 - ii. **Appellant Exhibit C** – Attorney Youngblood had no objection.
 - iii. **Appellant Exhibit D and D-1** – Attorney Youngblood had no objection.
 - iv. **Appellant Exhibit E-1** – Attorney Youngblood objected as there was no testimony given. Chairman Bartlett made the motion to allow, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
 - v. **Appellant Exhibit H-1** – Attorney Youngblood had no objection.
- zz. Attorney Youngblood called Deputy Warden Holsey as a rebuttal witness and began questioning. Deputy Warden Holsey responded in detail to all questions posed by Attorney Youngblood.
- aaa. Attorney Martin cross-examined Deputy Warden Holsey. Deputy Warden Holsey responded in detail to all questions posed by Attorney Martin.
- bbb. The Board questioned Deputy Warden Holsey. He responded in detail to all questions posed by the Board.
- ccc. There being no further questions, the witness was excused.
- ddd. Attorneys Martin and Youngblood did not have any other rebuttal witnesses to present.
- eee. Chairman Bartlett asked Deputy Warden Holsey to release the remaining witnesses who were in sequestration.
- fff. Mr. Trimble advised Appellant had used 1:14:19 minutes.
- ggg. Attorney Youngblood reserved to present County's closing arguments last.
- hhh. Attorney Martin presented the Appellant's closing arguments.
- iii. Mr. Trimble advised County had used 1:06:43 minutes.
- jjj. Attorney Youngblood presented the County's closing argument.
- kkk. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the termination appeal filed by Martavis Simmons, County Prison. Mr. Trimble

made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

lll. Chairman Bartlett called the meeting back to order.

mmm. Chairman Bartlett called for a motion regarding the termination appeal filed by Martavis Simmons, County Prison. Mr. Trimble made the motion that the County's decision to terminate be upheld, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.

nnn. Attorney Martin asked to be excused. Chairman Bartlett excused but had one other question about a separate matter.

ooo. **Terry Lee, Sheriff's Office** – Termination Appeal filed February 23, 2012.

- i. Chairman Bartlett asked for an update.
- ii. Attorney Martin advised he received a document (a proposal) at 8 p.m., last night and explained he would contact Mr. Lee.
- iii. Attorney Youngblood stated the document was a revision to the Settlement Agreement.

12. Discussion items.

a. Selected meeting date(s) for October 2015.

- i. No motion was made to vote on a second meeting date.
- ii. Chairman Bartlett confirmed vote died for a lack of a second.

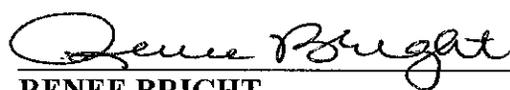
13. Other business.

- i. None.

Chairman Bartlett stated that all matters have been concluded and called for a motion to adjourn this meeting. Mr. Trimble made the 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