

REGULAR CALLED CIVIL SERVICE BOARD MEETING

JULY 1, 2015

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, July 1, 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 Officer Pamela Ambles and staff; County Attorney Michelle Youngblood; Civil Service Board Attorney Joe Harris; Interim Chief of Police Michael Register; Sheriff's Office Assistant Chief Deputy Shawn Southerland; Fire Chief Landry Merkison; Solicitor General Tasha Mosley; Juvenile Court Director John Johnson, III; Attorney Keith Martin; Attorney Thomas Florio; Ronnie Wyatt; Martavis Simmons; Enrique St. Louis; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:24 a.m.

Chairman Bartlett called for a motion to adopt the agenda. Mr. Trimble made the motion with the following changes: hold item #4 after calendar call and add item 9a (Annual Leave Donation), 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's Meeting Minutes held on June 3, 2015.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the Minutes; second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

2. Considered request from Fire Chief Landry Merkison to extend the probationary period of **Zedrick Carter**, for six months.
 - a. Fire Chief Landry Merkison presented the request in detail.
 - b. There were no other questions from the Board.

- c. 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.
3. Considered request from Interim Chief of Police Michael Register to extend the probationary period of **Alex Chandler** for six months (until December 30, 2015).
 - a. A discussion between the Board and Interim Chief of Police Michael Register occurred regarding the details.
 - b. Interim Chief of Police Michael Register explained the request in detail.
 - c. 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 probationary period of **Michelle E. Alston** for six months (until January 27, 2016).
 - a. Interim Chief of Police Michael Register explained the request in detail.
 - b. 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.
5. Considered request from Interim Chief of Police Michael Register to extend the probationary period of **Julia M. Isaac** for six months (until January 27, 2016).
 - 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.
6. Considered request from Interim Chief of Police Michael Register to extend the probationary period of **Angel R. Lopez** for six months (until January 27, 2016).
 - a. 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.
7. Considered request from **Steven Snider, Solicitor General**, for annual leave donation.
 - a. Solicitor General Tasha Mosley presented the request in detail and advised the Department supported the request.

- b. 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.
8. Considered request from Interim Chief of Police Michael Register to extend the provisional appointment of **Sergeant Manuel Santiago** for another 180 days or until new promotional list is certified.
- a. The Board questioned Interim Chief of Police Michael Register. Interim Chief of Police Michael Register responded in detail.
 - b. 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.
9. Calendar Call.
- a. **Enrique St. Louis, Sheriff's Office** – Termination Appeal filed June 4, 2012.
 - i. County Attorney Michelle Youngblood advised the Sheriff's Office was ready to proceed.
 - ii. Attorney Thomas Florio advised he was representing Appellant, Enrique St. Louis, and that they were ready to proceed.
 - b. **Ronnie B. Wyatt, Sheriff's Office** – Termination Appeal filed June 8, 2012.
 - i. County Attorney Youngblood advised the Sheriff's Office was ready to proceed.
 - ii. Attorney Keith Martin advised Appellant, Ronnie Wyatt, was ready to proceed subject to Sheriff Victor Hill appearing and then they would be ready.
 - iii. A discussion among the Board, Attorney Martin and Attorney Youngblood occurred regarding the availability of Sheriff Hill.
 - iv. Chairman Bartlett directed Attorney Youngblood to contact Sheriff Hill to check his availability.
 - c. **Martavis Simmons, County Prison** – Termination Appeal filed April 22, 2013.
 - i. Attorney Youngblood advised the Sheriff's Office was ready to proceed.
 - ii. Appellant, Martavis Simmons, was present and stated he was ready to proceed.

- iii. Chairman Bartlett asked Mr. Simmons to provide contact information to HR Officer Pamela Ambles.
 - iv. **Update:** Chairman Bartlett confirmed that Mr. Simmons' hearing would be placed on hold.
- d. **Edward McKenzie, Juvenile Court** – Termination Appeal filed July 1, 2013. Continuance request submitted by Edward McKenzie.
- i. Attorney Martin advised the Board he met with Mr. McKenzie over two years ago but would formalize an agreement to represent him.
 - ii. Chairman Bartlett asked if Mr. McKenzie was in attendance. He was not present.
 - iii. Attorney Youngblood stated the County did not object to the continuance request, since the Board would not get to it today.
 - iv. Civil Service Board Attorney Joe Harris advised the Board there may be an issue with the setting of new deadlines.
 - v. Attorney Youngblood stated the County would object to any new deadlines.
 - vi. Attorney Martin stated he would not ask for any.
 - vii. A discussion among the Board, Attorney Martin and Attorney Youngblood occurred regarding ruling on the issue of setting new deadlines today. (Issue was not heard at today's meeting.)
 - viii. Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve the continuance request, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote.
10. Considered for approval the Civil Service Board's Decision regarding **Beverly A. Proia, Solicitor General**, termination appeal called on June 3, 2015.
- a. A discussion between the Board and Civil Service Board Attorney Harris occurred regarding the issue of Ms. Proia alleging she did not receive notification of her appeal hearing.
 - b. Chairman Bartlett called for a motion regarding the Civil Service Board's Decision. Dr. Jackson made the motion to approve the Decision, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.

- c. Chairman Bartlett called for a short break. Mr. Trimble made the motion for a short break, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - d. Chairman Bartlett called the meeting back to order.
 - e. Attorney Florio advised Enrique St. Louis would take the better part of the day and that he would contact Attorney Martin if this matter concluded earlier.
 - f. Chairman Bartlett released all parties regarding the *Ronnie Wyatt* matter.
11. **Appeal** – Considered appeal filed by **Enrique St. Louis, Sheriff's Office**, on June 4, 2012.
- a. County Attorney Youngblood stated the County was ready.
 - b. Chairman Bartlett noted for the record that Attorney Thomas Florio represented Enrique St. Louis.
 - c. All County witnesses were present except one and all witnesses for the Appellant were present.
 - d. Attorney Harris swore in all witnesses who were present.
 - e. Attorney Florio requested an order of sequestration.
 - f. Attorney Youngblood presented the County's opening statement. Attorney Florio presented the Appellant's opening statement.
 - g. Attorney Youngblood called Sheriff Correctional Officer Herbert Feemster to the witness stand. He stated his name, where employed and where he was employed in April 2012. Attorney Youngblood began questioning Officer Feemster. Officer Feemster responded in detail to all questions posed by Attorney Youngblood. Attorney Florio objected to a question posed as it was "irrelevant". Attorney Youngblood explained her question. Chairman Bartlett over-ruled the objection.
 - h. Attorney Youngblood continued questioning Officer Feemster. Attorney Florio objected to the question as "hearsay". Chairman Bartlett over-ruled the objection. Attorney Youngblood explained her question.
 - i. Attorney Youngblood continued questioning Officer Feemster. Officer Feemster responded in detail to all questions posed by Attorney Youngblood.

- j. Chairman Bartlett called for a short break (projector and laptop issues). Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- k. Chairman Bartlett called the meeting back to order.
- l. Attorney Youngblood began to play a DVD. Attorney Florio objected as she was going into document not admitted into evidence, did not see as part of incident and was not provided a copy of the disc.
- m. A discussion among the Board, Attorney Florio and Attorney Youngblood occurred regarding this disc being a part of the discovery provided.
- n. Chairman Bartlett called for a 15-minute break to allow Attorney Florio time to review the DVD. Mr. Trimble 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. Attorney Florio renewed his objections going into content not been admitted – tendered on this witness who did not see it. Chairman Bartlett addressed the objections and over-ruled them.
- q. Attorney Youngblood continued playing the DVD. Attorney Youngblood questioned Officer Feemster. Officer Feemster responded in detail to all questions posed by Attorney Youngblood.
- r. Attorney Florio began cross-examination of Officer Feemster. Officer Feemster responded in detail to all questions posed by Attorney Florio. Attorney Florio mentioned and directed Officer Feemster to County Exhibit 5 page (handwritten 39) – page 40.
- s. Attorney Florio continued cross-examination of Officer Feemster. Officer Feemster responded in detail to all questions posed by Attorney Florio. Attorney Florio objected to Officer Feemster reading from statement. Attorney Youngblood objected to a question posed by Attorney Florio regarding if the County afforded Officer Feemster an opportunity to review his statement. Chairman Bartlett over-ruled the objection. Attorney Florio asked the Board to stop his time as he was not going to allow Officer Feemster to use his time to read the statement. Chairman Bartlett advised that once the witness responses, he has a right to explain his answer.
- t. Attorney Florio continued cross-examination of Officer Feemster. Officer Feemster responded in detail to all questions posed by Attorney Florio. Attorney Youngblood objected as Attorney Florio could not go into what was discussed with my client. Chairman Bartlett sustained the objection. Civil Service Board Attorney Harris affirmed.

- u. The Board questioned Officer Feemster. He responded in detail to all questions posed by the Board.
- v. There being no further questions, the witness was retained "subject to rebuttal".
- w. Attorney Youngblood called Lieutenant Bobby Pauls to the witness stand. He stated his name, where employed, and current position with the Jail. Attorney Youngblood began questioning Lt. Pauls. Lt. Pauls responded in detail to all questions posed by Attorney Youngblood.
- x. Attorney Florio began cross-examination of Lt. Pauls. Lt. Pauls responded in detail to all questions posed by Attorney Florio.
- y. The Board questioned Lt. Pauls. He responded in detail to all questions posed by the Board.
- z. There being no further questions, the witness was retained "subject to rebuttal".
- aa. Attorney Youngblood called Lieutenant Keith McLaughlin to the witness stand. He stated his name, where employed, position, tenure with the Sheriff's Office and duties as head of IA. Attorney Youngblood began questioning Lt. McLaughlin. Lt. McLaughlin responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit 5.
- bb. Attorney Florio began cross-examination of Lt. McLaughlin. Lt. McLaughlin responded in detail to all questions posed by Attorney Florio.
- cc. The Board did not have any questions for Lt. McLaughlin but asked for clarification regarding dates mentioned.
- dd. There being no further questions, the witness was retained "subject to rebuttal".
- ee. Attorney Youngblood called Captain Roland Boehrer to the witness stand. He stated his name, where employed, tenure with the Sheriff's Office, and his position at the time of this incident. Attorney Youngblood began questioning Capt. Boehrer. Attorney Florio objected to a question as to "hearsay". Attorney Youngblood explained. Chairman Bartlett sustained the objection.
- ff. Attorney Youngblood continued questioning Capt. Boehrer. Capt. Boehrer responded in detail to all questions posed by Attorney Youngblood. Attorney Florio objected to a question as to "hearsay". Attorney Youngblood explained. Chairman Bartlett over-ruled the objection.
- gg. Attorney Youngblood continued questioning Capt. Boehrer. Capt. Boehrer responded in detail to all questions posed by Attorney Youngblood. Attorney

Florio objected to a question as to "hearsay". Chairman Bartlett sustained the objection.

- hh. Attorney Youngblood continued questioning Capt. Boehrer. Capt. Boehrer responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit 5 pages 19-59 and directed Capt. Boehrer's attention to the video on the screen.
- ii. Attorney Florio began cross-examination of Capt. Boehrer. Capt. Boehrer responded in detail to all questions posed by Attorney Florio.
- jj. The Board questioned Capt. Boehrer. He responded in detail to all questions posed by the Board.
- kk. There being no further questions, the witness was retained "subject to rebuttal".
- ll. Chairman Bartlett inquired as to how many more witnesses the County had to present. Attorney Youngblood stated one, Assistant Chief Deputy Shawn Southerland.
- mm. The Board agreed to hear the witness before taking a lunch break.
- nn. Attorney Youngblood called Assistant Chief Deputy Shawn Southerland to the witness stand. He stated his name, where employed, tenure with the Sheriff's Officer, tenure in position as Assistant Chief Deputy and duties entailed. Attorney Youngblood began questioning Asst. Chief Deputy Southerland. Asst. Chief Deputy Southerland responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned the following: County Exhibits 5, 4, 8, 6, 7, 10, 11, 12, 13, 14, 15, 16, and 17.
- oo. Attorney Youngblood continued questioning Asst. Chief Deputy Southerland. Asst. Chief Deputy Southerland responded in detail to all questions posed by Attorney Youngblood. Attorney Florio objected to a question posed as to its "relevance". Chairman Bartlett over-ruled the objection and explained. Asst. Chief Deputy Southerland continued responding to the question posed.
- pp. Attorney Youngblood continued questioning Asst. Chief Deputy Southerland. Asst. Chief Deputy Southerland responded in detail to all questions posed by Attorney Youngblood. Attorney Florio objected to a question posed as to its "relevance". Chairman Bartlett sustained the objection.
- qq. Attorney Florio began cross-examination of Asst. Chief Deputy Southerland. Asst. Chief Deputy Southerland responded in detail to all questions posed by Attorney Florio.

- rr. The Board questioned Asst. Chief Deputy Southerland. He responded in detail to all questions posed by the Board. Attorney Florio reiterated his objection to a question posed by Vice-Chair Lancaster regarding his second termination. Chairman Bartlett agreed and stated it would hold no bearing involving this termination.
- ss. Attorney Youngblood tendered the following County exhibits: 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17.
- tt. Attorney Florio's responses to the following County exhibits:
 - i. No objections to County Exhibit 4.
 - ii. Objected to County Exhibit 5 – as Norton was not present to give testimony and explained. Attorney Youngblood responded it was a true and accurate file. Chairman Bartlett explained and over-ruled the objection. The Board concurred.
 - iii. Objected to County Exhibit 6 – not a certified copy. Civil Service Board Attorney Harris advised it could be authenticated under "Business Records". Chairman Bartlett over-ruled the objection.
 - iv. Objected to County Exhibits 7, 8, 9, 10, 11 and 12 – same reasons for County Exhibit 6. Chairman Bartlett over-ruled the objection.
 - v. Objected to County Exhibit 13 – no seal by Clerk Shelby Haywood – not a certified copy. Attorney Florio explained in detail. Attorney Youngblood explained in detail. Chairman Bartlett over-ruled the objection.
 - vi. Attorney Youngblood offered to tender the original County Exhibit 13 she had in her possession. Chairman Bartlett stated it would be made part of the record.
 - vii. No objections to County Exhibits 14, 15, 16 and 17.
 - viii. Attorney Florio renewed his objection to County Exhibit 13 not being a certified copy. Attorney Youngblood stated for the record that it was tendered. Attorney Harris stated the original document was tendered to the Board as County Exhibit 13A.
 - ix. Attorney Florio objected to County Exhibit 13A being tendered at this time and explained it was after all deadlines had passed.
 - x. A discussion among the Board, Attorney Harris, Attorney Youngblood and Attorney Florio occurred regarding the seal affixed to the document.

- xi. Attorney Youngblood reminded the Board it had adopted 9.206.
- xii. Chairman Bartlett over-ruled the objection and addressed Attorney Florio.
- xiii. Attorney Florio renewed his objection to County Exhibit 5.
- xiv. Attorney Youngblood rested on behalf of the County subject to rebuttal witnesses.
- uu. Chairman Bartlett called for a lunch break until 1:45 p.m. Mr. Trimble made the motion, second by Vice-Chair Lancaster. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- vv. Off the record: Mr. Trimble advised County used 49:56 minutes and Appellant used 19:04 minutes.
- ww. Chairman Bartlett called the meeting back to order.
- xx. Attorney Florio called Enrique St. Louis to the witness stand. Mr. St. Louis introduced himself to the Board. Attorney Florio began questioning Mr. St. Louis. Mr. St. Louis responded in detail to all questions posed by Attorney Florio.
- yy. Attorney Youngblood began cross-examination of Mr. St. Louis. Mr. St. Louis responded in detail to all questions posed by Attorney Youngblood. Attorney Florio objected to a question posed by Attorney Youngblood as being "asked and answered". Chairman Bartlett sustained the objection.
- zz. Attorney Youngblood continued the cross-examination of Mr. St. Louis. Mr. St. Louis responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit 5 pages 48 and 49.
- aaa. Attorney Youngblood continued the cross-examination of Mr. St. Louis. Mr. St. Louis responded in detail to all questions posed by Attorney Youngblood. Attorney Florio objected to a question posed by Attorney Youngblood as to its "relevance". Attorney Youngblood explained in detail. Chairman Bartlett over-ruled the objection and explained. Attorney Florio further explained his objection. After consideration, Chairman Bartlett stated the issue would be irrelevant and sustained the objection.
- bbb. Attorney Youngblood stated that she wished to preserve her objection. Chairman Bartlett noted her objection.
- ccc. The Board questioned Mr. St. Louis. He responded in detail to all questions posed by the Board.

- ddd. There being no further questions, the witness was dismissed.
- eee. Attorney Florio stated the Appellant rested his case.
- fff. Attorney Youngblood called Assistant Chief Deputy Shawn Southerland to the witness stand as a rebuttal witness. Attorney Youngblood began questioning Asst. Chief Deputy Southerland. Attorney Florio objected to the question posed as to its "relevance". Attorney Youngblood explained in detail. Attorney Florio further explained his objection. Chairman Bartlett allowed Attorney Youngblood to continue her questioning but stated the Board would not allow it to get "too far off".
- ggg. Attorney Florio did not have any additional questions for Asst. Chief Deputy Southerland.
- hhh. The Board questioned Asst. Chief Deputy Southerland. He responded in detail to all questions posed by the Board.
- iii. There being no further questions, the witness was dismissed.
- jjj. Chairman Bartlett called for a short break and asked HR Officer Ambles to dismiss the witnesses. There were no objections from either Attorney Youngblood or Attorney Florio.
- kkk. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- lll. Off the record: Mr. Trimble advised County used 1:04:00 minutes and Appellant used 42:00 minutes.
- mmm. Chairman Bartlett called the meeting back to order.
- nnn. Attorney Youngblood reserved to present County's closing arguments last.
- ooo. Attorney Florio presented Appellant's closing arguments.
- ppp. Attorney Youngblood presented the County's closing argument.
- qqq. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the termination appeal filed by Enrique St. Louis, Sheriff's Office. Mr. Trimble made the motion, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote.
- rrr. Chairman Bartlett called the meeting back to order.
- sss. Chairman Bartlett called for a motion regarding the termination appeal filed by Enrique St. Louis, Sheriff's Office. Mr. Trimble made the motion that the

department's decision be upheld, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.

ttt. There were no questions from Attorney Florio.

12. Discussion items.

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

i. A discussion occurred between the Board members.

ii. Chairman Bartlett called for a motion. Mr. Trimble made the motion to only meet Wednesday, September 2, 2015, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.

13. Other business.

a. Civil Service Board Training.

i. Chairman Bartlett advised the Board would receive a possible session at the end of the calendar year.

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