

# ***SPCECIAL CALLED CIVIL SERVICE BOARD MEETING***

***JULY 17, 2014***

A special called meeting of the Clayton County Civil Service Board was held on Thursday, July 17, 2014, in the Commissioners' Board Room.

Members present:     Larry Bartlett, Chairman  
                          Troyce B. Lancaster, Vice-Chair  
                          Gbenga Osagie, Member  
                          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; Police Legal Advisor Kenneth Green; Major Robert Sowell; Attorney Lansing Kimmey; Scott Smith; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:06 a.m., and noted for the record that all Board members were present, except Lori Favre, who resigned.

Chairman Bartlett called for a motion to adopt the July 17<sup>th</sup> agenda. Mr. Trimble made a motion to adopt the agenda, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

1.     Considered request from Sotheavy (Tia) Sok, Police Department/Administration, to use sick leave for the care of her mother.
  - a.     Chairman Bartlett explained it was outside the civil service policy. HR Director Renee Bright confirmed it was.
  - b.     Police Department Legal Advisor Kenneth Green advised the department had no opposition.
  - c.     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 (4-0). The Board wished Ms. Sok success and safety in travel.
  
2.     *Appeal (continuation)* – Considered appeal that was filed on September 23, 2011, by Scott Smith, Sheriff's Office, with regards to: Terminated by employer on 9/23/11.
  - a.     Chairman Bartlett advised Major Robert Sowell would be representing the Sheriff's Office in the absence of Assistant Chief Deputy Shawn Southerland.
  - b.     Attorney Youngblood reserved the County's right to close last.
  - c.     Mr. Trimble advised Attorney Kimmey he had 9 minutes and 1 second remaining and Attorney Youngblood had 9 minutes and 22 seconds remaining.
  - d.     Attorney Kimmey presented the Appellant's closing arguments. Attorney Youngblood presented the County's closing arguments.

- e. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the appeal that was filed on September 23, 2011, by Scott Smith, Sheriff's Office, with regards to: Terminated by employer on 9/23/11. Mr. Trimble made a motion, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- f. Chairman Bartlett called the meeting back to order.
- g. Chairman Bartlett called for a motion regarding the appeal that was filed on September 23, 2011, by Scott Smith, Sheriff's Office, with regards to: Terminated by employer on 9/23/11. Mr. Trimble made a motion that the department's decision that Scott Smith be terminated be overturned; actions do not warrant a termination, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- h. Chairman Bartlett addressed Scott Smith that the offense did not rise to level of termination even with his lengthy discipline history. There is an opportunity for Mr. Smith to become a better employee.
- i. There were no questions from Attorney Kimmey. Attorney Youngblood asked if the Board did not restore benefits. Chairman Bartlett advised the Board would restore all back-pay and benefits in authority with this Board and that the process, time frames, etc., could be discussed with Personnel.
- j. Chairman Bartlett further stated the Board would sign the Decision at its next meeting, and then the County would have 30 days to appeal the Decision.
- k. The Board addressed Scott Smith regarding his career and how he should view being returned to work.

3. Discussion items.

- a. Select a second meeting date for August 2014.
  - i. HR Director Bright advised the majority vote from the Board was for Tuesday, August 5, 2014.
  - ii. A discussion among the Board, HR Director Bright and Attorney Youngblood regarding how to schedule the August agenda with cases.
  - iii. Chairman Bartlett suggested to place grievances on Tuesday (Special Called agenda) and cautioned the Board not to make a decision that these grievances were not grievable.
  - iv. Chairman Bartlett does not believe each case was different.
  - v. Chairman Bartlett stated to place all continued cases back on the agenda for Wednesday, August 6, 2014.

- vi. Attorney Youngblood confirmed there was a conflict letter regarding Cassandra Pitts, either the Appellant or attorney was unavailable.
- vii. Chairman Bartlett once again confirmed to place the same cases from last month's agenda on the August agenda and not to add any new ones.
- viii. Vice-Chair, Troyce Lancaster confirmed the meeting dates for August as the 5<sup>th</sup> and 6<sup>th</sup>.
- ix. A lengthy discussion regarding changing the meeting dates and weeks for the Board occurred.
- x. Chairman Bartlett made a motion that HR Director Bright contact staff attorney to make sure the Board is on good solid legal ground if it would change its meeting days and go every third Tuesday of the month as a regular meeting and any subsequent days after that as special called meetings (motion died for lack of a second).
- xi. The lengthy discussion continued.
- xii. Chairman Bartlett made a recommendation (motion) for HR Director Bright to contact the Staff Attorney to check if the Board was on good solid legal ground to have the option of changing the day of the week and the week for meetings.
- xiii. Attorney Youngblood stated that was an option for the Board.
- xiv. Mr. Trimble seconded the motion. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- xv. Chairman Bartlett confirmed August 5, 2014 and August 6, 2014, as the next meeting dates.

4. Other business.

- a. There was no other business.

*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 (4-0).*

*Meeting adjourned.*

  
\_\_\_\_\_  
LARRY BARTLETT  
CHAIRMAN

  
\_\_\_\_\_  
RENEE BRIGHT  
HUMAN RESOURCES DIRECTOR