

REGULAR CALLED CIVIL SERVICE BOARD MEETING

SEPTEMBER 2, 2015

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, September 2, 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; Police Department Legal Advisor Kenneth Green; County Attorney Michelle Youngblood; Juvenile Court Director John Johnson, III; Juvenile Court Chief of Staff Colin Slay; Attorney Regan Keebaugh; Edward McKenzie; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:04 a.m.

Chairman Bartlett called for a motion to adopt the agenda. Mr. Trimble made the motion to approve the agenda, 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 August 5, 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 for approval the Executive Session Minutes regarding Martavis Simmons, County Prison, termination appeal heard on August 5, 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.

3. Considered for approval the Civil Service Board's Decision regarding Martavis Simmons, County Prison, termination appeal heard on August 5, 2015.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the Decision, second by Vice-Chair Lancaster. 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 appointment of Kenneth R. Chappell (provisionally appointed to Sergeant) for an additional 180 days or until new promotional lists are certified.
 - a. Police Department Legal Advisor Kenneth Green explained the request in detail.
 - b. A discussion among the Board occurred regarding possible changes to the Civil Service Rules and the Civil Service Act.
 - 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.

5. Considered request from 911 Communications Director Gregory Porter to extend the probationary period of Charlene Fried for six (6) months (until February 29, 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.

 - b. Chairman Bartlett noted that Director Porter was not present to address the Board.

6. Considered request from 911 Communications Director Gregory Porter to extend the probationary period of Andrea Sturchio for six (6) months (until March 5, 2016).
 - a. Chairman Bartlett noted that Director Porter rescinded the request.

 - b. Chairman Bartlett called for a motion. Mr. Trimble made the motion to approve the rescindment of the extension request, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote.
 - c. Chairman Bartlett noted the Board accepted the rescinded request.

7. Considered request from **Monique Smith, District Attorney's Office/Victim Assistance Program**, for annual leave donation.
 - a. Monique Smith was not in attendance.

- b. A representative from the District Attorney's Office was not in attendance.
 - 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.
8. Calendar Call.
- a. **Ronnie Wyatt (Sheriff's Office)** – Termination Appeal filed June 8, 2012. County Attorney Michelle Youngblood's request for continuance was granted on August 25, 2015.
 - b. **Edward McKenzie (Juvenile Court)** – Termination Appeal filed July 1, 2013.
 - i. Attorney Youngblood confirmed she would be representing the County and that one witness was in court and would arrive later.
 - ii. Juvenile Court Services Director John Johnson was present and ready to proceed.
 - iii. Appellant, Edward McKenzie, and his attorney, Regan Keebaugh were present and ready to proceed.
 - iv. Chairman Bartlett advised Mr. McKenzie that his case would proceed after a short break.
 - v. Chairman Bartlett also stated that one of the board members would need to leave today by 2:30 p.m., and if the case was not completed, it would be continued to the next meeting.
 - c. **Alan Smithwick (Police)** – Termination Appeal filed August 5, 2013. Attorney Grady Dukes' request for continuance was granted on August 14, 2015.
 - i. Chairman Bartlett asked if Grady Dukes was still with PBA. It was confirmed.
 - ii. Attorney Youngblood confirmed she would be representing the Police Department.
 - d. 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.
 - e. Chairman Bartlett called the meeting back to order.
9. **Appeal** – Considered appeal filed by **Edward McKenzie, Juvenile Court**, on July 1, 2013, regarding: Termination.
- a. Chairman Bartlett confirmed that Attorney Regan Keebaugh represented the appellant, Edward McKenzie and that Attorney Michelle Youngblood represented the County.

- b. Attorney Youngblood informed the Board that all of her witnesses were present except one (she was in court but would arrive later).
- c. Attorney Keebaugh confirmed that all of the Appellant's witnesses were present.
- d. Civil Service Board Attorney Joe Harris swore in all witnesses present.
- e. Neither side requested an order of sequestration.
- f. Chairman Bartlett explained the 90-minute time policy and its details.
- g. Attorney Youngblood advised the Board the County's witness had arrived.
- h. Mr. Harris swore in the witness.
- i. Attorney Keebaugh asked to have the names of the witnesses present. Attorney Youngblood stated they were Colin Slay and Kendra Stevens.
- j. Attorney Keebaugh requested an order of sequestration.
- k. Attorney Youngblood presented the County's opening statement. Attorney Keebaugh presented the Appellant's opening statement.
- l. Attorney Youngblood called Kendra Stevens to the witness stand. She stated her name, where employed, where employed in 2012-2013, tenure with Clayton County Juvenile Court and position held in 2012-2013. Attorney Youngblood began questioning Ms. Stevens. Ms. Stevens responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits 14 (p. 15), 15, 15 (p. 23), 9, 13, 8 (pgs. 39 and 40).
- m. Attorney Youngblood continued questioning Ms. Stevens. Ms. Stevens responded in detail to all questions posed by Attorney Youngblood.
- ~~n. Attorney Keebaugh began the cross-examination of Ms. Stevens. Ms. Stevens responded in detail to all questions posed by Attorney Keebaugh. Attorney Keebaugh mentioned County Exhibits 8 (p. 39) and 7 (p. 11).~~
- o. Attorney Keebaugh continued the cross-examination of Ms. Stevens. Ms. Stevens responded in detail to all questions posed by Attorney Keebaugh.
- p. The Board questioned Ms. Stevens. She responded in detail to all questions posed by the Board.
- q. There being no further questions, the witness was released (not subject to recall).

- r. Attorney Youngblood called Juvenile Court Chief of Staff Colin Slay to the witness stand. He stated his name, position, tenure, tenure at position and units in his oversight. Attorney Youngblood began questioning Mr. Slay. Mr. Slay responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits 8 (pgs. 34, 35, 36, 37 and 38), 14 (p. 14), 13, 12, 10 (pgs. 1, 2 and 3), 8 (first page), 5, 4, 19, and 16 (pgs. 84, 79, 77, 82 and 90).
- s. Attorney Youngblood continued questioning Mr. Slay. Mr. Slay responded in detail to all questions posed by Attorney Youngblood.
- t. Attorney Keebaugh began the cross-examination of Mr. Slay. Mr. Slay responded in detail to all questions posed by Attorney Keebaugh. Attorney Keebaugh mentioned County Exhibit 8 (first page, second page, pgs. 36, 34 and 35), 10 (first page and p. 48), 5 (second page), and 8 (p. 39).
- u. The Board did not have any questions for Mr. Slay.
- v. There being no further questions, the witness was dismissed (subject to recall).
- w. Chairman Bartlett called for a short break. Vice-Chair Lancaster made the motion, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.
- x. Chairman Bartlett called the meeting back to order.
- y. Mr. Trimble gave the following time check: County had used 46 minutes and Appellant had used 1 hour and 6 minutes.
- z. Attorney Youngblood called Director of Juvenile Court Services John Johnson to the witness stand. He stated his name, where employed, tenure and duties in detail. Attorney Youngblood began questioning Director Johnson. Director Johnson responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits 4 and 5.
- aa. Attorney Youngblood continued questioning Director Johnson. Director Johnson responded in detail to all questions posed by Attorney Youngblood. Attorney Keebaugh objected to the line of testimony regarding a picture that does not exist, as it was not included in County exhibits. Attorney Youngblood stated she was not admitting the picture. Chairman Bartlett stated he remembered testimony regarding the picture.
- bb. A lengthy discussion among the Board, Attorney Keebaugh, and Attorney Youngblood occurred.

- cc. Chairman Bartlett sustained the objection and stated information regarding the picture was to be stricken from the record.
- dd. Attorney Youngblood continued questioning Director Johnson. Director Johnson responded in detail to all questions posed by Attorney Youngblood. Attorney Keebaugh made the same objection again – this time regarding phone call records that were not produced in the County exhibits. Chairman Bartlett sustained the objection.
- ee. Attorney Youngblood continued questioning Director Johnson. Director Johnson responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits 8 (p. 39) and 6.
- ff. Attorney Youngblood continued questioning Director Johnson. Director Johnson responded in detail to all questions posed by Attorney Youngblood.
- gg. Attorney Keebaugh began the cross-examination of Director Johnson. Attorney Keebaugh mentioned County Exhibit 12.
- hh. Attorney Keebaugh continued the cross-examination of Director Johnson. Director Johnson responded in detail to all questions posed by Attorney Keebaugh.
- ii. Chairman Bartlett corrected his earlier comment and stated he read mention of the picture in Article 13.
- jj. The Board questioned Director Johnson. He responded in detail to all questions posed by the Board. Attorney Keebaugh objected to any testimony about Judge Teske as he was not present.
- kk. There being no further questions, the witness was released.
- ll. Attorney Youngblood rested the County's case subject to rebuttal witnesses and asked to tender the following County Exhibits: 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16 and 19. There were no objections from Attorney Keebaugh.
- mm. Attorney Keebaugh called Edward McKenzie to the witness stand. Attorney Keebaugh asked for a time check. Mr. Trimble advised he had 19 minutes left.
- nn. Attorney Keebaugh began questioning Mr. McKenzie. Mr. McKenzie responded in detail to all questions posed by Attorney Keebaugh. Attorney Keebaugh mentioned County Exhibit 8 (second page).
- oo. Attorney Keebaugh continued questioning Mr. McKenzie. Mr. McKenzie responded in detail to all questions posed by Attorney Keebaugh. Attorney Keebaugh mentioned County Exhibit 8 (p. 39).

- pp. Attorney Youngblood began the cross-examination of Mr. McKenzie. Mr. McKenzie responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit 18.
- qq. The Board questioned Mr. McKenzie. He responded in detail to all questions posed by the Board.
- rr. There being no further questions, the witness was released.
- ss. Attorney Keebaugh stated the Appellant did not have any other witnesses to present.
- tt. Chairman Bartlett noted that when the Board's time policy was instituted, any attorney could ask for additional time.
- uu. Attorney Youngblood objected to allowing any additional time to be given to Attorney Keebaugh for closing and explained in detail.
- vv. Attorney Keebaugh objected that due process could not be given as the policy came into effect *after* Mr. McKenzie filed his appeal.
- ww. Attorney Youngblood responded to Attorney Keebaugh's objection and mentioned County Exhibits 3 (fourth page) and 1. (It was determined that the policy's effective date was prior to Mr. McKenzie filing his appeal).
- xx. Chairman Bartlett over-ruled Attorney Keebaugh's objection regarding due process and explained in detail.
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- yy. A lengthy discussion among the Board and Mr. Harris occurred regarding allowing Attorney Keebaugh additional time.
- zz. Chairman Bartlett called for a motion allowing Attorney Keebaugh to have additional time for summation of defense. Dr. Jackson made the motion, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by a 4-1 vote (Mr. Trimble voting against).
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- aaa. Chairman Bartlett called for a 3-4 minute break. Dr. Jackson made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- bbb. Chairman Bartlett called the meeting back to order.
- ccc. Chairman Bartlett confirmed a five-minute extension was granted to Attorney Keebaugh and explained that time would be used if any rebuttal witnesses were questioned.

- ddd. Attorney Youngblood called John Johnson as a rebuttal witness. He responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit 10.
- eee. Attorney Keebaugh asked additional questions to John Johnson. He responded in detail to all questions posed by Attorney Keebaugh. Attorney Keebaugh mentioned County Exhibit 14.
- fff. The Board questioned John Johnson. He responded in detail to all questions posed by the Board.
- ggg. There being no further questions, the witness was released.
- hhh. Attorney Youngblood asked to tender the following County Exhibits: 1, 3 and 18. There were no objections from Attorney Keebaugh.
- iii. Attorney Youngblood reserved the right to present closing arguments last.
- jjj. Chairman Bartlett asked Human Resources Director Renee Bright to release the witnesses.
- kkk. Mr. Trimble advised Attorney Keebaugh he had 3:42 minutes left.
- lll. Attorney Keebaugh presented the Appellant's closing arguments.
- mmm. Attorney Youngblood presented the County's closing arguments. Attorney Keebaugh objected to the theme of Attorney Youngblood's closing that Mr. McKenzie never offered any explanations and explained in detail.
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- nnn. Chairman Bartlett advised Attorney Keebaugh that a closing is not sworn testimony.
- ooo. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the termination appeal filed by Edward McKenzie, Juvenile Court, on July 1, 2013. Dr. Jackson made the motion, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote.
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- ppp. Chairman Bartlett called the meeting back to order.
- qqq. Chairman Bartlett called for a motion regarding the termination appeal filed by Edward McKenzie, Juvenile Court, on July 1, 2013. Mr. Trimble made the motion that the department head's decision to terminate be upheld, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.
- rrr. Neither side had any questions for the Board.

- sss. Chairman Bartlett addressed Attorney Keebaugh and commended him on his presentation of the defense for the Appellant.
- 10. Discussion items.
 - a. Selected meeting date(s) for November 2015.
 - i. No motion was made to vote on a second meeting date.
- 11. Other business.
 - a. Revised – Fire Department Promotional Procedures.
 - i. HR Director Bright presented the revised version of the Promotional Procedures. The changes were on pages 7, 8 and 9 with the word “may” being changed to “shall” (in a total of six places).
 - ii. Chairman Bartlett called for a motion to accept the Fire Department Promotional Procedures as presented. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

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 Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.

Meeting adjourned.


LARRY A. BARTLETT
CHAIRMAN


RENEE BRIGHT
HUMAN RESOURCES DIRECTOR