

REGULAR CALLED CIVIL SERVICE BOARD MEETING

JANUARY 6, 2016

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, January 6, 2016, in the Commissioners' Board Room.

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

Member absent: Dr. Cephus Jackson, Member

Also present: Human Resources Director Renee Bright and staff; Civil Service Board Attorney Joe Harris; Police Department Legal Advisor Kenneth Green; Transportation and Development Director Jeff Metarko; Information Technology Assistant Director Jason Brookins; Judge Pamela Ferguson; District Attorney Tracy Lawson; Attorney Keith Martin; County Attorney Michelle Youngblood; Human Resources Officer Pamela Ambles; Human Resources Manager Tamara Duggans; Cyd Cox; Richard Fryza; Elizabeth Kite; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:06 a.m.

Chairman Bartlett called for a motion to adopt the agenda. Mr. Trimble made the motion to adopt the agenda with the following addition of Item 2A – election of Chair and Vice-Chair and Item 7B - additional requests for extension of probations by the Police Department, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a 4-0 vote.

For the record, Chairman Bartlett stated Board member, Dr. Cephus Jackson, was not present at today's meeting.

1. Elected Chair and Vice-Chair for the Civil Service Board.
 - a. Troyce Lancaster made the motion to elect Larry Bartlett as Chair, second by Mr. Trimble. No further discussion on the motion made. Motion carried by a 3-0 vote (Larry Bartlett abstained from voting).
 - b. J. Mark Trimble made the motion to elect Troyce Lancaster as Vice-Chair, second by Larry Bartlett. No further discussion on the motion made. Motion carried by a 3-0 vote (Troyce Lancaster abstained from voting).

2. Considered for approval the Civil Service Board Meeting Minutes held on December 2, 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 a 4-0 vote.
3. Considered for approval the Executive Session Minutes regarding the **Alan Smithwick, Police Department**, termination appeal heard on December 2, 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 a 4-0 vote.
4. Considered for approval the Civil Service Board's Decision regarding **Alan Smithwick, Police Department**, termination appeal.
 - 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 a 4-0 vote.
5. Considered request from Judge Pamela Ferguson to extend the probationary period of **Elizabeth Kite, Probate Court**, until August 1, 2016.
 - a. Judge Pamela Ferguson was present. Probate Director/Chief Clerk Keishia Floyd presented the request in detail.
 - b. The Board questioned Ms. Floyd. She responded.
 - c. Ms. Elizabeth Kite was in attendance.
 - d. Chairman Bartlett explained why a probationary extension would be requested and advised what would happen if the request was not granted.
 - e. A discussion between the Board, Ms. Floyd and Human Resources Director Renee Bright occurred.
 - f. Judge Ferguson addressed the Board regarding the new position and duties given to Ms. Kite in detail.
 - g. Ms. Kite addressed the Board in detail.
 - h. Chairman Bartlett advised the Board did not want to get into the specifics of the request but rather the guidelines set out by the Civil Service Board and explained in detail.

- i. A further discussion between the Board and Ms. Kite occurred.
 - j. Ms. Kite stated she was not in objection to the request regarding the need for further training.
 - k. Chairman Bartlett called for a motion to extend the probationary period until August 1, 2016. Mr. Trimble made the motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a 4-0 vote.
6. Considered request from Police Chief Michael Register to extend the provisional appointments of the following, for another 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. Ken Green presented the request in detail.
 - b. Chairman Bartlett asked Mr. Green if there was “any light at the end of the tunnel” regarding provisional appointments from the Police Department.
 - c. A discussion between the Board and Mr. Green occurred.
 - d. HR Director Bright informed the Board that there had been no movement regarding the Civil Service Board’s request for employees to receive credit for time served in a provisional appointment, but the county is trying to get promotions back on board within the Police Department.
 - e. No objection to hear all three at the same time.
 - f. Chairman Bartlett called for a motion regarding **Glen King and Anthony Thomas** (*provisionally appointed to Sergeant*) and **Jodi Turnipseed** (*provisionally appointed to Lieutenant*). Mr. Trimble made the motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a 4-0 vote.
7. Considered request from Chief of Police Michael Register to extend the probationary period of **Michelle Alston** for six months (until July 27, 2016).
- a. Mr. Green presented the request in detail.
 - b. A discussion between the Board and Mr. Green occurred.
 - c. Michelle Alston was not in attendance. Mr. Green advised he personally sent the email to Ms. Alston but could not say if she received it.

- d. 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 a 4-0 vote.
8. Considered request from Chief of Police Michael Register to extend the probationary period of **John Thomas** for six months (until June 4, 2016).
 - a. Mr. Green presented the request in detail.
 - b. A discussion between the Board and Mr. Green occurred regarding the Police Department not being able to evaluate the employee in five months of riding by himself and writing reports. Chairman Bartlett stated he would be okay with a one month extension but not six.
 - c. Mr. Green informed the Board that Officer Thomas had no performance issues and amended the request to extend for one month.
 - d. Mr. Thomas was not in attendance.
 - e. Chairman Bartlett called for a motion regarding the modified request made by Ken Green to extend the probationary period for one month. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by a 4-0 vote.
 9. Calendar Call.
 - a. **Cyd Cox (Information Technology)** – Appeal filed May 29, 2013, regarding: Termination.
 - i. Attorney Amil Johnson presented the County’s continuance request in detail and explained.
 - ii. Attorney Keith Martin advised he had no objections but that Ms. Cox would be medically unavailable for the February agenda.
 - iii. Chairman Bartlett called for a motion to continue the hearing until the March calendar. Mr. Trimble made the motion, second by Mr. Phillips-Hall. No further discussion on the motion made. Motion carried by a 4-0 vote.
 - b. **Charwyna Byrd (District Attorney/Child Support Enforcement)** – Grievance filed July 8, 2014, regarding: “General Counseling Form received on June 10, 2014, for insubordination and subsequent amendment received on June 16, 2014”.
 - i. District Attorney Tracy Lawson stated she was representing the department and that Ms. Byrd was present and representing herself.

- c. **Richard Fryza (Transportation and Development)** – Grievance filed November 7, 2014, regarding: “On Tina Smith – See attached sheet”.
 - i. Attorney Michelle Youngblood stated she was representing the department and ready to proceed.
 - ii. Richard Fryza was present and ready to proceed.
 - iii. Chairman Bartlett excused all parties until 10:30 a.m.
 - 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.
10. **Grievance** – Considered grievance filed by **Charwyna Byrd, District Attorney/Child Enforcement**, on July 8, 2014, regarding: “General Counseling Form received on June 10, 2014, for insubordination and subsequent amendment received on June 16, 2014”.
- a. Chairman Bartlett stated that a grievance had no binding authority on the District Attorney and this Board could only make a recommendation.
 - b. Charwyna Byrd presented her opening statement regarding her grievance filed.
 - c. District Attorney Tracy Lawson presented her opening statement and asked for Ms. Lesa Myers to speak afterwards.
 - d. Ms. Myers addressed the Board in detail and DA Lawson made a follow-up statement.
 - e. Chairman Bartlett asked Ms. Byrd if she wished to have all the documents removed from her personnel file and she responded in the affirmative.
 - f. Ms. Byrd made an additional statement and referenced her exhibit C-3.
 - g. The Board questioned Ms. Byrd, Ms. Myers and DA Lawson. All responded in detail to questions posed by the Board.
 - h. Chairman Bartlett addressed Ms. Byrd in detail and stated it basically was an “oversight” on her part, but management is bound by the Rules and there was not a rule for every situation.
 - i. Chairman Bartlett applauded DA Lawson for amending and taking away mention of “insubordination”.
 - j. Board member, Virginia Phillips-Hall, questioned as to if this matter was something that would permanently be in Ms. Byrd’s personnel file or reviewed at

a later time (a year or two). DA Lawson said there is no provision to remove anything once it was in a personnel file.

- k. A discussion between the Board, DA Lawson and Ms. Myers occurred.
 - l. Chairman Bartlett asked if County Exhibit C-2 referencing “insubordination” was removed from Ms. Byrd’s personnel file. DA Lawson and Ms. Myers responded that it had not and would not make sense to do so if the amendment was included alone.
 - m. Board member, Mr. Trimble, questioned Ms. Myers. She responded in detail to all questions posed.
 - n. A continued discussion between the Board and DA Lawson occurred.
 - o. Chairman Bartlett called for a motion for Ms. Byrd’s request to remove the counseling form from her file. Mr. Trimble made the motion that Ms. Byrd’s request be denied, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by 4-0 vote.
 - p. Chairman Bartlett clarified what the Board’s recommendation was: The form would remain in the file but the memorandum from Ms. Lawson would be attached as a permanent record showing that the amendment was made to that file. DA Lawson advised it was attached along with Ms. Byrd’s objection.
 - q. The Board thanked all parties.
11. **Grievance** – Considered grievance filed by **Richard Fryza, Transportation and Development**, on November 7, 2014, regarding: “On Tina Smith – See attached sheet”.
- a. Chairman Bartlett asked Richard Fryza to be seated in the podium area.
 - b. Attorney Michelle Youngblood confirmed she was representing the county and the department head was present as well.
 - c. Chairman Bartlett questioned Attorney Youngblood. She responded in detail to all questions posed by the Board.
 - d. Mr. Richard Fryza alleged lack of action by the department head.
 - e. Mr. Fryza outlined his grievance before the Board.
 - f. Chairman Bartlett confirmed that the Board could only make a recommendation.
 - g. Mr. Fryza stated he would like to return to a workplace free of harassment.
 - h. Mr. Fryza called Willie Griggs to testify.

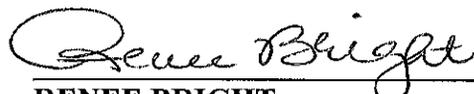
- i. Mr. Fryza stated his grievance was against Tina Smith and that he followed his chain of command from supervisors to superiors (up to Jeff Metarko) and explained in detail.
- j. The Board questioned Mr. Griggs. He responded in detail to all questions posed by the Board.
- k. Mr. Fryza called John Dumas to testify. He gave testimony.
- l. Mr. Fryza called Mr. Randolph to testify. He stated his name and position held in the County. Testified to not reading or copying the pages for Mr. Fryza and that it was Ms. Smith's private property.
- m. The Board questioned Mr. Randolph. He responded in detail to all questions posed by the Board.
- n. Mr. Fryza called Derek Bogan to testify. He stated his name and position held in the County. Testified that Mr. Fryza showed him the pages from the notebook (not the actual notebook). He did not remember seeing the email sent from T. Smith.
- o. The Board questioned Mr. Bogan. He responded in detail to all questions posed by the Board.
- p. Attorney Youngblood presented the County's case.
- q. The Board questioned Attorney Youngblood. She responded on behalf of the County.
- r. The Board questioned Director Jeffrey Metarko. Attorney Youngblood stated she would ask Mr. Metarko not to respond to the question, since a lawsuit may be pending, as the allegations were investigated and the results were confidential.
- s. The Board asked additional questions. Attorney Youngblood responded to these questions.
- t. The Board asked a question of Mr. Fryza. He responded to the question.
- u. The Board continued questioning the County. Attorney Youngblood did not respond to the questions regarding once an employee filed an EEOC claim – does it place that employee within a "cocoon".
- v. Chairman Bartlett stated he would like to adjourn into Executive Session to render a recommendation. All members agreed.
- w. Mr. Fryza gave his closing statement.
- x. Attorney Youngblood did not present a closing statement.

- y. Chairman Bartlett stated all witnesses could be excused and explained to Mr. Fryza the Board could only render a recommendation to the department head.
 - z. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the grievance filed by Richard Fryza, Transportation and Development. Mr. Trimble made the motion, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by 4-0 vote.
 - aa. Chairman Bartlett called the meeting back to order.
 - bb. Chairman Bartlett called for the recommendation regarding the grievance filed by Richard Fryza, Transportation and Development on November 7, 2014, regarding: "On Tina Smith – See attached sheet". Mr. Trimble made the motion that Mr. Fryza's grievance has merit and that the department take appropriate action to address his grievance and also recommend that all supervisors in T&D be assigned to take training from Human Resources on how to deal with situations like this, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by 4-0 vote.
 - cc. Chairman Bartlett advised the recommendation was made and it was up to Mr. Metarko and how he addresses it.
 - dd. The Board wished good luck to Mr. Metarko and to his employees.
12. Discussion item.
- a. Selected meeting date for March 2016.
 - i. The first Wednesday in March is March 2, 2016.
 - ii. Mr. Trimble made a motion for no additional days in March, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by 4-0 vote.
 - iii. Chairman Bartlett confirmed the Board would meet at 9:00 a.m., on March 2, 2016.
13. Other business.
- a. 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