

CIVIL SERVICE BOARD MEETING

MAY 4, 2016

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, May 4, 2016, in the Commissioners' Board Room.

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

Also present: Interim Human Resources Director Detrick Stanford; Human Resources Officer Pamela Ambles; Civil Service Board Attorney Joe Harris; County Attorney Michelle Youngblood; Police Department Legal Advisor Kenneth Green; Attorney Thomas Florio; Assistant Fire Chief Tim Sweat; Assistant Deputy Chief Shawn Southerland, Sheriff's Office; Warden Dennis Nelson, Corrections; Deputy Warden Randal Holsey, Corrections; Lieutenant Sean MacDonald, Corrections; Major Ray Amey, Corrections; Captain Robert Boyd, Corrections; Captain Michael O'Shields, Police; Andreon Smith; Brenda Thomas; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:05 a.m., and noted for the record that all Board members were present. Chairman Bartlett called for a motion to adopt the May 4th agenda. Mr. Trimble made a motion to adopt the agenda, 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 Meeting minutes that was held on April 6, 2016.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

2. Considered for approval the Civil Service Board's Special Called Meeting minutes held on April 14, 2016.
 - a. Chairman Bartlett called for a motion. Dr. Jackson made a motion to approve, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.

3. Considered for approval the Civil Service Board's Executive Session minutes regarding administrative matters.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
4. Considered for approval the Civil Service Board's Executive Session minutes regarding interviews for Human Resources Director position held on April 14, 2016.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
5. Considered request to allow Lisa Gillians, Tax Commissioner, to use sick leave for the care of her father.
 - a. Chairman Bartlett called for a motion. Dr. Jackson made a motion to approve, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
6. Considered request to allow Eric Wilkerson, Fire/E.M.S., to release hours from sick leave reserve.
 - a. Eric Wilkerson was not in attendance.
 - b. Chairman Bartlett called for a motion. Vice-Chair Lancaster made a motion to approve, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.
 - c. Assistant Fire Chief Tim Sweat thanked the Board.
7. Considered request from Chief of Police Michael Register to extend the probationary period of Jeremy E. Caldwell for an additional six months (until November 25, 2016).
 - a. Police Legal Advisor Kenneth Green spoke on behalf of the Police Department.
 - b. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
8. Considered request from Chief of Police Michael Register to extend the probationary period of Carlos Ceron for an additional six months (until November 25, 2016).
 - a. Police Legal Advisor Kenneth Green spoke on behalf of the Police Department.

- b. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote.
9. Calendar call.
- a. **Brenda Lee Thomas, Sheriff's Office** – Grievance filed on June 3, 2015, regarding: “Improper promotion within the department”.
 1. The County was ready to proceed.
 2. Ms. Thomas requested a continuance due to a conflict in scheduling with her Attorney Kimberly Bandoh. Her attorney was called for trial in Gwinnett County.
 3. Chairman Bartlett asked if there were any objections. The County did not have any objections.
 4. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
 - b. **Andreon Smith, Corrections Department** – Appeal filed August 22, 2013, regarding: “I am appealing my termination from employment”.
 1. The County was ready to proceed.
 2. The Appellant and his attorney, Thomas Florio, were ready to proceed.
 - c. **Zachary Nance, Corrections Department** – Appeal filed September 6, 2013, regarding: “Suspended me without pay for 1 day; refusing my document from the doctor, being written up before asking me what happen or investigation, forcing me to sign the Disciplinary Action Form”.
 1. Zachary Nance was not in attendance.
 2. The County moved for a dismissal.
 3. Chairman Bartlett called for a motion. Dr. Jackson made a motion to approve the dismissal, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
 - d. **Paul E. Binns III, Fleet Maintenance** – Appeal filed September 19, 2013, regarding: “Termination of employment on September 4, 2013”. Employee withdrew appeal on April 25, 2016.
 1. Chairman Bartlett acknowledged that the employee withdrew the appeal on April 25, 2016.

10. **Appeal** – Considered appeal filed by Andreon Smith (Corrections Department) on August 22, 2013 regarding: “I am appealing my termination from employment”.
- a. County Attorney Michelle Youngblood and Appellant Attorney Thomas Florio stated that their witnesses were present.
 - b. Civil Service Board Attorney Joe Harris swore in all witnesses.
 - c. Attorney Florio made a request for sequestration. The request was approved and all witnesses were excused from the board room.
 - d. Chairman Bartlett reviewed the time limits for Attorney Florio.
 - e. Attorney Youngblood presented the County’s opening statement.
 - f. Attorney Florio presented the Appellant’s opening statement.
 - g. Attorney Youngblood called Captain Robert Boyd to the witness stand. Attorney Youngblood began to question Captain Boyd. Captain Boyd responded to all questions posed. Attorney Florio objected to a question posed, as to “hearsay”. Chairman Bartlett sustained the objection.
 - h. Attorney Youngblood continued to question Captain Boyd. Captain Boyd responded to all questions posed by Attorney Youngblood. Attorney Florio objected to a question posed, as to “hearsay”. Chairman Bartlett denied the objection.
 - i. Attorney Youngblood continued to question Captain Boyd. Captain Boyd responded to all questions posed by Attorney Youngblood. Attorney Florio objected to a question posed, as to “relevance”. Chairman Bartlett overruled the objection.
 - j. Attorney Youngblood continued to question Captain Boyd. Captain Boyd responded to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C-6.
 - k. Attorney Youngblood continued to question Captain Boyd. Captain Boyd responded to all questions posed by Attorney Youngblood. Attorney Florio objected to a question posed, as to “relevance”. Chairman Bartlett polled the Board regarding the objection. Chairman Bartlett overruled the objection.
 - l. Attorney Youngblood continued to question Captain Boyd. Captain Boyd responded to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned the following County Exhibits: C-6 (pages 1, 3 and 4), C-5 (page 4), C-21 and C-12. Attorney Florio objected to questions posed, as to “hearsay” and “relevance”. Chairman Bartlett overruled the objection.

- m. Attorney Youngblood continued to question Captain Boyd. Captain Boyd responded to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned the following County Exhibits: C-13 and C-11.
- n. Attorney Florio cross-examined Captain Boyd. Captain Boyd responded to all questions posed by Attorney Florio.
- o. A discussion between Attorney Florio and Attorney Youngblood occurred after Attorney Florio posed a question regarding the rules for taking lunch while supervising inmates. Chairman Bartlett allowed Captain Boyd to answer the question.
- p. Attorney Florio continued the cross-examination of Captain Boyd. Captain Boyd responded to all questions posed by Attorney Florio. Attorney Youngblood objected to a question posed by Attorney Florio, as it was "a compound question". Attorney Florio rescinded the question.
- q. The Board questioned Captain Boyd. He responded to all questions posed. Attorney Florio objected to a question posed by Vice-Chair Lancaster based on "hearsay". Chairman Bartlett sustained the objection.
- r. The Board continued to question Captain Boyd. He responded to all questions posed.
- s. There being no further questions, the witness was returned to sequestration, as Attorney Youngblood retained Captain Boyd as a rebuttal witness.
- t. Mr. Trimble made a motion for a short break, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- u. Chairman Bartlett called the meeting back to order.
- v. Attorney Youngblood called Lieutenant Sean MacDonald to the witness stand. Attorney Youngblood began to question Lt. MacDonald but was stopped by an objection from Attorney Florio based on "hearsay". Chairman Bartlett sustained the objection.
- w. Attorney Youngblood continued to question Lt. MacDonald. Lt. MacDonald answered all questions posed by Attorney Youngblood. Attorney Youngblood mentioned the following County Exhibits: C-5 (pages 1 and 6), C-12 (pages 1 and 2), and C-13.
- x. Attorney Florio cross-examined Lt. MacDonald. Lt. MacDonald responded to all questions posed by Attorney Florio.
- y. The Board questioned Lt. MacDonald. Lt. MacDonald responded to all questions posed. Attorney Florio objected to a question posed by the Board. Chairman

Bartlett briefly addressed the objection and allowed Lt. MacDonald to answer the question.

- z. There being no further questions, the witness was returned to sequestration, as Attorney Youngblood retained Lt. MacDonald as a rebuttal witness.
- aa. Attorney Youngblood called Deputy Warden Randal Holsey to the witness stand. Attorney Youngblood began to question Deputy Warden Holsey. Deputy Warden Holsey responded to all questions posed by Attorney Youngblood. Attorney Florio objected to a question posed based on "hearsay". Chairman Bartlett sustained the objection.
- bb. A discussion between Attorney Youngblood and Chairman Bartlett occurred regarding the objection. After the discussion, Chairman Bartlett allowed the question to be posed.
- cc. Attorney Youngblood continued to question Deputy Warden Holsey. Deputy Warden Holsey responded to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits C-21 and C-22. Attorney Florio objected to a question posed as to "hearsay". Chairman Bartlett overruled the objection.
- dd. Attorney Youngblood continued to question Deputy Warden Holsey. Deputy Warden Holsey responded to all questions posed by Attorney Youngblood. Attorney Florio objected to a question posed. Chairman Bartlett sustained the objection.
- ee. Attorney Youngblood continued to question Deputy Warden Holsey. Deputy Warden Holsey responded to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C-2 (page 3). Attorney Florio objected to a question posed as to "hearsay". Chairman Bartlett sustained the objection.
- ff. Attorney Florio cross-examined Deputy Warden Holsey. Deputy Warden Holsey responded to all questions posed by Attorney Florio. Attorney Youngblood objected to a question posed based on "relevancy". Chairman Bartlett overruled the objection.
- gg. Attorney Florio continued the cross-examination of Deputy Warden Holsey. Deputy Warden Holsey responded to all questions posed.
- hh. The Board questioned Deputy Warden Holsey. He responded to all questions posed.
- ii. There being no further questions, the witness was returned to sequestration, as Attorney Youngblood retained Deputy Warden Holsey as a rebuttal witness.

- jj. Chairman Bartlett called for a lunch break. Mr. Trimble made a motion to approve, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- kk. Chairman Bartlett called the meeting back to order.
- ll. Attorney Youngblood called Major Ray Amey to the witness stand. Attorney Youngblood began to question Major Amey. Major Amey responded to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C-5.
- mm. Attorney Youngblood continued to question Major Amey. Major Amey responded to all questions posed by Attorney Youngblood.
- nn. Attorney Florio cross-examined Major Amey. Major Amey responded to all questions posed by Attorney Florio.
- oo. The Board did not have any questions for Major Amey.
- pp. There being no further questions, the witness was returned to sequestration, as Attorney Youngblood retained Major Amey as a rebuttal witness.
- qq. Attorney Youngblood called Warden Dennis Nelson to the witness stand. Attorney Youngblood began to question Warden Nelson. Warden Nelson responded to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned the following County Exhibits: C-5, C-6, C-11–C-13, and C-15.
- rr. Attorney Youngblood continued to question Warden Nelson. Attorney Florio objected to a question posed by Attorney Youngblood based on “relevancy”.
- ss. A discussion between Attorney Florio and Attorney Youngblood occurred. Chairman Bartlett overruled the objection.
- tt. Attorney Youngblood continued to question Warden Nelson. Warden Nelson responded to all questions posed by Attorney Youngblood.
- uu. Attorney Florio cross-examined Warden Nelson. Warden Nelson responded to all questions posed by Attorney Florio.
- vv. The Board questioned Warden Nelson. He responded to all questions posed.
- ww. Attorney Florio posed additional questions to Warden Nelson. Warden Nelson responded to all questions.
- xx. Attorney Youngblood posed additional questions to Warden Nelson. Warden Nelson responded to all questions.

- yy. Attorney Youngblood asked to tender the following County Exhibits: C-5, C-6, C-10-C-13, C-15, C-21, and C-22.
- zz. Attorney Florio objected to County Exhibit C-6 due to "relevancy". Chairman Bartlett overruled the objection.
- aaa. Attorney Florio objected to County Exhibit C-21. The Board was polled regarding this exhibit.
- bbb. Chairman Bartlett made a motion to not allow County Exhibit C-21 to be tendered, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.
- ccc. Attorney Youngblood called Captain Michael O'Shields to the witness stand. Attorney Youngblood began to question Captain O'Shields. Capt. O'Shields responded to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit C-21.
- ddd. Attorney Florio cross-examined Captain O'Shields. Capt. O'Shields responded to all questions posed by Attorney Florio.
- eee. The Board questioned Captain O'Shields. He responded to all questions posed.
- fff. There being no further questions, Attorney Youngblood stated the witness could be released.
- ggg. Attorney Florio objected to the release of Capt. O'Shields. Chairman Bartlett returned Captain O'Shields to sequestration.
- hhh. Attorney Youngblood asked once more to tender County Exhibit C-21. Attorney Florio objected again.
- iii. Chairman Bartlett made a motion to overrule the objection, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.
- jjj. Attorney Youngblood stated that there were no more witnesses for the County.
- kkk. Attorney Florio called Andreon Smith to the witness stand. Attorney Florio began to question Mr. Smith. Mr. Smith responded to all questions posed by Attorney Florio. Attorney Youngblood objected to a portion of Mr. Smith's testimony due to "hearsay". Chairman Bartlett sustained the objection.
- lll. Attorney Florio continued to question Mr. Smith. Mr. Smith responded to all questions posed by Attorney Florio. Attorney Florio mentioned Appellant Exhibit A-3. Attorney Youngblood objected to a question posed about a Department of Labor hearing. The objection was discussed and sustained.

- mmm. Attorney Florio continued to question Mr. Smith. Mr. Smith responded to all questions posed by Attorney Florio. Attorney Youngblood objected to a question posed based on "relevancy". Chairman Bartlett overruled the objection.
- nnn. Attorney Florio continued to question Mr. Smith. Mr. Smith responded to all questions posed by Attorney Florio. Attorney Florio mentioned Appellant Exhibit A-1. Attorney Youngblood objected to a question posed by Attorney Florio.
- ooo. Chairman Bartlett polled the Board regarding the objection.
- ppp. Chairman Bartlett made a motion to overrule the objection, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- qqq. Attorney Florio continued to question Mr. Smith. Mr. Smith responded to all questions posed by Attorney Florio.
- rrr. Attorney Youngblood cross-examined Mr. Smith. Mr. Smith responded to all questions posed by Attorney Youngblood.
- sss. The Board questioned Mr. Smith. He responded to all questions posed. Attorney Florio objected to a question posed by the Board based on "relevancy". Chairman Bartlett overruled the objection.
- ttt. The Board continued to question Mr. Smith. He responded to all questions posed.
- uuu. Mr. Trimble made a motion to take a short break, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- vvv. Chairman Bartlett called the meeting back to order.
- www. Attorney Florio asked to tender Appellant Exhibits A-1, A-2 and -A3. Attorney Youngblood objected to Appellant Exhibits A-1 and A-2 being tendered.
- xxx. Chairman Bartlett polled the Board and made a motion to overrule the objection, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.
- yyy. Attorney Youngblood objected to Appellant Exhibit A3 being tendered.
- zzz. Chairman Bartlett made a motion to overrule the objection, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote.
- aaaa. Attorney Florio rested on behalf of the Appellant.

- bbbb. Attorney Youngblood called Lt. MacDonald back to the witness stand. Attorney Youngblood questioned Lt. MacDonald. Lt. MacDonald responded to all questions posed by Attorney Youngblood.
- cccc. Attorney Florio questioned Lt. MacDonald. Lt. MacDonald responded to all questions posed by Attorney Florio.
- dddd. The Board questioned Lt. MacDonald. He responded to all questions posed.
- eeee. Attorney Youngblood called Captain Boyd back to the witness stand. Attorney Youngblood questioned Captain Boyd. Capt. Boyd responded to all questions posed by Attorney Youngblood.
- ffff. Attorney Florio questioned Captain Boyd. Captain Boyd responded to all questions posed by Attorney Florio.
- gggg. The Board questioned Captain Boyd. He responded to all questions posed.
- hhhh. Attorney Youngblood stated witnesses could be released. There were no objections.
- iiii. Attorney Youngblood rested on behalf of the County.
- jjjj. Chairman Bartlett made a motion to take a short break, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- kkkk. Chairman Bartlett called the meeting back to order.
- llll. Attorney Florio gave the Appellant's closing arguments.
- mmmm. Attorney Youngblood gave the County's closing arguments.
- nnnn. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the appeal filed by Andreon Smith. Mr. Trimble made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- oooo. Chairman Bartlett called the meeting back to order.
- pppp. Dr. Jackson made a motion to overrule the termination of Andreon Smith, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by a 4-1 vote (with Mr. Trimble voting nay).
- qqqq. Chairman Bartlett explained the decision to the Appellant and the County.

11. Discussion items.

- a. Vice-Chair Lancaster made a motion to hold the next Regular Civil Service Meeting on June 8th, second by Ms. Phillips-Hall. There was a brief discussion. Motion carried by unanimous vote.
- b. The Board acknowledged Frances White (Magistrate Court) appeal would be heard.

12. Other business.

- a. Mr. Trimble made a motion to adjourn into Executive Session to discuss a personnel issue, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- b. Chairman called the meeting back to order.

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.

Meeting adjourned.



LARRY BARTLETT
CHAIRMAN



DETRICK STANFORD
INTERIM HUMAN RESOURCES DIRECTOR