

## ***CIVIL SERVICE BOARD MEETING***

***SEPTEMBER 7, 2016***

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, September 7, 2016, in the Commissioners' Board Room.

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

Member absent:        J. Mark Trimble, Member

Also present:         Human Resources Officer Pamela Ambles and staff; Civil Service Board Attorney Joe Harris; Police Department Legal Advisor Kenneth Green; Fire Department Deputy Chief Gerald Fordham; Transportation & Development Director Jeffrey Metarko; Transportation & Development Assistant Director Keith Rohling; Sheriff's Office Assistant Chief Deputy Shawn Southerland; County Senior Staff Attorney Shalanda Miller; County Attorney Michelle Youngblood; Attorney Keith Martin; Lethris Murray; Frances White; Andrew White; various employees from County departments; and other individuals.

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

As a matter of record: Chairman Bartlett stated Board member, J. Mark Trimble was not in attendance at today's meeting.

Chairman Bartlett called for a motion to adopt the September 7<sup>th</sup> agenda. Vice-Chair Lancaster made a motion to adopt the agenda, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

1.     Considered for approval the Civil Service Board Meeting minutes that was held on August 3, 2016.
  - a.     Chairman Bartlett called for a motion. Dr. Jackson made the motion to approve to the minutes, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

2. Considered request from Fire Chief Landry Merkison to extend the probationary period of the following employees for an additional six (6) months: **(1) Janelle Andrews, (2) Timothy Bennett, Jr., (3) Devetress Freeman, (4) Charles Gordon, (5) Tamara Hindes, (6) David Lee III, (7) Brian Patterson, (8) Christopher Sellers, (9) Randy Smith Jr., and (10) Vincent Smith.**

- a. Chairman Bartlett stated the Board received written documentation from Fire Chief Landry Merkison regarding the request and that Deputy Chief Gerald Fordham was present on the Chief's behalf.
- b. Chairman Bartlett advised the following employees should be removed from the request: Devetress Freeman, Tamara Hindes, Brian Patterson, Randy Smith Jr., and Vincent Smith.
- c. Deputy Chief Fordham confirmed the employees removed from the request had passed their EMT Advanced Test and attained their EMT Certification.
- d. The Board confirmed that the request was for a six-month extension.
- e. Deputy Chief Fordham replied in the affirmative and stated each employee would be given up to six times to take the test.
- f. Chairman Bartlett asked if the employees would come off probation as a group.
- g. Deputy Chief Fordham replied it would be done individually, as they pass.
- h. The Board did not have any further questions.
- i. Chairman Bartlett called for a motion. Dr. Jackson made the motion for approval of the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

3. Calendar Call.

- a. **Frances White (Magistrate Court)** – Appeal filed October 21, 2013, regarding: "Termination due to job performance". Appellant Attorney Keith Martin submitted a court conflict for the morning of September 7, 2016.
  - i. Chairman Bartlett confirmed that Attorney Keith Martin had a morning conflict and would be present at noon.
  - ii. County Attorney Michelle Youngblood advised the Board she sent an email to parties regarding Judge Tammi Hayward's unavailability due to Attorney Martin's conflict and explained in detail.
  - iii. Chairman Bartlett advised once the Board got to this appeal, it would listen to the County's conflict and move forward.

- iv. Chairman Bartlett advised County Attorney Youngblood to be prepared to discuss her conflict with the Board, as the appeal would be continued until later this afternoon.
  
- b. **Andrew White (Sheriff's Office)** – Appeal filed January 10, 2014, regarding: “My termination due to untruthfulness and neglect to duty”. Appellant Attorney Keith Martin submitted a court conflict for the morning of September 7, 2016.
  - i. County Attorney Youngblood was present and ready to proceed and stated she was ready to proceed with this case if the *Frances White* matter was not heard.
  
- c. **Lethris Murray (Transportation & Development)** – Appeal filed May 15, 2014, regarding: “The action that is being appealed is suspension”.
  - i. Ms. Lethris Murray was present and ready to proceed.
  - ii. County Attorney Youngblood and Transportation & Development Director Jeffrey Metarko were present and ready to proceed.
  - iii. Chairman Bartlett stated this appeal would be the first case heard this morning.
  
- d. **James Dandridge (Police Department)** – Appeal filed July 10, 2014, regarding: “I am appealing a Demotion from Sergeant to Officer”. Employee withdrew appeal on August 8, 2016.
  - i. The Board confirmed Mr. Dandridge withdrew his appeal on August 8, 2016 and stated it would be removed from the agenda.
  
- e. **Hillton Scott (Transportation & Development)** – Appeal filed January 16, 2015, regarding: “1 day suspension on January 15<sup>th</sup> 2015”.
  - i. County Attorney Youngblood and T&D Director Metarko were present and ready to proceed.
  - ii. Chairman called for Hillton Scott.
  - iii. Mr. Hillton Scott was not in attendance when his appeal was called.
  - iv. Chairman Bartlett asked Director Metarko if he had spoken with Mr. Scott.
  - v. Director Metarko advised the Board he had no communication with Mr. Scott and that he was no longer employed with the County.
  - vi. Chairman Bartlett asked Human Resources (Ms. Jeffers) was Mr. Scott notified. Ms. Jeffers replied and confirmed the hearing notification letter was sent to Mr. Scott via Regular U.S. Mail, Certified Mail and that no mail was returned.
  - vii. County Attorney Youngblood made a motion to move for dismissal.
  - viii. Chairman Bartlett called for a motion regarding the County’s motion for dismissal. Vice-Chair Lancaster made the motion to approve the County’s dismissal, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

- j. Chairman Bartlett stated the Board's attorney, Joe Harris, was not present due to an accident on the interstate and that it would give him some time to arrive.
  - k. County Attorney Youngblood asked the Board if Sheriff's Office Assistant Chief Deputy Shawn Southerland could be released, as he was present for the *Andrew White* appeal hearing.
  - l. Chairman Bartlett called for a short break. Dr. Jackson made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
  - m. Chairman Bartlett called the meeting back to order.
4. (*Appeal*) – Lethris Murray (Transportation & Development) filed May 15, 2014, regarding: "The action that is being appealed is suspension".
- a. As a matter of record: Chairman Bartlett advised County Staff Attorney Shalanda Miller was on her way downstairs to swear-in the witnesses.
  - b. Chairman Bartlett advised the Board's attorney was still stuck in traffic but the hearing would start and have Ms. Miller swear-in the witnesses.
  - c. There were no objections from the Appellant or County.
  - d. Chairman Bartlett asked all witnesses to stand and raise their right hand. Ms. Murray did not stand, as she did not intend on testifying.
  - e. Ms. Miller swore-in all witnesses.
  - f. Chairman Bartlett explained sequestration for Ms. Murray's benefit. Ms. Murray asked for an order of sequestration. The County did not have any objections.
  - g. As a matter of record: Chairman Bartlett advised Human Resources Officer Pamela Ambles represented Human Resources today.
  - h. Chairman Bartlett explained the hearing guidelines in detail to Ms. Murray.
  - i. Attorney Youngblood gave the County's opening statement. Ms. Murray gave her opening statement.
  - j. Attorney Youngblood called Lisa McCoy to the witness stand. She stated her name, position and tenure. Attorney Youngblood began questioning Ms. McCoy. Ms. McCoy responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19.

- k. Ms. Murray cross-examined Ms. McCoy. Ms. McCoy responded in detail to all questions posed by Ms. Murray. Ms. Murray mentioned County Exhibit 7.
- l. The Board questioned Ms. McCoy. She responded in detail to all questions posed by the Board.
- m. Attorney Youngblood stated she wanted to ask a follow-up question.
- n. Chairman Bartlett explained to Ms. Murray, if the Board allowed the follow-up question, she would be allowed to ask additional questions as well.
- o. Ms. Murray did not have any objections.
- p. Attorney Youngblood asked a follow-up question to Ms. McCoy. She responded in detail to the question posed by Attorney Youngblood.
- q. Ms. Murray asked follow-up questions to Ms. McCoy. She responded in detail to all questions posed by Ms. Murray.
- r. The Board asked additional questions to Ms. McCoy. She responded in detail to all questions posed by the Board.
- s. There being no further questions at this time, Attorney Youngblood advised Ms. McCoy should be held as a rebuttal witness.
- t. Chairman Bartlett returned Ms. McCoy to sequestration.
- u. Attorney Youngblood called Bill Andrews to the witness stand. He stated his name, title, department and tenure. Attorney Youngblood began questioning Mr. Andrews. Mr. Andrews responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit 7.
- v. Ms. Murray cross-examined Mr. Andrews. Mr. Andrews responded in detail to all questions posed by Ms. Murray.
- w. The Board questioned Mr. Andrews. He responded in detail to all questions posed by the Board. The Board mentioned County Exhibits 7 and 25.
- x. There being no further questions at this time, Attorney Youngblood advised Mr. Andrews should be held as a rebuttal witness.
- y. Chairman Bartlett returned Mr. Andrews to sequestration.
- z. Time Check: Ms. Murray used 5:28 minutes and Attorney Youngblood used 7:20 minutes.

- aa. Attorney Youngblood called Jared Moss to the witness stand. He stated his name, title, department and tenure. Attorney Youngblood began questioning Mr. Moss. Mr. Moss responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibit 7.
- bb. Ms. Murray cross-examined Mr. Moss. Mr. Moss responded in detail to all questions posed by Ms. Murray.
- cc. The Board questioned Mr. Moss. He responded in detail to all questions posed by the Board. The Board mentioned County Exhibit 7.
- dd. There being no further questions at this time, Attorney Youngblood advised Mr. Moss should be held as a rebuttal witness.
- ee. Chairman Bartlett returned Mr. Moss to sequestration.
- ff. Attorney Youngblood called Director Jeffrey Metarko to the witness stand. He stated his name, title, tenure and department. Attorney Youngblood began questioning Director Metarko. Director Metarko responded in detail to all questions posed by Attorney Youngblood. Attorney Youngblood mentioned County Exhibits 4, 5, 6 (next to last page), 7, 14, and 19.
- gg. Ms. Murray cross-examined Director Metarko. Director Metarko responded in detail to all questions posed by Ms. Murray.
- hh. The Board questioned Director Metarko. He responded in detail to all questions posed by the Board.
- ii. There being no further questions, the witness was dismissed from the witness stand.
- jj. Attorney Youngblood stated that was all the witnesses for the County, subject to the rebuttal witnesses.
- kk. Ms. Murray advised that since she was able to cross-examine Lisa McCoy, she would not call her as a witness.
- ll. Ms. Murray called Assistant Director Keith Rohling to the witness stand. He stated his name, title and department. Ms. Murray began questioning Asst. Director Rohling. Asst. Director Rohling responded in detail to all questions posed by Ms. Murray.
- mm. Attorney Youngblood cross-examined Asst. Director Rohling. Asst. Director Rohling responded in detail to all questions posed by Attorney Youngblood.
- nn. The Board questioned Asst. Director Rohling. He responded in detail to all questions posed by the Board. The Board mentioned County Exhibit 7.

- oo. There being no further questions at this time, Attorney Youngblood advised Asst. Director Rohling should be held as a rebuttal witness.
- pp. Chairman Bartlett returned Asst. Director Rohling to sequestration
- qq. Chairman Bartlett called for a short break. Dr. Jackson made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- rr. Chairman Bartlett called the meeting back to order.
- ss. Attorney Youngblood did not have any rebuttal witnesses to call but asked to tender the following County Exhibits: 4, 5, 6 (first two pages), 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19.
- tt. Chairman Bartlett asked to add County Exhibit 25 since the Board mentioned during its questionings. Attorney Youngblood did not intend to tender as part of her case.
- uu. Ms. Murray asked the Board to explain what "tender" meant.
- vv. Chairman Bartlett explained in detail and stated the Board may add County Exhibit 25.
- ww. Chairman Bartlett asked that County Exhibit 25 be added. There were no objections from the Appellant or the County.
- xx. Ms. Murray asked to tender Appellant Exhibits A-1 and A-2. Attorney Youngblood objected to both as there was no evidence or mention during any sworn testimony.
- yy. Chairman Bartlett explained to Ms. Murray what this objection meant in detail.
- zz. Vice-Chair Lancaster made the motion not to allow the Appellant to tender exhibits A-1 and A-2, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- aaa. County reserved right to present closing arguments last.
- bbb. Time Check: Ms. Murray 14:28 minutes used and Attorney Youngblood 19:28 minutes used.
- ccc. Chairman Bartlett explained to Ms. Murray that her opening statement and closing arguments were not considered evidence to be used during deliberations.

- ddd. Ms. Murray began presenting her closing arguments. Attorney Youngblood interjected and objected as there was no testimony provided regarding her statements. Chairman Bartlett over-ruled the objection and stated the Board would not use anything in closing as it was not provided during sworn testimony.
- eee. Ms. Murray continued with her closing arguments. Attorney Youngblood interjected and objected as statements were not referred to in any evidence. Chairman Bartlett over-ruled the objection.
- fff. Ms. Murray continued with her closing arguments.
- ggg. Attorney Youngblood stated she objected to the entire argument, as there was no testimony or evidence presented in the case.
- hhh. Chairman Bartlett responded that the closing would not be considered during deliberation, but that the employee had the right to have her say and be heard.
- iii. Chairman Bartlett over-ruled the objection and stated the Board would not use in this matter.
- jjj. Attorney Youngblood presented the County's closing arguments.
- kkk. Ms. Murray addressed the Board about the inaccuracy of Attorney Youngblood's closing arguments.
- lll. Chairman Bartlett stated the County's closing would be taken in the same context as her closing and explained in detail.
- mmm. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss Lethris Murray (T&D) one-day suspension filed May 15, 2014. Dr. Jackson made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- nnn. Chairman Bartlett called the meeting back to order.
- ooo. Chairman Bartlett called for a motion regarding the Lethris Murray (T&D) one-day suspension appeal filed May 15, 2014. Dr. Jackson made the motion to uphold the County's decision, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
- ppp. Chairman Bartlett addressed Ms. Murray and wished her best of luck.

5. **Frances White (Magistrate Court) and Andrew White (Sheriff's Office) -**

- a. A discussion among the Board, Attorneys Harris, Martin, and Youngblood occurred regarding conflicts and possible meeting dates to hear both appeals.

- b. Attorney Youngblood stated her conflict was created by Attorney Martin's conflict in the *Frances White* appeal.
  - c. Chairman Bartlett advised the continuance due to Attorney Youngblood's witness being unavailable would not be charged to either party and called for a motion. Vice-Chair Lancaster made the motion not to hold the case's continuance on either side, second by Dr. Jackson. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
  - d. A further discussion occurred regarding possible solutions.
  - e. The Board would be willing to set a Special Called Meeting date for *Andrew White* and schedule *Frances White's* appeal for October 5, 2016.
  - f. The Board would like to look at holding meetings the last Wednesday of the month and asked HR Officer Ambles to send a request to the Board of Commissioners regarding same for the Civil Service Board to be more productive. All members were in agreement.
  - g. The Board apologized to Frances White for having traveled from out of state and not having her appeal heard today.
  - h. Chairman Bartlett called for a motion regarding Frances White appeal. Dr. Jackson made the motion to grant the continuance on behalf of the County and try to reschedule as soon as possible, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
  - i. Chairman Bartlett asked HR Officer Ambles to place suspensions and demotions on the next calendar so that the Board would have cases to hear.
  - j. The Board would be ready to move forward with the *Andrew White* appeal and excused all parties until 2 p.m. today.
  - k. Chairman Bartlett called for a lunch break, to return at 1:45 p.m., to discuss revision to Civil Service Rule 7.301 and start the *Andrew White* hearing at 2:00 p.m. Dr. Jackson made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).
  - l. Chairman Bartlett called the meeting back to order.
6. Discussion item.
- a. **Revision to Civil Service Rule 7.301** – Sheriff's Office memorandum.
    - i. Chairman Bartlett mentioned this matter was brought up in discussion during prior meetings and during that time Board member, Mr. Trimble was in agreement (absent today).

- ii. Chairman Bartlett asked Attorney Harris to submit a memorandum to the Board of Commissioner regarding the Rule change.
- iii. Chairman Bartlett called for a motion to make a recommendation.
- iv. Police Legal Advisor Kenneth Green mentioned that the Sheriff's Office wanted to include Correctional Officers to which Chairman Bartlett stated it included all sworn personnel.
- v. Asst. Deputy Chief Southerland addressed the Board in detail and asked for the inclusion of correctional officers.
- vi. Chairman Bartlett called for a motion to have Attorney Harris to submit documentation to the Board of Commissioners to change the probationary period from 12 months to 18 months for all (public safety) sworn personnel of the CI, Police Department and Sheriff's Office (like the Fire Department already has). Dr. Jackson made the motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

7. **Andrew White (Sheriff's Office)** – Appeal filed January 10, 2014, regarding: “My termination due to untruthfulness and neglect of duty”.

- a. Chairman Bartlett advised the attendees that Attorney Youngblood had a medical issue and would not be returning to the meeting. Therefore, due to the unavailability of counsel, this would not be considered a continuance request. Attorney Martin did not have any objections.
- b. Attorney Harris addressed the Board and advised Attorney Youngblood suggested a Special Called Meeting date be set in order to hear the entire appeal in one day.
- c. Chairman Bartlett advised attorneys to get with each other and notify Human Resources (HR Officer Ambles) and include Attorney Harris in the loop for his availability, as Human Resources would need to advertise the Special Called Meeting.
- d. A lengthy discussion ensued regarding possible dates in September.
- e. Chairman Bartlett called for a motion to advertise a Special Called Meeting for either September 12, 2016 or September 30, 2016. Dr. Jackson made the motion, second by Ms. Phillips-Hall. No further discussion on the motion made. Motion carried by unanimous vote (4-0).

8. Discussion items.

a. Additional meeting date for October 2016.

- i. The Board confirmed October 5, 2016, as its Regular Meeting date and did not present a motion for an additional meeting date in October.

b. Upcoming Cases.

i. Phillip Richards (Sheriff's Office) – Termination Appeal file April 16, 2014.

- (1) Asst. Chief Deputy Southerland addressed the Board and advised Mr. Richards was deceased and it would be a difficult case to try.
- (2) Attorney Harris advised the Board according to his legal research, Mr. Richards' claim for back-pay would survive and the appeal hearing could move forward. Attorney Harris also noted counsel for the County might object to his findings.
- (3) Chairman Bartlett requested Attorney Harris reach out to Attorney Thomas Florio (and include Attorney Youngblood) to ascertain whether or not Attorney Florio intended on moving forward or withdrawing this appeal.
- (4) Chairman Bartlett stated this matter would be placed for discussion on the Board's October 5<sup>th</sup> agenda.

9. Other business.

a. None.

*Chairman Bartlett stated that all matters have been concluded and called for a motion to adjourn this meeting. Dr. Jackson 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

  
~~DETTRICK STANFORD~~ PAMELA R. AMBLES  
INTERIM HUMAN RESOURCES DIRECTOR