

September 15, 2014
Statesboro, GA

Special Called Meeting

The Board of Commissioners met for a special called meeting at 5:30 p.m. in the Community Room of the North Main Annex located at 115 North Main Street in Statesboro, Georgia. The following commissioners were present: Chairman Nevil, Commissioner Ethridge, Vice-Chairman Simmons, Commissioner Mosley, Commissioner Rushing, Commissioner Thompson, and Commissioner Gibson.

Chairman Nevil stated that the purpose of this special called meeting of the Board of Commissioners is to conduct a hearing concerning Ms. Christy Strickland's appeal of an adverse employment action. He stated that Attorney George Rountree will represent the employer, and Attorney Michael Classens will represent Ms. Strickland. He stated that the hearing will be conducted in accordance with the following procedures. He stated that in accordance with the Bulloch County Employee Handbook, technical rules of evidence will not apply, but all testimony will be under oath, and each party will have the opportunity to cross-examine witnesses called by the other party. He stated that Mr. Rountree will first be allowed to present evidence for the employer, Mr. Classens will then be allowed to present evidence on Ms. Strickland's behalf, and each side will be allowed the opportunity to make a brief closing argument in the same order as the presentation of evidence. He stated that at the conclusion of the closing arguments, the Board may move to enter into executive session in accordance with the provisions of Section 50-14-2(b)(2) of the Official Code of Georgia Annotated for the purpose of discussion and deliberation on this matter. He stated that if the Board chooses to enter into an executive session, as a matter of convenience to the parties, the Board will relocate to the conference room down the hall for the executive session. He stated the Board will then

return to this room to vote and render its decision in this matter. He stated that County Attorney Jeff Akins will serve as parliamentarian for the hearing and, as parliamentarian, Mr. Akins will rule on any evidentiary or other objections, and will rule on any other points of order or procedure. He stated that the parties are advised that, in accordance with the County's Personnel Policy Manual and Employee Handbook, technical rules of evidence shall not apply during the hearing and, therefore, Mr. Akins will grant both parties some leeway when it comes to technical points of evidence.

Mr. Akins stated that the witnesses needed to be sequestered and asked that all witnesses other than County Manager Tom Couch, who would be the first to testify, wait in the conference room down the hall until they were called to testify.

Attorney George Rountree submitted a spiral-bound notebook with copies of various documents tabbed as Exhibit 1 through Exhibit 12, inclusive (See Exhibit # 2014-161), and called County Manager Tom Couch as his first witness and administered the oath.

MR. ROUNTREE'S DIRECT EXAMINATION OF MR. COUCH

Mr. Rountree asked Mr. Couch if he could identify Exhibit 1. Mr. Couch identified Exhibit 1 as the section from the Employee Handbook on attendance and punctuality. In response to further questioning, Mr. Couch stated that this policy had been in effect the entire time that Ms. Strickland had been employed as clerk of the board, and that all employees had been given a copy of the policy.

Mr. Rountree asked when Ms. Strickland assumed the position of clerk of the board. Mr. Couch stated it was in November of 2012. In response to further questioning, Mr. Couch stated that Ms. Strickland previously worked for Bulloch County as a zoning technician as an hourly employee before she was promoted to clerk of the board and license administrator as a salaried

employee. Mr. Couch acknowledged that Ms. Strickland had some attendance issues in her job as zoning technician, and he stated that he met with Ms. Strickland prior to her promotion to clerk and advised her that she would have to maintain a sound attendance record and be reliably present in the new position.

Mr. Rountree asked Mr. Couch if he could identify Exhibit 2. Mr. Couch identified Exhibit 2 as an internal memorandum dated June 14, 2013 to employees of the Finance Department concerning performance issues. He stated that he also asked some other employees in higher positions—including Ms. Strickland, Mr. Akins, Mr. Harry Starling, Mrs. Maggie Porter, and Mr. Andy Welch—to attend a meeting at which this memorandum was discussed. After noting that some of the pages of the memorandum in Exhibit 2 were missing, Mr. Couch stated that the memorandum addressed issues of conduct, attendance, and punctuality, and he wanted to emphasize that these higher level employees needed to lead by example.

Mr. Rountree asked Mr. Couch if he could identify Exhibit 3. Mr. Couch identified Exhibit 3 as an e-mail that was sent out on April 2, 2014 to all employees that report directly to him, including Ms. Strickland. He stated that the content basically reiterated what was in the June 14, 2013 memo regarding scheduling and approving annual leave, the use of leave request forms, the timely completion and submitting of leave sheets, and further instruction concerning special situations.

Mr. Rountree asked Mr. Couch if he could identify Exhibit 4. Mr. Couch identified Exhibit 4 as a memorandum to Ms. Strickland dated April 3, 2014. Mr. Couch stated he met with Ms. Strickland with Ms. Porter present to address concerns about the pattern and frequency of Ms. Strickland's unscheduled absences. Mr. Couch stated this was a concern directed at Ms. Strickland and was not a concern with a broader subset of employees. Mr. Couch reviewed the

contents of the April 3rd memorandum. In response to a further question from Mr. Rountree, Mr. Couch reiterated that Bulloch County's personnel policy states that three absences during a three-month period are considered excessive. Mr. Couch emphasized that the April 3rd memorandum required Ms. Strickland to immediately report any unscheduled absences, and for the next 6 months she would be required to provide a medical certification for any illness for herself within 48 hours of the absence and, if she was absent to care for a sick child, she would be required to provide a certification of the absence from the school in the same manner.

Mr. Rountree asked Mr. Couch if he could identify Exhibit 7. Mr. Couch identified Exhibit 7 as employee absence and leave statements that are to be completed by all employees on a monthly basis and are signed by an employee's supervisor and then submitted to payroll for processing. Mr. Couch explained that the statement shows the beginning balances of paid annual and sick leave, the number of paid sick and annual leave hours accrued and taken for each month, and the ending balances for each month. He further stated that the ending balance for one month should be carried over to the next month. Mr. Couch explained that the purpose of this sheet is to accurately track the number of hours earned, hours taken, and balances for record-keeping purposes for payroll. He further explained that in January of 2014 the payroll department began showing the hours earned, hours taken, and balances on payroll stubs, but the information on the payroll stubs is still based on these absence and leave statements that the employees complete each month. Mr. Couch confirmed that the absence and leave statements in Exhibit 7 were Ms. Strickland's absence and leave statements for the calendar year 2013, which had been signed by her and by him as her supervisor. In response to Mr. Rountree's question about how Mr. Couch reviewed and determined the accuracy of the statements, Mr. Couch explained that prior to 2014 when the information began to be entered electronically, he had to

rely on accurate information being provided by the employees. Mr. Couch also stated that employees are required to attached approved leave sheets for annual leave and planned sick leave to their monthly absence and leave statements.

Mr. Rountree asked Mr. Couch if he could identify Exhibit 8. Mr. Couch identified Exhibit 8 as Ms. Strickland's absence and leave statements for the months of January through July for calendar year 2014.

Mr. Rountree asked Mr. Couch if he could identify Exhibit 5. Mr. Couch identified Exhibit 5 as the progressive corrective action form he prepared on August 19, 2014 for Ms. Strickland. Mr. Couch explained that the reasons for the corrective action were primarily related to her attendance issues, but there was also an issue that involved Ms. Strickland taking her child to see the nurse at the Correctional Institute to diagnose the child's rash. In regard to the latter issue, Mr. Couch explained he was concerned about her taking the child to the Correctional Institute nurse both for liability reasons and the misuse of county resources. Mr. Couch also noted there were some errors and omissions on Ms. Strickland's absence and leave statements in regard to absences that had not been recorded and in regard to incorrect balances. Mr. Couch stated the balances were not that far off until you came to Ms. Strickland's May and June statements for 2014. He pointed out that the ending balances for annual leave and sick leave in May 2014 were 104 hours and 45.5 hours respectively, and the beginning balances for annual leave and sick leave in June 2014 were 122 hours and 92.5 hours respectively.

Mr. Couch discussed Ms. Strickland's written response to the progressive corrective action form, which he identified as being immediately behind the progressive corrective action form under the tab labeled Exhibit 5. Mr. Couch stated that Ms. Strickland's explanation for the discrepancies on her absence and leave statements was that she didn't intentionally misstate

anything, that if she had misstated anything it was an oversight during a very hectic time, and that Linda Morris, the payroll and benefits coordinator, had told her that she was underreporting her annual and sick leave accruals and that she should use the balances shown on her payroll stub from the previous month to correctly recalculate her balances. Mr. Couch further stated in the progressive corrective action he had mistakenly identified June 13, 2014 as a day that Ms. Strickland was out due to her own illness and for which she failed to provide any medical certification. In Ms. Strickland's response she correctly stated that she was out June 13, 2014 because her grandmother was in hospice, and Mr. Couch acknowledged that she had so informed him and he had authorized the absence for this reason. Mr. Couch further noted that he did not take this particular absence into account in his final notice of termination to Ms. Strickland. Mr. Couch stated that in regard to Ms. Strickland's absence on July 23, 2014, she stated in her response that she was out due to her child's illness but could not provide a school excuse because school was not in session. Mr. Couch stated that he acknowledged in both his progressive corrective action and his final notice of termination that Ms. Strickland was not expected to provide a school excuse when school was not in session, but it was nonetheless considered an unscheduled absence to be counted within a three-month period as described in the personnel policy. Mr. Couch then stated that he had subsequently discovered a text message that Ms. Strickland sent to both him and Rosanna McElveen on July 23, 2014 stating that the reason she was absent that day was due to her own migraine.

Mr. Rountree asked Mr. Couch if he could identify Exhibit 6. Mr. Couch identified Exhibit 6 as the notice of termination he sent to Ms. Strickland after considering her response to his initial progressive corrective action. Pursuant to Mr. Rountree's questions, Mr. Couch discussed each of the enumerated eight points listed in the notice of termination. Mr. Couch

noted that he had previously discussed in detail the reporting discrepancy in the first point, so he did not elaborate any more on the first point. In regard to the second point, Mr. Couch stated that he acknowledged that Ms. Strickland's absence on June 13, 2014 had been informally granted, so he did not hold the June 13th absence against her. In regard to the third point, Mr. Couch noted that he had already acknowledged that a school absence report was not required since school was out of session, but it was nonetheless considered an occurrence of an unscheduled absence pursuant to the personnel policy. In regard to the fourth point, Mr. Couch stated that Ms. Strickland called in on August 11, 2014 to state she would be absent due to a child's illness, and pursuant to the April 3rd memorandum she was required to provide a school absence report within 48 hours of the occurrence. Mr. Couch further stated that Ms. Strickland did not timely provide the report, and her submission of the report at their meeting on Wednesday, August 20th did not satisfy this requirement. He also noted that in the progressive correction he stated that this constituted a third unscheduled absence within a two-month period. In regard to the fifth point, Mr. Couch stated that Ms. Strickland departed early on July 25, 2014 due to her own illness and did not provide medical certification for this absence. Mr. Couch further stated that this was considered an unscheduled absence. Mr. Couch also stated that under the personnel policy early departures, tardiness, and absences are not considered mutually exclusive. In regard to the sixth point, Mr. Couch stated that he was concerned about misuse of county resources and poor judgment when Ms. Strickland took her child to be seen by the Correctional Institute nurse during work hours. In regard to the eighth point, Mr. Couch stated that he had abated consideration of the early departure on August 8, 2014 because he could have been distracted and forgotten about Ms. Strickland having advised him of her early departure. Mr. Rountree noted that Mr. Couch had abated the incidents in the second and eighth points, and asked how

many unscheduled absences remained. Mr. Couch stated that, as noted in the notice of termination, Ms. Strickland still had four occurrences of unscheduled absence or early departure, and at least two instances of non-compliance of proper absence documentation within 48 hours as required by the April 3rd memorandum.

Mr. Rountree asked why it was important for Ms. Strickland to be at work as scheduled. Mr. Couch stated that in her position it was important for her to be reliably present to adequately fulfill her duties and responsibilities. In response to a further question from Mr. Rountree, Mr. Couch stated that when Ms. Strickland was out of work it had an impact on other employees in that the burden for assisting the public with obtaining licenses and other matters shifted to them. Mr. Couch stated that he sensed a level of frustration among both members of the public and other employees due to Ms. Strickland's absenteeism. Mr. Couch further stated that he couldn't think of any Commissioner who hadn't expressed some distress about Ms. Strickland's absences.

Mr. Rountree obtained Mr. Couch's confirmation that Ms. Strickland had three absences for the month of August on August 11th, August 12th, and August 18th. Mr. Rountree then asked Mr. Couch to turn to the last page of Exhibit 8, which Mr. Couch identified as Ms. Strickland's absence and leave statement for July of 2014. Mr. Couch stated that Ms. Strickland had an unscheduled absence shown on the statement for July 23rd. Mr. Couch also acknowledged that Ms. Strickland had an unscheduled absence on July 25th that was not listed on the statement. He further acknowledged that she conceded the July 25th absence in her response, and that this gave her two unscheduled absences for the month of July. Mr. Couch confirmed that this gave Ms. Strickland five unscheduled absences for the two-month period of July and August of 2014. In regard to Ms. Strickland's absence and leave statement for June 2014, Mr. Couch confirmed that he was not counting her absence on June 13th as unscheduled because that was the day he

authorized her absence when her grandmother was in hospice care. Mr. Couch stated that this gave Ms. Strickland five unscheduled absences for the three-month period from June 2014 through August 2014, and that the personnel policy provides that three absences within a three-month period are considered excessive. In regard to the month of May 2014, Mr. Couch noted that Ms. Strickland had a partial day sick absence on May 5th and a whole day sick absence on May 30th. Mr. Couch acknowledged that this gave her four unscheduled absences for the three-month period beginning with May and ending with July. In regard to the month of April 2014, Mr. Couch noted that Ms. Strickland had a sick day absence on April 23rd. Mr. Couch acknowledged that this gave her three unscheduled absences for the three-month period beginning with April and ending with June. In regard to the month of March 2014, Mr. Couch noted that Ms. Strickland had sick day absences on March 24th and March 26th. Mr. Couch acknowledged that this gave her five unscheduled absences for the three-month period beginning in March 2014 and ending in May 2014. Mr. Couch stated that he had imposed the requirement of providing medical certifications when he gave Ms. Strickland the memo in April, but she had only provided two medical certifications since being presented with the memo.

Mr. Rountree asked Mr. Couch what level of confidence he had in the accuracy of Ms. Strickland's absence and leave statements. Mr. Couch stated that his major concern was May, June, and July because it appears that these statements had errors that were not corrected.

Mr. Rountree concluded his direct examination of Mr. Couch.

MR. CLASSENS'S CROSS-EXAMINATION OF MR. COUCH

Mr. Classens referred Mr. Couch to Exhibit 6, which was the notice of termination dated August 22, 2014. Mr. Classens referenced the first enumerated paragraph in the notice of termination, which discussed the reporting discrepancy for the annual and sick leave balances on

Ms. Strickland's absence and leave statements. Mr. Classens then referred to the first page of Exhibit 7, which was Ms. Strickland's absence and leave statement for January 2013, and asked if it could be assumed that Ms. Strickland's beginning annual and sick leave balances were correct on her absence and leave statement for January 2013. Mr. Couch confirmed that it could be assumed the beginning balances were correct as of January 2013. Mr. Classens then established through a series of questions that from January 2013 forward Ms. Strickland was entitled to accrue 10 hours of annual leave and 10 hours of sick leave per month. Mr. Classens then established that on the April 2013 statement Ms. Strickland stated an ending sick leave balance of 8.5 hours when mathematically it should have been 18.5 hours. Mr. Classens then established that on the January 2014 statement Ms. Strickland stated an ending annual leave balance of 80 hours when it should have been 76 hours and an ending sick leave balance of 32.5 hours when it should have been 42.5 hours. Mr. Classens then established that Ms. Strickland's February 2014 statement corrected the previous month's errors by stating beginning balances of 76 hours for annual leave and 42.5 hours for sick leave. Mr. Classens then established that Ms. Strickland's calculations of her annual and sick leave balances through and including her May 2014 statement were mathematically correct, except for the 10 hours of sick leave that she had shorted herself in April 2013. Mr. Classens then noted that the beginning balances on Ms. Strickland's June 2014 statement were 122 hours for annual leave and 92.5 hours for sick leave, which were higher than the ending balances on her May 2014 statement of 104 hours for annual leave and 45.5 hours for sick leave. Mr. Classens stated that in Ms. Strickland's response she stated that Payroll Clerk Linda Morris told her to use the annual and sick leave balances on her pay stub, and that was the reason for the higher beginning balances in June 2014. Mr. Classens produced a document he identified as Ms. Strickland's pay stub dated May 27, 2014 (not

submitted as an exhibit) that showed an annual leave balance of 102 hours and a sick leave balance of 72.5 hours. Mr. Classens then produced a document entitled Leave History Report by Employee Name dated May 31, 2014 (not submitted as an exhibit) which showed Ms. Strickland having an annual leave balance of 112 hours and a sick leave balance of 69.5 hours. Mr. Classens then referred to Exhibit 9, which was the Leave History Report by Employee Name for Ms. Strickland dated August 26, 2014, and established that this document shows Ms. Strickland having 114 hours of annual leave and 47.5 hours of sick leave at the end of June 2014. Mr. Classens pointed out that these balances on the Leave History Report for the end of June 2014 corresponded with what the balances on Ms. Strickland's absence and leave statement should have been at the end of June 2014 based on the ending balances listed on her May 2014 statement. Mr. Classens then noted that the beginning balances of 122 hours of annual leave and 92.5 hours of sick leave on Ms. Strickland's June 2014 statement did not correspond to any other numbers previously discussed. Mr. Classens then produced a document he identified as Ms. Strickland's pay stub dated August 3, 2014 (not submitted as an exhibit) and pointed out that this pay stub showed balances of 132 hours for annual leave and 94.5 hours for sick leave. Mr. Classens asked Mr. Couch if these were the exact same balances shown on Ms. Strickland's absence and leave statement for July 2014. Mr. Couch confirmed that the balances were the same. Mr. Classens pointed out that there were at least four different sources of documents that showed four different leave balances, and that Ms. Strickland was simply trying to follow the instructions she had been given by Mrs. Morris when she changed the leave balances on her June 2014 statement.

Mr. Classens referenced the second enumerated paragraph in the notice of termination and obtained Mr. Couch's confirmation that he did not consider Ms. Strickland's absence on June 13, 2014 in making his final decision to terminate her employment.

Mr. Classens referenced the third enumerated paragraph in the notice of termination and asked Mr. Couch if Ms. Strickland notified him on July 23, 2014 that she would be absent due to her child's illness. Mr. Couch stated that he thought she did, but after issuing the notice of termination he discovered a text message that Ms. Strickland had sent on that day to both him and Rosanna McElveen stating that she would be absent due to her own migraine headache. Mr. Classens asked Mr. Couch if he disputed that Ms. Strickland's child had a cyst on her brain, and Mr. Couch said he had taken Ms. Strickland at her word that her child has a cyst on her brain. Mr. Classens then referred to Exhibit 3, which was an e-mail Mr. Couch sent to employees on April 2, 2014 regarding notice for annual and scheduled sick leave, and asked Mr. Couch several questions about what kind of notice would be acceptable in different situations.

Mr. Classens referenced the fourth enumerated paragraph in the notice of termination, and pointed out that the requirement for Ms. Strickland to submit a school absence report within 48 hours was different than what was in the regular policy. Mr. Couch admitted that it was different, but stated that it was consistent with the requirement he had imposed on Ms. Strickland in the April 3rd memo.

Mr. Classens referenced a doctor's excuse from Dr. Michael Deal with East Georgia Pediatrics, which he showed Mr. Couch, and stated that this was in reference to the incident involving the Correctional Institute nurse on August 12, 2014 described in the sixth enumerated paragraph in the notice of termination. Mr. Classens asked Mr. Couch if he knew that the nurse took one look at the child and immediately told Ms. Strickland to take her to the doctor. Mr.

Couch said he read that in her response. Mr. Classens pointed out that based on Ms. Strickland's statement she worked 8 hours on August 12th because, after taking her child to the doctor, she came back at 11:00 a.m. and worked until 6:45 p.m. without taking a lunch break because there was a meeting that night. Mr. Couch admitted that he had nothing to refute Ms. Strickland's statement that she worked 8 hours on August 12th. Mr. Classens asked if the August 12th incident had anything to do with Ms. Strickland's termination. Mr. Couch stated that at first he considered it to be an attendance issue, but after Ms. Strickland's response he became more concerned about the misuse of County resources. Mr. Classens asked if eating lunch at the Correctional Institute without paying for it would be a misuse of County resources and if anybody had ever done that. Mr. Couch replied that he thought it would be a misuse of County resources, but he wasn't aware of anyone having done so. Mr. Classens asked Mr. Couch if he had ever eaten lunch at the Correctional Institute. Mr. Couch stated that he done so on special occasions that were authorized, such as Christmas luncheons and other special events. Mr. Classens asked Mr. Couch if he was aware that Ms. Strickland had taken her child to the doctor on August 12th. Mr. Couch stated he was aware of it, but that she had never presented him with the doctor's excuse that Mr. Classens had referenced. Mr. Classens stated that Mr. Couch had complained about Ms. Strickland bringing her sick child to work, but that he had also complained about her staying home with a sick child. Mr. Classens asked which she should do—stay home with a sick child or bring a sick child to work? Mr. Couch stated that he was aware that she had her child at work, but he had not complained about it, and that if she had provided a doctor's excuse for staying home with a sick child, then it would not be an attendance issue.

Mr. Classens referenced the seventh enumerated paragraph in the notice of termination regarding Ms. Strickland's early departure on August 18, 2014. Mr. Classens stated that according to Ms. Strickland's response she left at 1:00 p.m. to take her mother to the doctor, and he asked Mr. Couch if he was aware of her plans to do that. Mr. Couch stated that he became aware of it shortly after she sent him an e-mail about it around 10:19 a.m. Mr. Classens made the point that other relatives who might have been able to take Ms. Strickland's mother to the doctor were not available to do so on that day.

Mr. Classens referenced the eighth enumerated paragraph in the notice of termination regarding Ms. Strickland's early departure on August 8th and confirmed that Mr. Couch did not consider it when making his final decision to terminate her employment.

Mr. Classens reviewed the absences and early departures in the notice of termination. He stated that Ms. Strickland was home with a sick child on July 23th and on August 11th, and she provided a school excuse and doctor's excuse, but it was too late from Mr. Couch's perspective. Mr. Couch confirmed this was correct. Mr. Classens then referenced Ms. Strickland's early departure on July 25th due to her own illness. He noted that her co-workers wanted her to go home so they wouldn't catch whatever she had, and she sent Mr. Couch an e-mail notifying him that she was going home because she didn't want to disturb him in a meeting. Mr. Classens stated that Ms. Strickland went home and self-medicated instead of going to the doctor, and he asked Mr. Couch whether employees have to go to the doctor every time they are sick. He asked how Ms. Strickland could produce a doctor's excuse when she didn't go to the doctor, and yet she was clearly sick. Mr. Couch explained that under the circumstances of the April 3rd memo, Ms. Strickland understood that she needed to get a medical excuse for an absence due to sickness, and the reason for this was because of her pattern of excessive absenteeism. Mr.

Classens made the point that despite Ms. Strickland's alleged excessive absenteeism, she still had almost a month of accrued paid annual and sick leave combined. Mr. Classens asserted that an employee accrues that much paid leave by being a good soldier and showing up for work most of the time, and that a number of unusual events—such as her grandmother dying, her mother getting injured, and her child having a cyst on her brain—had occurred in the last few months.

Mr. Classens asked Mr. Couch to confirm his earlier statement that every single member of the Board of Commissioners had expressed concerns to him about Ms. Strickland. Mr. Couch confirmed that all the Commissioners had expressed concerns to him about Ms. Strickland, either directly, indirectly and informally, or sometimes formally.

Mr. Classens reviewed Ms. Strickland's job duties. He asked Mr. Couch to confirm that Ms. Strickland had never missed a meeting of the Board of Commissioners, Planning and Zoning Commission, or the Airport Committee. Mr. Couch confirmed that, to the best of his knowledge, she had not missed any meetings other than the Planning and Zoning Commission meeting when she went to be with her grandmother in hospice. Mr. Classens stated that Ms. Strickland had put in the requisite number of hours and went through some issues with Mr. Couch regarding exempt salaried employees under the Fair Labor Standards Act and comp time for salaried employees who worked late.

Mr. Classens referenced Exhibit 2, which was an internal memorandum dated June 14, 2013 from Mr. Couch to employees in the finance department. Mr. Classens asked Mr. Couch if he had created any documented internal control policies. Mr. Couch replied that he had not personally created any such policies. Mr. Classens asked Mr. Couch if he had any method for reporting or coordinating with departments on the purchasing and receipt of goods or taking

inventory. Mr. Couch replied that the County had purchasing policies that covered this. Mr. Classens pointed out that Mr. Couch's memo stated there was no reporting or coordination with operating departments on the receipt of goods, and asked Mr. Couch if he had done anything about this since then. Mr. Couch replied that he had instructed the purchasing manager to be more attentive to these issues. Mr. Classens asked Mr. Couch if he had created a policy to deal with this, and Mr. Couch replied that he would rely on the chief financial officer to create such a policy, but that to his knowledge such a policy had not been created. Mr. Classens asked Mr. Couch if he had created a spend analysis to identify opportunities to bundle goods or commodities. Mr. Couch replied that he was on the verge of doing so because he wanted to instruct the purchasing manager to consult with operating departments about such opportunities. Mr. Classens asked Mr. Couch if there was any contract administration function. Mr. Couch replied that within the last year the County has been establishing and improving contract administration. Mr. Classens asked Mr. Couch if he had filled the vacant position of accounting director/chief accountant. Mr. Couch replied that the position had been filled. Mr. Classens then made reference to the sick leave policy recited in the memo and asked Mr. Couch if he had come up with a special requirement applicable only to Ms. Strickland that required her to provide a medical certification whenever she was absent due to illness. Mr. Couch replied that he had imposed this requirement on Ms. Strickland because of her special circumstances. Mr. Classens asked if there were any provisions in the personnel policy that would limit Mr. Couch's discretion to impose such special requirements. After reviewing the policy, Mr. Couch replied that he did not find any limitations. Mr. Classens then asked if it was true that Mr. Couch had unbridled discretion in imposing such special requirements. Mr. Couch replied that he didn't

think his discretion was unbridled, but he did think he had reasonable discretion, and he attempted to exercise reasonable discretion in imposing such special requirements.

Mr. Classens asked if Mr. Couch was Ms. Strickland's direct supervisor, and Mr. Couch responded affirmatively. Mr. Classens asked if it was Mr. Couch's responsibility to complete Ms. Strickland's annual performance evaluations, and Mr. Couch responded affirmatively. Mr. Classens asked if Mr. Couch had done annual performance evaluations of Ms. Strickland in 2013 and 2014, and Mr. Couch replied that he had not. Mr. Classens asked if Mr. Couch had done any performance evaluations for any other department heads for 2013 and 2014, and Mr. Couch replied that he had not. Mr. Classens asked Mr. Couch if department heads who failed to do annual performance evaluations for employees under their supervision would be violating policy. Mr. Couch replied that he didn't think there was a requirement for annual performance evaluations, particularly unless there is a merit raise attached to it, but he didn't think evaluations had been done since fiscal year 2013, which would have included portions of calendar years 2012 and 2013. Mr. Classens asked Mr. Couch that if he told him that the policy required annual performance evaluations in connection with merit raises, would Mr. Couch really want to argue with him about that. Mr. Couch replied that he wasn't here to argue.

Mr. Classens concluded his cross-examination of Mr. Couch.

MR. ROUNTREE'S REDIRECT EXAMINATION OF MR. COUCH

Mr. Rountree showed Mr. Couch a copy of the employee handbook and asked him to turn to page 30 and read the last paragraph. Mr. Couch read the paragraph as follows: "A medical certification signed by a licensed physician may be required to substantiate time off due to sickness for an absence of three or more consecutive work days or when absences occur frequently." Mr. Rountree asked Mr. Couch for his opinion about what made this paragraph

applicable to Ms Strickland's case. Mr. Couch replied that it was the frequency of Ms. Strickland's absences. In response to further questions from Mr. Rountree, Mr. Couch confirmed that this paragraph authorized him to require a medical certification from Ms. Strickland for an absence and that he had imposed that requirement in April of 2014. Mr. Couch further stated that since April of 2014, Ms. Strickland had numerous absences and had only furnished one, or at the most two, medical certifications.

Mr. Rountree referred Mr. Couch to the provision about bereavement leave on page 32 of the employee handbook and asked who was eligible for bereavement leave. Mr. Couch replied that full-time and probationary employees being evaluated for full-time positions are eligible for up to 24 hours of bereavement leave. In response to further questions from Mr. Rountree, Mr. Couch confirmed that he granted Ms. Strickland 24 hours of bereavement leave for the death of her grandmother, and that this was the maximum amount allowed by the handbook. Mr. Rountree asked if the handbook provided that bereavement leave was available for deaths in the employee's "immediate family," and Mr. Couch confirmed that was correct. Mr. Rountree then referred Mr. Couch to page 29 of the handbook and asked him to read the definition of "Immediate Family" in the middle of the page. Mr. Couch read the definition of "Immediate Family" as follows: "Immediate Family includes your spouse, child, parent, brother, sister, grandchild or similar in-law or step-family relationship, or other relative living in your household." Mr. Rountree asked if a grandmother was included in that definition, and Mr. Couch replied that it did not specifically include a grandmother. Mr. Rountree asked Mr. Couch to confirm that, even though Ms. Strickland was arguably not entitled to any bereavement leave under that definition, he nonetheless allowed her to take the maximum amount of bereavement leave stated in the handbook. Mr. Couch confirmed that was correct, and that the 24 hours of

bereavement leave was not counted against Ms. Strickland in the decision to terminate her employment.

Mr. Rountree asked Mr. Couch if the policy provided for employees to have sick leave. Mr. Couch replied in the affirmative. In response to further questions from Mr. Rountree, Mr. Couch confirmed that the policy has limits stating that employees who miss over 3 days within a 90-day period are in violation. Mr. Couch further confirmed that those two policies are consistent, and that just because you enforce the misuse of sick leave doesn't mean you're opposed to people being absent when they are legitimately sick.

Mr. Rountree referred to the previous discussion with Mr. Classens regarding mathematical calculations of leave accruals. Mr. Rountree then confirmed with Mr. Couch that Linda Morris was the employee in charge of maintaining that data. Mr. Rountree asked Mr. Couch if Mrs. Morris's knowledge of leave accrual and pay stub documentation would be better than his. Mr. Couch replied that her knowledge would be better than his because she works with it on a daily basis.

Mr. Rountree concluded his redirect examination of Mr. Couch.

Mr. Rountree called Linda Morris as his next witness and administered the oath.

MR. ROUNTREE'S DIRECT EXAMINATION OF MRS. MORRIS

Mr. Rountree asked Mrs. Morris her job title, and she replied that she was the payroll and benefits coordinator. In response to further questions from Mr. Rountree, Mrs. Morris confirmed that employee annual leave and sick leave were part of the benefits she managed.

Mr. Rountree referred Mrs. Morris to Exhibit 9 and asked if she could identify it. Mrs. Morris identified Exhibit 9 as a leave history report for Ms. Strickland going back to the beginning balance as of the first of January. Mrs. Morris explained that the leave history report

shows any leave dates that the employee puts on his or her statement, and it shows the amounts earned and used at the end of every month. She stated that Ms. Strickland accumulated annual and sick leave at the rate of 10 hours per month, and that the accumulation always occurs on the last day of the month. Mrs. Morris explained that she inputs the hours of leave an employee takes each month based on his or her absence and leave statement, but the computer actually calculates the accumulations and balances based on how long the employee has been employed. Mr. Rountree referred Mrs. Morris to Exhibits 7 and 8 and asked if those were examples of the absence and leave statements to which she was referring, and Mrs. Morris replied affirmatively.

Mr. Rountree asked if any of this information showed up on a pay stub. Mrs. Morris replied that it would show up on a pay stub, but the information would be a month behind for salaried employees. In response to further questions from Mr. Rountree, Mrs. Morris explained that the reason for this is because hourly employees turn their hours in every two weeks, but she does not receive the absence and leave statements for salaried employees until after the end of the month. Mrs. Morris further explained that the accumulation does not occur until the last day of the month, so salaried employees are always a month behind because the payroll period ends before the last day of the month. Mrs. Morris stated that the employees understood this and knew that their most current information regarding their leave accumulations and balances would be on the absence and leave statements that they complete and not on their pay stubs.

Mr. Rountree asked if Ms. Strickland was aware that the information on her pay stub was not correct, and Mrs. Morris replied that she should have been aware of it because all salaried employees understood that they couldn't go by the information about leave hours on their pay stub. In response to further questions from Mr. Rountree, Mrs. Morris stated that Ms. Strickland

came to her at one point and said she wanted to talk about her leave hours, but this was during open enrollment and Ms. Morris was too busy to talk about it. Mrs. Morris said she went to talk to Ms. Strickland about it later, but at that time Ms. Strickland was too busy with occupational tax certificates to talk about it. Mrs. Morris stated that they were never able to get together and discuss it.

Mr. Rountree asked Mrs. Morris if she ever advised Ms. Strickland in May of 2014 to change the hours on her absence and leave statement to match the hours on her pay stub. Mrs. Morris replied that she did not, and that she couldn't have told Ms. Strickland to do that because it would have been incorrect because she had not yet gotten her May hours.

Mr. Rountree concluded his direct examination of Mrs. Morris.

MR. CLASSENS'S CROSS-EXAMINATION OF MRS. MORRIS

Mr. Classens referred Mrs. Morris to Exhibit 9, and asked her to confirm that it was mathematically accurate. Mrs. Morris confirmed that it was mathematically accurate. In response to further questions from Mr. Classens, Mrs. Morris confirmed that she inputs the leave hours used based on the absence and leave statement completed by the employee.

Mr. Classens asked Mrs. Morris when she started in the position of payroll and benefits coordinator. Mrs. Morris replied that she began in this position in November of 2013 when the previous person retired. In response to further questions from Mr. Classens, Mrs. Morris confirmed that she did not change any of the information that existed prior to November 2013 but merely added to it. Mrs. Morris confirmed that employees like Ms. Strickland that had between 5 and 15 years of employment accrued annual and sick leave at 10 hours per month.

Mr. Classens asked Mrs. Morris if she reviewed the absence and leave statements. Mrs. Morris replied that she did not review them, but she just puts in the hours the employees show on

their statements and the computer automatically accumulates them. In response to further questions from Mr. Classens, Mrs. Morris stated that the process of including leave hours on pay stubs began in February of 2014, and that since then a number of salaried employees had come to her asking why the hours on the pay stubs were different from the hours on their absence and leave statements. Mrs. Morris stated that Ms. Strickland came to her about her leave hours during open enrollment, which would have been sometime in May or June 2014, and just said I need to get together with you about my time. Mrs. Morris confirmed that this was the first time Ms. Strickland had approached her about this matter.

Mr. Classens concluded his cross-examination of Mrs. Morris.

Mr. Rountree called Rosanna McElveen as his next witness and administered the oath.

MR. ROUNTREE'S DIRECT EXAMINATION OF MRS. MCELVEEN

In response to questions from Mr. Rountree, Mrs. McElveen introduced herself and stated she had worked in the main lobby as an Accounting Technician II for 3 months. Mrs. McElveen described her daily work as involving work for finance and accounting, helping some with occupational tax certificates, and helping customers who come into the lobby. Mrs. McElveen stated that she would try to help the Clerk of the Board with business licenses by answering questions to the best of her ability and taking payments. She stated that she had a receipt book that documented the payments she had accepted for business licenses. Mr. Rountree asked if there were any days when Mrs. McElveen took in an unusual number of payments for occupational tax certificates. Mrs. McElveen replied that there were a couple of days, but the one that stood out the most was June 30th, which was the date renewals were due for the fiscal year. Mrs. McElveen identified five receipts for occupational tax certificate payments that she accepted on June 30th and stated that this was an unusually large number of payments for her to

accept in one day. She further stated that if Ms. Strickland was at work she would not have accepted the payments but would have sent the customers to Ms. Strickland to make payments. Mr. Rountree asked Mrs. McElveen if, based on her recollection and the number of payments she took on June 30th, she could draw any conclusion about whether Ms. Strickland was absent from work on that day. Mrs. McElveen stated that she kind of felt like Ms. Strickland was absent that day, but she wasn't 100% sure because she didn't document when Ms. Strickland was present and absent, but it seemed like a large number of payments for her to have accepted if Ms. Strickland had been present. Mr. Rountree asked if there were any other days when Mrs. McElveen thought that Ms. Strickland might have been absent from work. Mrs. McElveen stated that her receipt book showed that she had accepted four payments on June 23rd and five payments on June 24th, and she thought that this appeared to indicate that Ms. Strickland was absent on those days.

Mr. Rountree asked Mrs. McElveen if she ever received any text messages from Ms. Strickland regarding her absence from work. Mrs. McElveen replied that she had. In response to further questions from Mr. Rountree, Mrs. McElveen stated that she had received a text message from Ms. Strickland on July 23rd at 7:12 a.m. that was sent to her and Mr. Couch in a group text. Mrs. McElveen read the text message from Ms. Strickland as follows: "I have been fighting a migraine since yesterday. It is now to the throwing up stage, so I can't keep any medicine in me. Hopefully it will ease off soon so I can come on in, but I will let you know. I am so sorry. I hate these things."

Mr. Rountree concluded his direct examination of Mrs. McElveen.

MR. CLASSENS'S CROSS-EXAMINATION OF MRS. MCELVEEN

Mr. Classens asked Mrs. McElveen to confirm that occupational tax certificate renewals were due on June 30th. Mrs. McElveen stated that was correct. Mr. Classens asked if most of the businesses waited until the last minute to come in to renew their occupational tax certificates. Mrs. McElveen replied that some waited until the last minute to come in, and that some mailed in their renewals. In response to further questions from Mr. Classens, Mrs. McElveen explained that the receipts were for people who actually came in. Mrs. McElveen stated that she and Ms. Strickland worked in the same area of the main lobby, but that Ms. Strickland had her own separate office. Mrs. McElveen confirmed that she and two other employees besides Ms. Strickland used the receipt book in her possession to document payments they had received for occupational tax certificate renewals. Mrs. McElveen confirmed Ms. Strickland also received payments for occupational tax certificate renewals and documented her payments in some way other than the receipt book used by Mrs. McElveen.

Mr. Classens asked Mrs. McElveen if she was responsible for keeping track of Ms. Strickland's whereabouts, and Mrs. McElveen replied that she was not. In response to a further question from Mr. Classens, Mrs. McElveen confirmed that she wasn't sure if Ms. Strickland was present or absent from work on June 23rd, June 24th, June 30th or any other day.

Mr. Classens concluded his cross-examination of Mrs. McElveen.

Mr. Rountree called Maggie Porter as his final witness and administered the oath.

MR. ROUNTREE'S DIRECT EXAMINATION OF MRS. PORTER

Mr. Rountree asked Mrs. Porter what was her job title. Mrs. Porter replied that she was human resources director. In response to further questions from Mr. Rountree, Mrs. Porter stated that she had taken over some of Ms. Strickland's job duties, utilized her office on a daily basis, and had access to Ms. Strickland's computer.

Mr. Rountree referred Mrs. Porter to Exhibit 10 and asked if she could identify it. Mrs. Porter identified Exhibit 10 as a printout of a file on Ms. Strickland's desktop that was in a folder named "Time Sheets" and was for 2013.

Mr. Classens objected to Exhibit 10 on the grounds that the termination notice was based on Ms. Strickland's absences in 2014, and therefore any absences in 2013 were irrelevant.

Mr. Akins asked Mr. Rountree if he could explain the relevance of Exhibit 10.

Mr. Rountree responded that Exhibit 10 was relevant because it would show that according to Ms. Strickland's own records on her computer she missed many more days than what was listed on her absence and leave statements in 2013. Mr. Rountree stated that Exhibit 10 would go to the issue of Ms. Strickland's attendance and would show that her attendance was very irregular, and it would also go to the quality of her documentation to show that it was inaccurate. Mr. Rountree argued that this was very relevant, even though it was not specifically mentioned in Mr. Couch's notice of termination, because it goes to the same reasons for Ms. Strickland's termination and the Commissioners should have the full picture in making their decision.

Mr. Classens responded that a proper foundation could not be laid for Exhibit 10 because it was not an official record but was some sort of calendar that had been found on Ms. Strickland's computer and could have been altered by anyone. Mr. Classens stated that the absence and leave statements that had been signed and that covered this same period were the official record, and there was no way of knowing what the purpose of Exhibit 10 was or to establish whether it had any accuracy.

Mr. Akins responded that technical rules of evidence did not apply, and that Exhibit 10 sounded like it might have some relevancy since Mrs. Porter had testified that she found it on

Ms. Strickland's computer. Mr. Akins stated that the Board could decide what weight, if any, to give Exhibit 10. Mr. Classens stated that he would except to that ruling, and Mr. Akins duly noted the exception.

Mr. Rountree continued his direct examination of Mrs. Porter and asked her if she had compared the time sheets she found on Ms. Strickland's computer to the absence and leave statements that Ms. Strickland had turned in. Mrs. Porter replied that she had compared them. In response to further questions from Mr. Rountree, Mrs. Porter stated that she had found some dates on the time sheets that were not listed on the absence and leave statements. Mr. Rountree took Mrs. Porter through a month-by-month comparison for 2013 between the time sheets on Ms. Strickland's computer and the absence and leave statements Ms. Strickland had turned in.

Mr. Rountree showed Mrs. Porter a booklet and asked if she could identify it. Mrs. Porter identified it as the 2013 desk calendar of Ruby Hunter, a former Bulloch County employee. Mrs. Porter stated that Mrs. Hunter left the calendar behind when her employment was terminated. Mr. Rountree referred Mrs. Porter to the date of June 20, 2013 on Mrs. Hunter's calendar and asked if there was any kind of note for that day. Mrs. Porter said there was a note that "Christy left about 1:10." Mr. Rountree asked Mrs. Porter if Ms. Strickland's absence and leave statement for June 20, 2013 showed that she was out that day. Mrs. Porter said that it did not. Mr. Rountree referred Mrs. Porter to the date of July 8, 2013 on Mrs. Hunter's calendar and asked if there was an entry for that date. Mrs. Porter said there was an entry stating "Christy out." Mr. Rountree asked Mrs. Porter if Ms. Strickland's absence and leave statement for July 8, 2013 shows that she was out that day. Mrs. Porter said that it did not.

Mr. Rountree concluded his direct examination of Mrs. Porter.

MR. CLASSENS'S CROSS-EXAMINATION OF MRS. PORTER

Mr. Classens asked Mrs. Porter if Mrs. Hunter was still employed with Bulloch County, and Mrs. Porter replied that she was not. Mr. Classens asked Mrs. Porter if it was Mrs. Hunter's job to keep track of Ms. Strickland, and Mrs. Porter replied that it was not her job. Mr. Classens referred to the June 20th date on Mrs. Hunter's calendar with the note that Christy left about 1:10. Mr. Classens then referred Mrs. Porter to the June 20th date on the time sheets she had found on Ms. Strickland's computer and asked if the notations there suggested that Ms. Strickland left at 1:30 on June 20th, 2013. Mrs. Porter replied affirmatively.

Mr. Classens referred Mrs. Porter to the time sheet for June 2013 that was on Ms. Strickland's computer. He stated there appeared to be 20 work days for the month of June, and he read off the total number of hours listed for each day. Mr. Classens asked Mrs. Porter if she was familiar with Bulloch County's comp time policy. Mrs. Porter stated that there was a comp time policy for hourly employees, but that salaried employees did not get comp time. Mr. Classens asked Mrs. Porter if she was aware of any policy changes department by department where a department head would informally allow employees who work over to leave early, and Mrs. Porter replied affirmatively. Mr. Classens referred to Exhibit 3 and asked Mrs. Porter if she had received this e-mail dated April 2, 2014, and Mrs. Porter replied affirmatively. Mr. Classens referred to the last paragraph of Exhibit 3, which discusses taking time off to compensate for extra time worked above 40 hours in a week, and asked Mrs. Porter if this was only talking about hourly employees. Mrs. Porter replied that the paragraph itself stated it was directed to exempt salaried employees.

Mr. Classens referred Mrs. Porter to Exhibit 10 and asked her if, in reviewing the time sheets she found on Ms. Strickland's computer, she was confident that Ms. Strickland had worked a full month's hours each month, and Mrs. Porter replied affirmatively.

Mr. Classens concluded his cross-examination of Mrs. Porter.

Mr. Classens did not call any witnesses or present any additional evidence.

MR. ROUNTREE'S CLOSING ARGUMENT

Mr. Rountree referred to Exhibit 12, and stated that the days shown in green on this calendar for 2014 are the days Ms. Strickland acknowledges she was out, and the days shown in red are the days in June she was most likely out because of tax receipts by others. Mr. Rountree went through the calendar and pointed out that Ms. Strickland's absences exceeded three days in several three-month periods, which is in excess of the absences allowed by the policy. Mr. Rountree referred to Exhibit 11, which he indicated was a calendar for 2013 depicting Ms. Strickland's absences that included her private records found on her computer. Mr. Rountree noted that no private records for Ms. Strickland had been found for calendar year 2014. Mr. Rountree pointed out that Ms. Strickland's unofficial absences in her private records for calendar year 2013, which were shown in red on Exhibit 11, far exceeded her official absences shown in green. Mr. Rountree stated that if Ms. Strickland followed a similar pattern in 2014, for which her private records had not been found, then her acknowledged breach of the three-day rule for 2014 would have actually been much worse. Mr. Rountree stated that this was a violation of the policy that continued even after it had been brought to her attention by Mr. Couch, and this justified the termination of her employment. Mr. Rountree further stated that the inconsistency between her officially acknowledged absences and the absences shown on her private computer entries for calendar year 2013 makes all of her records suspect, and this is another basis for being leery of bringing her back.

Mr. Rountree stated that her accrued paid leave on her absence and leave statement for June 2014 in essence doubled from the ending balance for the previous month, and had this not

been caught it would have resulted in her having accrued paid leave that she had not earned. He stated that Ms. Strickland's explanation was that she was told to do this, but the person who allegedly told her this testified that she did not tell her this and had in fact made quite the contrary clear.

Mr. Rountree stated that Ms. Strickland acknowledged using a nurse at the Correctional Institute. He stated that this was not appropriate for a County employee to use County resources, and that Mr. Couch took this into account in his decision to terminate Ms. Strickland's employment.

Mr. Rountree stated that perhaps most egregious was Ms. Strickland's outright refusal to submit any medical authorization for herself or her child. Mr. Rountree stated that only two medical authorizations had been submitted for the entire period of Ms. Strickland's absences that had been reviewed, despite Mr. Couch's written requirement that she submit medical authorizations. Mr. Rountree pointed out that the employee policy authorized Mr. Couch to impose this requirement. Mr. Rountree stated that Ms. Strickland's refusal to comply with this requirement was downright insubordination and was justification for the termination of her employment.

Mr. Rountree stated that it was clear that the termination of Ms. Strickland's employment was justified, and that it was appropriate for the Board of Commissioners to support Mr. Couch's decision.

Mr. Rountree concluded his closing argument.

MR. CLASSENS'S CLOSING ARGUMENT

Mr. Classens stated that Mr. Couch's termination notice dated August 22, 2014 listed eight specific reasons why he was terminating Ms. Strickland's employment, and that there was

nothing about calendar year 2013, Mrs. Hunter's desk calendar, or the ramblings on a computer. Mr. Classens stated that if you have to go back to 2013 to try and support Mr. Couch's decision, then it is essentially an admission that the stated reasons in the notice of termination won't hold up under scrutiny.

Mr. Classens referred to the first item in the notice of termination regarding the reporting discrepancy, and pointed out that the pay check stubs, the absence and leave statements, and the leave history reports all have different numbers in all the categories with no rhyme or reason. Mr. Classens stated that he felt this was probably attributable to the bugs that have to be worked out any time you implement a new system with new personnel. Mr. Classens stated that around the time of open enrollment when things were very hectic, Ms. Strickland told Mrs. Morris she needed to get with her because her leave time wasn't jiving. Mr. Classens pointed out that prior to this, except for a 10-hour mathematical mistake to her detriment, the leave balances on Ms. Strickland's absence and leave statements were accurate and correct. Mr. Classens stated that we may never know where the 134 and 94.5 hours came from, although ultimately you could make an argument that it was correct based on Ms. Strickland's last pay stub. Mr. Classens stated that Ms. Strickland knew it wasn't correct and she said as much, but she believed she was told to use what was on the pay stub, and that is what she did. He said she tried to get with Mrs. Morris, but they just never could get together because they were too busy. Mr. Classens also stated that it was not credible to believe Ms. Strickland would just arbitrarily add paid leave hours to which she was not entitled on her absence and leave statement, when she knew it would be submitted to her supervisor who was already keeping an eye on her. Mr. Classens stated that the point was that Ms. Strickland never took any paid leave time to which she was not entitled, because even

under the most conservative calculation of her accrued paid leave time, she still would have over 150 hours of paid leave that she had not used.

Mr. Classens stated that a sick leave policy that requires an employee to give advance notice of when she is going to be sick is ludicrous. Mr. Classens stated that maybe Ms. Strickland and her daughter did both have a migraine on July 23rd. He stated that there was a doctor's excuse for another day when Ms. Strickland took her daughter to the doctor, but Mr. Couch said it was submitted too late because it wasn't submitted within 48 hours. Mr. Classens asked rhetorically whether the doctor's excuse was any less reliable because it was provided more than 48 hours after the absence, and he argued that it might be difficult to always get a doctor to write an excuse within 48 hours.

Mr. Classens pointed out that the day Ms. Strickland went home early because she was sick and her co-workers told her to go home was still counted against her because she didn't go to the doctor.

Mr. Classens pointed out that Mr. Couch admitted he was wrong about Ms. Strickland's absence of June 13th being unauthorized.

Mr. Classens stated that the day Ms. Strickland left early to take her mother to the doctor was counted against her, and he remarked that maybe Ms. Strickland's mother should have had better timing about when she would break her arm.

Mr. Classens stated that there would be a bunch of angry grandmas when they found out that they weren't a part of the immediate family of Bulloch County employees according to policy. Mr. Classens argued that this was not right, and that it shouldn't be an altruistic decision to allow an employee to be absent for three days when her grandmother died.

Mr. Classens stated that Ms. Strickland had been a faithful employee, had not missed a single Board of Commissioners or Planning & Zoning Commission meeting (except for visiting her grandmother in hospice), had volunteered to attend the Airport Committee meetings and take minutes to fill a void, and had never cheated Bulloch County out of a penny. Mr. Classens argued that the best time records available showed that Ms. Strickland worked a full schedule every single month, and that if she was off early one day then she worked late another day.

Mr. Classens argued that if you look at the reasons stated for the termination of Ms. Strickland's employment in the notice of termination, and you look at what has been presented here today, that it is a mistake to uphold the termination of Ms. Strickland's employment. Mr. Classens stated that Ms. Strickland has faithfully done a good job, and that she had tragedies with her grandmother's passing, her mother's injured arm, and her child's illness with a cyst on her brain. Mr. Classens stated that maybe letting the nurse take a look at the child was wrong, but that the nurse didn't do anything other than tell Ms. Strickland to take the child to the doctor, which Ms. Strickland did, and the doctor wrote her an excuse which Mr. Couch wouldn't accept.

Mr. Classens stated that Ms. Strickland had given Bulloch County everything it has asked of her, and she is asking the County to be fair to her. He stated that she has had nine years of service with Bulloch County and no problems with her job performance. Mr. Classens stated that from what he's seen, Bulloch County would be a lot better off if it had a lot more people like Ms. Strickland on the payroll. Mr. Classens stated that he wished Mr. Couch had made a different decision, and he was counting on the Commissioners to make a different decision and reinstate Ms. Strickland to her job.

Mr. Classens concluded his closing argument.

Commissioner Mosley offered a motion to enter into Executive Session to discuss Personnel Matters in accordance with the provisions of O.C.G.A. § 50-14-3(b)(2) (See Exhibit # 2014-162). Commissioner Ethridge seconded the motion, and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Vice-Chairman Simmons, and Commissioner Ethridge voting in favor of the motion.

Chairman Nevil thanked all those who participated in the hearing. Chairman Nevil then opened the floor for a motion. Commissioner Thompson offered a motion to uphold the County Manager's decision to terminate Ms. Strickland's employment. Commissioner Rushing seconded the motion, and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Vice-Chairman Simmons, and Commissioner Ethridge voting in favor of the motion.

Chairman Nevil called for a motion to adjourn the meeting. Commissioner Mosley offered a motion to adjourn the meeting. Commissioner Ethridge seconded the motion, and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Vice-Chairman Simmons, and Commissioner Ethridge voting in favor of the motion.

J. Garrett Nevil, Chairman

Attest: Jeff S. Akins, County Attorney

