

Unsealed by Board of Commissioners 03/28/2011.

**SEALED MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MEETING - March 9, 2009**

Pursuant to NCGS 143-318.11 (a) (3) to consult with an attorney reference lawsuit Renee Crocker, Renee Roof, Julie Sprouse and Joy Waldrop versus Carson Griffin, Transylvania County Department of Social Services, and Transylvania County, closed session was entered into at 8:35 p.m.. Present were Chairman Chappell, Commissioners Bullock, Hawkins, Hogsed and Phillips, County Attorney David Neumann, County Manager Artie Wilson, Human Resources Director Sheila Cozart, and Clerk to the Board Trisha McLeod.

Commissioners met to receive an update on the status of the pending lawsuit. Sean Perrin with Womble Caryle Sandridge and Rice is representing the County in this matter. The Manager, Ms. Cozart, Commissioner Hogsed and former Commissioner David Guice have all been served notices of deposition which will occur on Friday.

County Attorney David Neumann reported that Mr. Perrin was chosen by the County's insurance company to represent the County in this matter. The only involvement by the County Attorney is that Mr. Perrin updates him on the status of the case. The complainants in this case are alleging Carson Griffin has not been a good supervisor and has created a stressful working environment. Mr. Perrin is making a motion to dismiss the case on the grounds of failure to make a claim and further that there is no basis for the lawsuit. The motion will be heard next month. Mr. Neumann said typically attorneys, through normal courtesy, would not depose before the motion is heard. They would also schedule depositions for those scheduled to be deposed in a more convenient matter. The attorney representing the complainants did not do that. Normally attorneys would also contact the attorney representing the County in the case which did not happen in this case either. Mr. Neumann further stated the complainants are three former employees and one current employee of the Department of Social Services.

Mr. Neumann instructed Commissioners and staff not to bring any information or notes to the deposition because the complainants' attorney has the right to acquire the information. Mr. Perrin will attend all the depositions to guide Commissioners and staff and will be available for a debriefing on Friday morning. The Manager noted that the complainants' attorney has requested information from personnel files that is confidential. The County will not be providing this information.

Commissioners questioned the validity of the lawsuit being that Social Services employees are not hired by the County and are subject to different grievance policy procedures. Mr. Neumann said he believes this is a frivolous lawsuit.

The Manager said the case involves personnel issues which have been well documented. There was a sequence of events where Ms. Cozart and Ms. Griffin met with the former employees prior to them leaving in an attempt to understand the situation.

Ms. Cozart explained the sequence of events further. She and Ms. Griffin met with the employees. The employees indicated that a new supervisor was the cause of their grief. Ms. Cozart indicated there has been turnover in that department resulting in the department being short staffed. Ms. Griffin contacted a social work staffing agency to assist with the staffing issues and indicated this to the employees. The employees indicated to Ms. Cozart and Ms. Griffin they had no issues with what needed to be done but rather with how the situation was being handled.

Commissioner Hawkins said the civil summons indicates there was a pattern that was brought to the County's attention and the County did nothing about it. He asked if their case has merit. The Manager said the proper channel for complaints by those employees is through the DSS Director, the DSS Board and then through the State Personnel Office. Ms. Cozart said the first complaints she received about the DSS Director was during those employees' exit interviews after they had already resigned.

The Manager again indicated the personnel records show justification for the actions that were taken in this matter. Mr. Neumann instructed Commissioners not to discuss this lawsuit in public being it is an ongoing matter.

After further comments, **Chairman Chappell moved to leave Closed Session, seconded by Commissioner Phillips and unanimously carried.**

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan
Clerk to the Board