

January 3, 2013

## NOTICE OF APPEAL

To: Captain Chris Lyons  
Sheriff Gary R. Sisk

From: Larry C. Black



Pursuant to the Catoosa County Personnel Policies and Merit System, an employee is entitled to ask for a formal review to APPEAL an action or decision made by a supervisor against him or her. The Merit System states that the APPEAL should be submitted in writing with a statement describing what is being appealed. The following is my statement detailing the unfair treatment and the adverse action(s) resulting from management's decision on my current job assignment at Catoosa County Sheriff's Office:

### SEQUENCE OF EVENTS/ TIMELINE

On Monday, December 31, 2012, while detached with the Lookout Mountain Drug Task Force (DTF), I was notified by Captain Chris Lyons to turn in my assigned 2011 Dodge Charger and all DTF equipment and to report to Sheriff Gary Sisk at Catoosa County Sheriff's Office on Wednesday, January 2, 2013. I immediately asked if I was to attend the swearing in meetings scheduled for Tuesday, January 1<sup>st</sup> and I was told no, do not attend.

On Tuesday, January 1, 2013, I turned in my assigned drug task force vehicle and equipment as instructed.

On Wednesday, January 2, 2013 at 9am, I drove my personal vehicle to the sheriff's office and met with Sheriff Gary Sisk, Chief Deputy Kelly Holcomb, and Captain Chris Lyons. During this meeting Sheriff Sisk informed me that I was being reassigned to a civilian position within the Detective Division as an Analyst. Subsequently, I learned that this new position is a non-sworn position and I would not receive an assigned vehicle or an assigned duty weapon. I was also instructed that this new position is an office job only with hours of 9am until 5 pm. I informed Sheriff Sisk that this reassignment was unfair and I was being punished because I ran for sheriff. Sheriff Sisk informed me that this is the position he was offering at the present time. Sheriff Sisk then swore me in as a civilian employee, not a sworn deputy sheriff.

On Thursday, January 3, 2013 I recontacted Captain Chris Lyons and asked if I could be placed in some type of sworn enforcement position within CID even if it meant night shift or weekends. I instructed Captain Lyons that this unfair job reassignment has caused me to lose my assigned government vehicle, a financial loss estimated at \$5000-\$7500 annually, according to Internal Revenue Service studies. I also informed Captain Lyons that this unfair decision will affect my supplemental state retirement with the Peace Officers Annuity and Benefit Fund (POAB) as this fund requires members to be sworn deputy sheriffs. Captain Lyons stated that he would talk to Sheriff Sisk. Later, Captain Lyons informed me that Sheriff Sisk refused to move me back to a sworn Detective position.

On Thursday, January 3, 2013 I recontacted Captain Lyons and informed him that I would be forced to file an APPEAL to the Appointing Authority due to the adverse actions against me by the newly appointed sheriff. I again asked the Sheriff to reconsider his decision. I also informed Captain Lyons that I would continue to seek employment elsewhere if the new sheriff would only give me time to seek the other employment. Captain Lyons contacted the Sheriff again and returned telling me that the Sheriff stated for me to do what I had to do.

On Thursday, January 3, 2013 at 1215 pm I contacted my attorney, Marcus Morris, at 706-226-0300 and retained him to represent me in this APPEAL. Attorney Marcus stated that he would immediately contact the county attorney Chad Young to discuss this APPEAL.

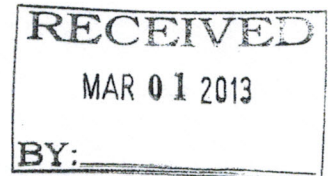
On Thursday, January 3, 2013 at 1445, after trying unsuccessfully many times to resolve this issue, I furnished a copy of this APPEAL to Captain Chris Lyons.

February 27, 2013

**NOTICE OF FURTHER APPEAL**

To: Captain Chris Lyons  
Sheriff Gary R. Sisk

From: Larry C. Black



Pursuant to the Catoosa County Personnel Policies and Merit System, Chapter 12, section 12-8, page 46, an employee may seek redress for a FURTHER APPEAL by writ of certiorari to the Superior Court if said employee feels that error has occurred in the APPEAL procedure.

On Wednesday, February 20, 2013, I was summoned to the Catoosa County Sheriff's Office conference room for a meeting with Sheriff Gary Sisk, Chief Deputy Kelly Holcomb, and Captain Chris Lyons. During this meeting Sheriff Sisk advised me, after communication with Catoosa County Attorney Clifton Patty, that my APPEAL had been denied. Sheriff Sisk then furnished me with a copy of his directive to me stating the reason for the appeal denial.

Again, I asked Sheriff Sisk to reconsider his decision and return me back to my job as a detective specializing in narcotics investigations. My current job assignment as of January 3, 2013 has been working in the office in a non-sworn position as a criminal analyst. Sheriff Sisk again refused my request.

My reason for filing this FURTHER APPEAL is that a number of errors have occurred in how this APPEAL was handled since being initially filed on January 3, 2013. Those errors include a lack of due process for the employee as a formal appeal hearing has not occurred. Also, said employee has not been allowed to offer any formal testimony to a hearing officer on why this reassignment decision is not only unfair and unjust per county approved policy.

It should be noted that this is the second attempt (February 27, 2013) by this employee to use 'administrative remedies' guaranteed by the Catoosa County Personnel Policies and Merit System to remedy this adverse action against me. The first attempt to remedy this adverse action against me was filed on January 3, 2013.

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