

**CITY OF ATLANTA CIVIL SERVICE BOARD  
ORDER**

**APPEAL NO. 2018-055AP**

APPELLANT: VINICA HARRIS  
Department of Aviation (DA)  
City of Atlanta (City)

Effective Date: April 16, 2018  
Hearing Date: December 3, 2020

ACTION:  
5 Day Suspension

HEARING OFFICERS/PANEL  
Plemon El-Amin, Chair  
Sterling Eaves  
Mary Ann S. Phyll, DWB

**APPEARANCES**

City of Atlanta Representative:  
April Broaders, HR Director  
Department of Aviation

City Witnesses:  
None

Appellant Representative:  
Pro se

Appellant's Witnesses:  
Vinica Harris, Appellant

**STATEMENT OF AUTHORITY**

Under the authority and provisions of Chapter 114, Article VI, Division 3, Sections 114-546 through 556 of the Atlanta City Code ("Code"), a hearing in the above-referenced case was held virtually via Zoom Webinar, facilitated by the City, pursuant to Mayor Keisha Lance Bottoms Executive Order regarding COVID-19, and before the above-named hearing officers of the Atlanta Civil Service Board ("Board") on the date set forth above.

## **EXHIBITS**

### **City of Atlanta:**

- C-A Copy of signed page of the Employee Handbook
- C-B Employee Handbook
- C-C General Guidelines for Conduct
- C-D Sec 114-528 (b)(4)
- C-E Disciplinary Action
- C-F Complaint Investigation Notes
- C-G Witness' written statements
- C-H Email correspondence/summary of 3/21/2018 meeting
- C-I NPAA, NFAA
- C-J City Code Sec 114-529(c)(1)

### **Appellant:**

- A-1 Copy of text messages – 1 page
- A-2 Copy of Doctor's appointment – 1 page
- A-3 Video (length unknown-not shown)
- A-4 Guidelines of Code Violation and Discipline – 1 page

## **STIPULATIONS**

None

## **CHARGES**

Suspended 5 days for violation of Atlanta City Code of Ordinance Section 114 -528:

Cause for Action:

(b)(4) Misconduct, including but not limited to engaging in offensive conduct or language toward the public, supervisory personnel or fellow employees.

## **INFRACTION**

See City of Atlanta Notice of Proposed Adverse Action (NPAA) (C-I, pg. 18)

## FINDINGS OF FACT

1. On April 16, 2018, Appellant Vinica Harris, a 10-year employee with the Department of Aviation, was suspended following statements She allegedly made the previous month to employees in her department.
2. On March 21, 2018, the Appellant attended a meeting with the City's Department of Labor & Employee Relations for management to discuss with her the statements that were reported, which were to have been made by the Appellant on March 7 and March 14. The incidents were said to have occurred at work in the Crew 5 Shop with fellow employees present.
3. The Appellant was asked to respond to the report or if she preferred, write a statement explaining her side. The Appellant responded that her supervisor, Keith Maddox had not specified any details about the incidents during the prior meeting and that therefore, she could not speak to them nor provide a statement about them. A second meeting was scheduled for the next day so that her management could obtain specific details about the incident and present them to the Appellant.
4. The following day, the Appellant declined to attend the second meeting by writing an email to management that she had no statement to make. (Exhibit C-H)
5. According to the NPAA, on March 7 and March 14, 2018, the Appellant engaged in verbal communication with a fellow employee using offensive foul language in the presence of fellow employees. (Exhibit C-I)
6. As allowed by the established discipline process, the Appellant declined to provide a response statement. HR management in Aviation issued a NFAA effective April 16, 2018 that imposed a 5-day suspension without pay.
7. Today, the Appellant is still employed in the City of Atlanta Aviation Department and holds the position of Facilities Maintenance Mechanic Senior. No evidence was introduced at the appeal hearing that over her employment with the City, any other discipline had ever been issued against the Appellant.

## DISCUSSION

Due to Mayor Keisha Lance Bottoms' Executive Order and COVID-19 pandemic guidelines, the appeal of Vinica Harris was called virtually at 2:00pm via the internet platform of Zoom.

The responsibility of the Civil Service Board is to hear appeals of City employees who have been disciplined. The appeal hearing is the last step within the City's appeal process. The Board reviews any errors in the disciplining of an employee or former employee and subsequently, overturn or uphold City personnel decisions.

This case, a case that was three months shy of being three years old at the time of the appeal hearing had challenges. Because of its age and except for the Appellant, all City employees involved in the alleged incident and the disciplining process, were no longer employed with the City. In addition, the Department of Aviation management that was charged with the responsibility of presenting the City's side of the appeal had not been with the City at the time the Appellant was disciplined.

The appealed case had a proof problem and the HR director, Ms. Broaders, as the City presenter was placed in a difficult position. She could not vouch for what the previous management had done in 2018, except present a memorandum dated March 22, 2018 in which it appears the City failed to complete an investigation of the incidents before issuing discipline. (Exhibit C-H). The Board questioned whether progressive discipline was even used properly in this case. There were no other witnesses for either side available to testify during the hearing. And, the Appellant testified that until the appeal hearing, she had never been given the who, what, where, when and the why details of her case by the City.

In conclusion, the Board views this case having major flaws and that the information presented was incomplete. And it is also important to note, the Appellant, Vinica Harris, is now a 12+-year veteran employee and with her longevity and lack of other discipline, the Board believes that the City has retained a capable person in their workforce.

**ORDER**

The appeal of Vinica Harris is GRANTED.

This the 14<sup>th</sup> day of December 2020.

Respectfully submitted,

*Plemon El-Amin*

Plemon El-Amin, Chair

*Sterling Eaves*

Sterling P. Eaves

*Mary Ann Phyll*

Mary Ann S. Phyll, DWB