

**CITY OF ATLANTA CIVIL SERVICE BOARD  
ORDER**

**APPEAL NO. 2019-044AP**

APPELLANT: Alfred Farley  
Dept. of Aviation

Effective Date: December 4, 2019  
Hearing Date: October 29, 2020

ACTION:  
Dismissal

HEARING OFFICERS/PANEL  
Sterling Eaves, Chair  
Plemon El-Amin, DWB  
Nkoyo Effiong-Lewis

**APPEARANCES**

City of Atlanta:  
Kareemah Lewis, Attorney

City Witnesses:  
April Broaders, HR Director  
James Gray, Supervisor  
Abdur Muhammad, Facility Supervisor

Appellant Representative:  
Pecolia Jennings, Union  
Coordinator

Appellant's Witnesses:  
Keith McCrary, Facility  
Antonio Santiago, Maintenance  
Engineer  
Ryan Nesbit, Supervisor  
Maulana Tenet, Maintenance Engineer

**ATTENDEE(S)/OBSERVER(S)**

Kandice Harmon, CSB Coordinator  
Princess Jones, IT, City  
Lori Johnston, Court Reporter

J. Brogden, City  
Tracey Thornhill, Union

**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-1 Notice of Final Adverse Action (NFAA) dated 12/4/2019
- C-2 Notice of Proposed Adverse Action (NPAA ) dated 11/22/2019
- C-3 City of Atlanta Code of Ordinances section 114-528(b)(1)
- C-4 City of Atlanta Code of Ordinances section 114-528(b)(3)
- C-5 City of Atlanta Code of Ordinances section 114-528(b)(8)
- C-6 11/12/19 Email from Kandice Harmon to Alfred Farley
- C-7 10/29/19 Email from April Broaders to Alfred Farley
- C-8 Appellant’s Timesheet
- C-9 Abdur Muhammad Violation Summary
- C-10 James Gray Investigation Summary and Timeline
- C-11 Appellant’s Response to NFAA
- C-12 12/4/19 Email from Broaders to Farley
- C-13 Registered Mail Receipts
- C-14 Civil Service Board’s 12/19/19 Decision in Appeal #2019-030AP
- C-15 10/29/19 Email from Muhammad to Farley
- C-16 10/30/19 Email from Gray to Broader
- C-17 Vehicle Use Policy
- C-18 10/24/19 Email from Muhammad to Gray

#### **Appellant:**

- A. Keith McCrary 8/12/19 letter to James Merriweather
- C. Miguel Southwell 9/6/16 letter to Michael Ross
- D. Alfred Farley 10/22/19 Sick Day text to Jim Gray

### **STIPULATIONS**

1. I, Alfred Farley, agree that I was hired on July 5, 2006 as an Aviation Maintenance Mechanic.
2. I, Alfred Farley, agree that I refused to sign the NPAA.
3. I, Alfred Farley, agree that I refused to sign the NFAA.

4. I, Alfred Farley, agree that during my employment I was aware of the City of Atlanta Code of Ordinances, Section 11-529 Procedures for Imposing Disciplinary Action.
5. I, Alfred Farley, agree that during my employment with the City of Atlanta I was aware of the City of Atlanta Ordinances Sections: (I) 114-528B1- Negligence in performing assigned duties; (II) 114-528(b)(3) Failure to carry out an official directive or refusal to carry out the lawful reasonable directions given by a supervisor or other acts of insubordination; and (III) 114-528(b)(8) Absence without official leave.
7. I, Alfred Farley, agree that on October 15, 2019 I was in a City vehicle without my seatbelt buckled.
8. I, Alfred Farley, agree that on October 23, 2019 my supervisor, Abdur Muhammad, gave me a directive to repair a fence in parking lot C, however I did not follow his directive.
9. I, Alfred Farley, agree that I was absence without official leave on October 24, 2019.
10. I, Alfred Farley, agree that I was in a City of Atlanta vehicle on October 23, 2019 and while in use of the vehicle I failed to use my seatbelt.
11. I, Alfred Farley, agree that on October 23, 2019 my supervisor, Abdur Muhammad, gave me directions to travel to Gate 107 at the Airport for a patch by order and I did not follow that directive.
12. I, Alfred Farley, agree that I was absent without official leave on October 24, 2019.
13. I, Alfred Farley, agree that on October 29, 2019 my driving privileges were revoked.
14. I, Alfred Farley, agree that on October 30, 2019 I refused to sign the vehicle use policy.

### **CHARGES**

Termination for Violation of Civil Codes: Section 114-528(b)(1) Negligence in performing assigned duties; Section 114-528(b)(3) Failure to carry out an official directive or refusal to carry out the lawful, reasonable directions given by a supervisor or other acts of insubordination; Section 114-528(b)(8) Absence without official leave.

### **INFRACTION**

See City of Atlanta Notice of Final Adverse Action (NFAA) (Exhibit C-1) and Notice of Proposed Adverse Action (NPAA) (Exhibit C-2).

### **FINDINGS OF FACT**

1. Appellant is employed by the City of Atlanta in the Department of Aviation as a

Facility Senior Mechanic, and has been in the Dept. for over 21 years.

2. Appellant was aware of City Codes Section 114-528(b)(1,3,&8)
3. On October 15, 2019 and October 23, 2019, Appellant was operating a City vehicle without a buckled seat belt.
4. On October 23, 2019, Appellant was given a directive by his supervisor, Abdur Muhammad, to repair a fence in Parking Lot C, and he did not follow that directive.
5. Also, on October 23, 2019, Appellant was given directions by his supervisor, Abdur Muhammad, to complete a patch order at Gate 107, and he did not follow that directive.
6. Appellant was absent without official leave on October 24, 2019.
7. On October 29, 2019, Appellant's driving privileges were revoked for sleeping in a vehicle.

### **DISCUSSION**

Due to Mayor Keisha Lance Bottoms' Executive Order and COVID-19 pandemic guidelines, the appeal of Alfred Farley was called virtually at 10am via the Zoom Internet platform. The Appellant has been employed with the City as a Facility Mechanic for more than 21 years. His immediate and disciplining Supervisor has been in this particular position for less than 2 years. We heard various testimony that verified the existence of a tense and acrimonious relationship between the Appellant and his Supervisor. However, the specific charges presented by the City to this Board are all substantiated and have been admitted to by the Appellant in the Stipulations. Therefore, this panel must rule in favor of the City.

### **ORDER**

The Appeal of Alfred Farley is denied, this the 9<sup>th</sup> day of November 2020.

Respectfully submitted,

*Sterling Eaves*

Sterling Eaves, Chair

*Plemon El-Amin*

Plemon El-Amin, DWB

*Nkoyo-Ene R. Effiong*

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