

CITY OF ATLANTA
CIVIL SERVICE BOARD
FINDINGS OF FACT AND ORDER

APPEAL NO. 2019-029AP:

Effective Date: August 1, 2019

APPELLANT: **James Glanton**

Hearing Date: October 3, 2019

City of Atlanta (“City”)
Department of Public Works (“DPW”)

ACTION:

Dismissal

HEARING OFFICERS/BOARD:

Mary Ann Phyll, Chair
Plemon El-Amin
Sterling P. Eaves, DWB

APPEARANCES

City of Atlanta’s Representative :

Kareemah Lewis, Esq.
Nikkina Speaks, Paralegal

City/Respondents/Witnesses:

Nia Parker, Director of Human Resources,
DPW
Dwight Wyatt, Maintenance Worker, DPW
FTO Brandon A. Jackson, Atlanta Police
Department

Appellant Counsel/Representatives:

Raemona Byrd-Jones, Esq., SEIU/NAGE
Stephanie A. Mutti, Esq., SEIU/NAGE

Appellant’s Respondents/Witnesses:

Ola Stephens, Street Maintenance Area
Supervisor, DPW
Marquis Phelps, Street Maintenance
Supervisor, DPW
Michael Dobson, Security Manager, DPW

Observers:

Keysha Baytop, Atlanta Fire & Rescue
Rachel Holmes, Esq., Appellant’s Criminal Defense Attorney
Shane Dershimer, MSW
James Merriweather, Director of Employee and Labor Relations, City Human Resources
Robert Hawkins, Incoming CSB member

STATEMENT OF AUTHORITY

Under the authority and provisions of Chapter 114, Article VI, Division 3, §114-546 through 556 of the Atlanta City Code (“Code”), a hearing in the above-referenced case was held before the above-named hearing officers of the Atlanta Civil Service Board (“Board”) on the date set forth above in Conference Room 2174 of the City Hall Tower located at 68 Mitchell Street, Atlanta, Georgia 30303.

EXHIBITS

City of Atlanta:

- C-1. City of Atlanta DPW Notice of Final Adverse Action (“NFAA”), employee James Glanton, issue date July 31, 2019, 2 pages
- C-2. City of Atlanta DPW Notice of Proposed Adverse Action (“NPAA”), employee James Glanton, issue date July 18, 2019, 1 page
- C-3. City Code §114-528(b)(4) and (b)(20)
- C-4. City AntiBullying & Workplace Violence Policy, Control ID: HR.101.01, Effective Date October 19, 2018, 4 pages.
- C-5. City of Atlanta DPW NFAA, employee Jerrod Dill, issue date July 30, 2019, 1 page
- C-6. City of Atlanta DPW NPAA, employee Jerrod Dill, issue date July 12, 2019, 1 page
- C-7. DPW Video of Incident
- C-8. Four still pictures taken from DPW Video of Incident (Ex. C-7), 4 pages
- C-9. Still photo of Jerrod Dill’s face with cut on chin, taken from FTO Brandon A. Jackson’s BodyCam, dated June 6, 2019, 1 page

Appellant:

None

Stipulations:

1. On June 6, 2019, [Appellant] was employed as a Construction Maintenance Worker for the City in DPW.
2. On June 6, 2019, [Appellant] was engaged in a physical altercation with Jerrod Dill.

3. On June 6, 2019, [Appellant] was engaged in a physical altercation with Jerrod Dill during [his] scheduled working hours.
4. At the time of the physical altercation listed in Stipulation #2, [the Appellant] was on City property.
5. On June 6, 2019, [Appellant] cut Jerrod Dill with a knife.
6. [The Appellant has] a pending felony case against him in [Fulton County Superior Court], case number 19SC168946, [charged with Aggravated Assault and Possession of a Firearm or Knife During the Commission of a Felony.]
7. [The Appellant is] aware of each City Code and Workplace [and] Anti-bullying policies listed on the NFAA.

VIOLATIONS

Atlanta City Code §114-528(b)(4): Misconduct, including but not limited to engaging in offensive conduct or language toward the public, supervisory personnel or fellow employees.

Atlanta City Code §114-528(b)(20): Any other conduct or action of such seriousness that disciplinary action is considered warranted.

[City] Anti-bullying and Workplace Violence Policy 3.1 Physical Assault/Abuse or any physical force or threat thereof that creates fear and/or control of another person.

INFRACTION/CHARGES

On June 6, 2019, James Glanton [Appellant] was involved in a verbal and physical altercation with fellow employee Jerrod Dill. Witnesses saw both employees arguing at the North Ave. gas pump. Mr. Dill was the first to strike. He struck Mr. Glanton with his arm. As a result, both employees began to physically strike each other. Mr. Glanton brandished a knife during the physical altercation and subsequently cut Mr. Dill in the face. The altercation was broken up by other employees. The Atlanta Police Department was contacted to investigate the altercation. Ultimately, both employees were taken into police custody. Given the serious nature of the incident, management recommends dismissal.

FINDINGS OF FACT

1. The Appellant worked for DPW as a Construction Maintenance Worker, DPW, Construction and Maintenance Division.
2. The Appellant was, at the time of this incident, a City employee with sixteen (16) years tenure.

3. The Appellant had never previously been disciplined by the City.
4. The City maintains a DPW maintenance facility at 1150 North Avenue, Atlanta, 30318. On the grounds of the facility, the City maintains a gas pumping station and a building that houses DPW management offices and other facility space (“DPW Facility”).
5. A fight occurred on June 6, 2019 at the gas pumps at the DPW Facility and the Atlanta Police Department (“APD”) responded and investigated the incident.

DISCUSSION

On June 6, 2019, the Appellant was assigned to be the crew supervisor for the day because his immediate supervisor was not at work. He drove a City DPW work truck, with two other City employees inside, one of whom was Jerrod Dill. At the beginning of the shift, or at about 8am, the Appellant drove the truck to the gas pumping station at the DPW Facility. In the truck, Mr. Dill sat directly behind the Appellant while a third DPW employee, Torrence Widgett, occupied the front right seat.

The City has installed a video camera without sound that surveils the gas pumping station in the DPW Facility. Other than the video, there was no recorded audio evidence of what was said at the gas pumps. Further, no evidence (recorded or by live testimony) was introduced at the hearing of what, if any, conversation occurred in the work truck before the crew arrived at the pumping station.

The vantage point of the camera is above and facing down at an angle to the rear of the subject work vehicle. The video showed that after the Appellant parked the DPW truck in front of the last pump on the right side of the screen, the truck’s back left door, where Mr. Dill was sitting, opened and he quickly got out of the vehicle, closing the door. Then, the truck’s driver’s door opened and the Appellant got out of the vehicle and closes the door. The video shows Mr. Dill take a fighting stance towards the Appellant, whose back is now to the truck. The men then jostle about and reverse positions, now with the Appellant facing the side of the truck. Mr. Dill then shoves the Appellant with two hands in his upper chest. After that, a short physical fight ensues with both the Appellant and Mr. Dill striking out at the other.

One of the DPW employees (Mr. Dwight Wyatt) was also filing his work truck at the pumping station but was on the opposite side of the line of gas pumps, in the next isle, down a couple of pumps, closer to the camera and across the pumps from the Glanton-Dill work truck. Mr. Wyatt said he saw the Glanton-Dill truck pull-up to the opposite side of the pumps and when he heard the two men talking loudly, he first thought the two men were “just playing.” But soon enough, it was clear to him that they were fighting and the video showed he and another employee went to break it up. He was able to grab Mr. Dill, from behind as Mr. Dill was now unwittingly backing-up toward Mr. Wyatt and away from the Appellant. When Mr. Wyatt pulled Mr. Dill away from the fight, he realized that Mr. Dill’s face was bleeding as blood was dripping down onto Dills’ shirt. He managed to take Mr. Dill away from the fight, get him in his work truck, drive him to the City building in the facility and get him medical aid.

Shortly thereafter, a fight call was dispatched from 9-1-1 to APD's FTO Brandon A. Jackson. When Officer Jackson arrived at the facility, the Appellant was not on the scene. As is the normal case when all parties involved are not on the scene when the police arrive, an APD investigator was assigned to the case. Within hours, both the Appellant and Mr. Dill were located in the DPW facility and both were charged, arrested and surrendered to the Fulton County Jail.

The stipulations in this case resolve any factual issue the Board might have had relevant to this appeal. Specifically, it is undisputed that the Appellant (1) was in a fight with Mr. Dill, (2) did cut Mr. Dill's chin with a knife, (3) was on the clock at the time and (4) was on City property at the time. But because Mr. Dill was the aggressor, the Appellant argues that he was simply defending himself. The Appellant also points to the fact that the City's Anti-bullying Policy does not instruct an employee who is attacked in the workplace, what to do once attacked.

While the Board agrees that there is no written "how-to" instructions or guidelines of that type in the Anti-bullying Policy, it should be obvious to the Appellant that even in a moment of conflict, he was not without his own common sense. As a more seasoned DPW employee, he could have walked or even run off, or he could have screamed for help. And even before that point, the Appellant could have never gotten out of the vehicle to begin with or once he saw (or even heard) what Mr. Dill was doing, the Appellant could have gotten back in the work truck, locked the door and even drive off.

Instead, it is clear from the video, that the Appellant not only responded quickly to Mr. Dill's shoving of him but he had to have the box cutter/knife in his hand and ready to brandish when he left the truck. The video shows that the Appellant did not open up or reach in the truck for anything after he got out of it and he did not reach in his shirt or pants pocket for anything before he returned Mr. Dill's shove. The only conclusion to be drawn by the Board is that *the Appellant knew when he exited the truck, that he needed to arm himself for a fight*. The Appellant's actions resulted in what is likely a 4-inch permanent scar of Mr. Dill's face, which, with just the right change of body movement by one or both of them, could have been a cut of Mr. Dill's jugular vein resulting in Mr. Dill's death.

Also disturbing to the Board is that Mr. Wyatt testified that he was on the receiving end of a knife the Appellant had pulled to threaten Mr. Wyatt in another earlier incident. Mr. Wyatt never reported the incident to management. The two had a dispute about the non-return of lent money by the Appellant to Mr. Wyatt. When Mr. Wyatt questioned the Appellant about when the money would be returned, the Appellant responded by pulling a knife and threatening to use it on Mr. Wyatt. This happened in the restroom of the DPW Facility and when Mr. Wyatt told the Appellant that he wasn't frightened by the knife and left the room, the incident was over.

There is no place in the City for any employee who is known to brandish a knife on other City employees and the City, now knowing this fact, is compelled to protect other City employees from this employee with a violent propensity. In sum, the Appellant's sixteen-year City employment tenure with no previous discipline fails to outweigh the Appellant's bad act. The only course for the City is to enforce its no tolerance of workplace violence and to

terminate the Appellant's employment. After considering this point and all the evidence presented to it, the Board is unable to sustain the Appellant's appeal.

ORDER

This Board **DENIES THE APPEAL** and confirms the dismissal of the Appellant from City employment.

This the 9th day of October, 2019.

Signed:

Mary Ann Phyll

Mary Ann Phyll, Chair

Plemon El-Amin

Plemon El-Amin

Sterling Eaves

Sterling P. Eaves, DWB