

CITY OF ATLANTA CIVIL SERVICE BOARD  
ORDER

APPEAL NO. 2020-017AP

Effective Date: July 29, 2020

APPELLANT: GREGORY WATSON

Hearing Date: January 14, 2021

Department of Watershed Management (DWM)

ACTION:

Dismissal

HEARING OFFICERS

Nkoyo-Ene R. Effiong, Chair

Robert Hawkins

E. Carl Touchstone, DWB

APPEARANCES

City of Atlanta ("City"):

Counsel/Representative:

Shemia F. Washington, Esq.

Latrice Latin, Esq.

City of Atlanta's Witnesses:

Eric Hawkins

Eric Coe

Christopher Armstead

Dorothy Henery

Appellant:

Gregory Watson

Counsel/Representative:

Pro Se

Appellant's Witnesses:

Gregory Watson

Kimberly Johnson

Aciandra Ivey

**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 (the "Code"), a hearing conference in the above-referenced case was held before the above-named hearing officers of the Atlanta Civil Service Board (the "Board") on the date set forth above, via a Zoom Webinar, facilitated by the City, pursuant to Mayor Keisha Lance Bottoms' Executive Order regarding the Covid-19 Pandemic.

## EXHIBITS

### The City's Exhibits

- COA 1 Atlanta Department of Watershed Management (“DWM”) Notice of Final Adverse Action dated July 29, 2020 (the “NFAA”).
- COA 2 Email from Eric Coe to Gregory Watson dated April 23, 2019.
- COA 3 Atlanta Department of Watershed Management (“DWM”) Customer Care and Billing Services Walk-In SOP, page 9 (the “SOP”).
- COA 4 Christopher Armstead’s Excel Sheet Breakdown.
- COA 5 Excel Sheet Position Comparison.
- COA 6 Memorandum from Christopher Armstead to Eric Hawkins regarding Adjustment Transactions made by Gregory Watson dated May 21, 2020.
- COA 7 Atlanta Municipal Code Section 114-528 Police (the “Code”).
- COA 10 Atlanta Department of Watershed Management (“DWM”) Notice of Proposed Adverse Action dated July 15, 2020 (the “NPAA”).

### Appellant's Exhibits

- APP B Email from Gregory Watson to Jennifer Hicks dated October 24, 2018.

### Stipulations

None.

## VIOLATIONS

City of Atlanta, Department of Watershed Management:

- (1) Office of Customer Care and Billing Services Walk-in SOP March 2018.
- (2) DWM Policy and Procedure Bulletin (PPB) 505, Violent or Abusive Behavior in the Workplace.

As set forth in Atlanta City Code Section 114-528, a “Cause for Action” for which discipline, including dismissal, may be imposed, includes:

- (3) 114-528 (b) (1) Negligence in performing assigned duties;
- (4) 114-528 (b) (2) Incompetence, inability or failure to perform assigned duties; including but not limited to loss of job requirements, such as the loss of a required license;
- (5) 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;
- (6) 114-528 (b) (4) Misconduct, including but not limited to engaging in offensive conduct or language toward the public, supervisors, and fellow employee;
- (7) 114-528 (b) (10) Unauthorized use of city property;
- (8) 114-528 (b) (11) Abuse or theft of city property; and
- (9) 114-528 (b) (20) Any other conduct or action of such seriousness that disciplinary action is considered warranted.

#### FINDINGS OF FACT

1. Appellant was employed by the City of Atlanta (the “City”) in the Atlanta Department of Watershed Management (the “Department”). He was hired in August, 2016 as a Water Services Representative. At some point, he worked in the billing department. In February, 2017, he was promoted to Water Services Representative Senior. In or around 2018, Appellant began working on the Office of Customer Care & Billing Services (“OCCBS”) Walk-in Service team. Appellant had been with the Department for approximately four (4) years.
2. Appellant’s job responsibilities included processing new water service requests, establishing payment plans, processing senior citizen applications, printing bills, providing welcome packages, scanning and filing documents, creating work orders, answering customer account questions, and noting customer accounts.
3. Appellant was not authorized to adjust bills or customer accounts.
4. Appellant was suspended without pay for two (2) workdays, effective April 18, 2018 for an altercation with a co-worker.
5. In November 2018, Appellant was warned directly by Eric Hawkins,

OCCBS Deputy Commissioner (“Hawkins”), that there was no room for error and that he had to be respectful to others and conduct himself as a true customer service professional. Moreover, Appellant was warned by Hawkins, in that same conversation, that his employment would be terminated if his behavior did not improve.

6. Appellant was subsequently removed from working at OCCBS due to unacceptable behavior towards employee, supervisors, and customers.
7. In October 2019, Appellant was placed on paid administrative leave pending the results of an investigation regarding solicitation of bribes in exchange for adjusting an outstanding bill on a customer’s account. Appellant has remained on administrative leave since that time.
8. While this investigation was on-going, a customer came to City Hall and alleged that he paid Appellant to adjust his account. The customer also indicated that Appellant showed up at his home uninvited.
9. As a result of the allegations, Hawkins requested a departmental inquiry by the Office of Information Management (“OIM”) to examine all billing adjustments made by Appellant from May 2019 to August 2019. The scope was expanded to include February 2019 to September 2019 after additional unauthorized adjustments were discovered.
10. The investigation by OIM determined that Appellant made 1,354 unauthorized, undocumented and fraudulent billing adjustments across 105 accounts.
11. The billing adjustments totaled three hundred fifty-eight thousand, one hundred and ninety-six (\$358,196.00) dollars in lost revenue collections.
12. The investigation revealed that Appellant issued unauthorized credits to customer accounts in the amount of one hundred fifty seven thousand, one hundred and thirty-three (\$157,133.00) dollars. These credits were then available for a customer to make an “on-demand” request for a cash refund. (NFAA)
13. According to the investigation, at least one customer received a refund, as a result of the unauthorized credits made by Appellant, in the amount of one thousand, two hundred ten dollars and eighty-four cents (\$1,210.84).

14. The investigation further determined that Appellant did not provide the required documentation, account notes, or justification to support the basis of making the unauthorized billing adjustments, thereby evading accounting controls put in place to deter and detect fraud and other forms of malfeasance.
15. The investigation also revealed that Appellant spent many hours of paid work time making these unauthorized billing adjustments and issuing unauthorized credits.
16. Only the management team is authorized to perform and approve adjustments or credits.
17. Appellant made threatening and inappropriate comments towards his supervisor, Eric Coe (“Coe”), by way of three (3) voice mail messages to Coe’s city-issued mobile phone.
18. Three messages were left by Appellant to Coe on July 1, 2019. The first at 12:15 a.m., the second at 7:48 a.m., and the third message was at 8:16 a.m.
19. On July 15, 2020, a Notice of Proposed Adverse Action (NPAA) was issued to Appellant that recommended dismissal for violating the following: (1) Office of Customer Care and Billing Services Walk-in SOP March 2018. (2) DWM Policy and Procedure Bulletin (PPB) 505, Violent or Abusive Behavior in the Workplace. (3) 114-528 (b) (1) Negligence in performing assigned duties; (4) 114-528 (b) (2) Incompetence, inability or failure to perform assigned duties; including but not limited to loss of job requirements, such as the loss of a required license; (5) 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; (6) 114-528 (b) (4) Misconduct, including but not limited to engaging in offensive conduct or language toward the public, supervisors, and fellow employee; (7) 114-528 (b) (10) Unauthorized use of city property; (8) 114-528 (b) (11) Abuse or theft of city property; and (9) 114-528 (b) (20) Any other conduct or action of such seriousness that disciplinary action is considered warranted. (COA Exhibit 10)
20. On or about July 20, 2020, Appellant provided a written response to the NPAA. (COA Exhibit 1)
21. On July 23, 2020, a Notice of Final Adverse Action (“NFAA”) was issued

by the City to Appellant, without modification to the NPAA, after Appellant's written response. The effective date of the action was July 29, 2020. (COA Exhibit 1)

## DISCUSSION

At the hearing, Deputy Commissioner Eric Hawkins ("Hawkins") was called as the City's first witness. Hawkins testified to his knowledge of Appellant's work history and disciplinary issues. He further testified that he believed in second chances and gave Appellant another opportunity, even after he learned about Appellant's suspension for the issue with his co-worker.

Hawkins confirmed that Appellant was not authorized to make adjustments to customer accounts and that he personally requested the OIM investigation after learning that an allegation against Appellant had surfaced concerning bribery. It was Hawkins who recommended Appellant's dismissal and he also testified that he would not want Appellant back as an employee.

Watershed Manager Eric Coe ("Coe") was the City's second witness. Coe was in the position of Watershed Manager from February 2018 until July 2020. He was the direct supervisor for Appellant during Appellant's time with the Walk-in team. Coe confirmed that Appellant did not have the authority to adjust customer accounts, without the approval of management. Coe also stated that Appellant was not authorized by him to make any adjustments to customer accounts. Moreover, City of Atlanta's Exhibit 2 and 3 were introduced. COA Exhibit 2 was an email sent from Coe to Appellant on or about April 23, 2019 that contained the revised Walk-in SOP. COA Exhibit 3 was page 9 of the Walk-in SOP, which clearly described the Customer Service Representatives' job description.

Christopher Armstead ("Armstead") was called by the City as its third witness. Armstead is with the Office of Performance and Accountability. He testified that he did not know Appellant, but was tasked with the audit of Appellant's transactions. Armstead testified that he compared Appellant's transactions with others in the department with similar jobs titles and types of transactions, including amounts.

Armstead testified that his audit revealed that approximately \$358,000.00 was the overall figure for detriment to the City. He explained that there is a unique identifier that shows who did the transaction in the system, which is how he determined Appellant's activities.

Dorothy J. Henry (“Henry”) was the City’s final witness. She was the Watershed Manager Senior Manager in the OCCBS. She testified that she was not Appellant’s direct supervisor. According to Henry, Appellant reported to Coe, and Coe reported to her.

Henry testified that in her capacity, she only authorized her management team to make adjustments to customer accounts and that adjustments are only made after her approval. She further clarified that if an employee previously worked in billing, prior to working in her department, that that employee may know how to do adjustments, but certainly was not authorized to do adjustments.

Appellant himself, testified as his first witness. It was his position that this case is nothing but a “witch-hunt” brought by Deputy Commissioner Hawkins.

Appellant confirmed that he went into customer accounts and did reversals, but did not know that he was doing adjustments. He contends that he knew how to do adjustments from his time spent in the billing department, but that what he was doing were not adjustments. Moreover, Appellant claimed that his unique identifier was not used to make adjustments and that even if he had made the adjustments, the statute of limitations has passed.

When asked by Panel Member Robert Hawkins about whether he was cleared of the bribery allegations, Appellant responded in the affirmative. The City’s counsel indicated that the City of Atlanta Law Department did not clear Appellant of the bribery allegations, but that they felt that the allegations were not sufficient to present a criminal case. Appellant also felt that since the Law Department did not find anything with the bribery allegations, that the Department then came after him regarding the adjustments in retaliation.

Appellant’s witness Kimberly Johnson (“Johnson”) testified that she is a Watershed Management Department Customer Service Representative Senior, and that she has worked with the City of Atlanta for over twenty (20) years. In her capacity, Johnson testified on cross examination, that she is not authorized to make adjustments to customer accounts. She further stated that she as not aware that Appellant made adjustments, not aware that Henry or Coe ever gave Appellant authority to make adjustments to customer accounts, and that she does not know anything about adjustments, period. Johnson concluded that when she pulled up a customer’s account, that there is no way for her to accidentally to make an adjustment to a customer account.

Appellant's final witness was Aciandra Ivey ("Ivey"). She's been a Customer Service Representative Senior for four (4) years with the City of Atlanta.

On cross examination, Ivey confirmed that she was not authorized to make adjustments to customer accounts. She further testified that none of the Customer Service Representatives were authorized to make adjustments to accounts.

Based on the evidence presented, the City of Atlanta has met its burden to substantiate the dismissal of Appellant in this matter. Witnesses Hawkins, Coe, Henry, and Johnson all confirmed that Appellant, in his capacity, was not authorized to make adjustments to customer accounts. It was also clear that Coe sent an email to Appellant, which put Appellant on notice as to what he could and could not do, in his position.

As to Appellant's claim that the issues related to adjustments to customer accounts were created as retaliation for him not being charged with bribery, the Board finds that there is no merit in this argument. There is no evidence to support Appellant's claim.

After review of the testimony and evidence, the Board concludes that the City was justified in its action of **dismissal** in the instant matter. The City has met its burden concerning all of the allegations as presented.

### **ORDER**

Based on the foregoing, the Board hereby **AFFIRMS** the Appellant's dismissal.

This the 16<sup>th</sup> day of February 2021.

Signed:

*Nkoyo-Ene R. Effiong*

Nkoyo-Ene R. Effiong, Chair

*Robert Hawkins*

Robert Hawkins

*E. Carl Touchstone*

E. Carl Touchstone, DWB