

CITY OF ATLANTA CIVIL SERVICE BOARD  
ORDER

APPEAL NO. 2018-054AP  
APPELLANT: JORDAN SMITH  
Department of Aviation (the "Department")

Effective Date: June 26, 2018  
Hearing Date: January 28, 2021

ACTION:  
Dismissal

HEARING OFFICERS  
Sterling P. Eaves, Chair  
Nkoyo-Ene R. Effiong  
E. Carl Touchstone, DWB

APPEARANCES

City of Atlanta ("City"):

Counsel/Representative:  
Joshua Foster, Esq.

City of Atlanta's Witnesses:  
Amanda Noble, City Auditor  
Kathy Roby, Aviation HR Manager

Appellant:  
Jordan Smith

Counsel/Representative:  
Pro Se

Appellant's Witnesses:  
Jordan Smith

**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

City of Atlanta

C-1 Atlanta Department of Aviation (the "Department") Notice of Proposed Adverse Action dated June 12, 2018 (the "NPAA").

C-2 Atlanta Department of Aviation (the "Department") Notice of Final Adverse Action dated June 21, 2018 (the "NFAA").

C-3 Atlanta City Auditor's Office (the "Auditor") Investigation Summary dated June 28, 2018 (the "NPAA").

C-4 Jordan Smith's Application and Onboarding Package

Appellant

None.

Stipulations

None.

VIOLATIONS

City of Atlanta, Department of Aviation:

114-528 (b)(12) Willful making of false statements to the public, supervisors, officials, boards, department heads or agencies or the willful making of false statements on an employment application within the city.

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 Department of Aviation (the "Department"). He was hired in March 2016, as an Airfield Maintenance Mechanic.
2. In April 2017, the City received an anonymous complaint on its "integrity line," that an office manager in the Department of Aviation was allocating overtime to relatives.
3. As a result of the complaint, an investigation was conducted on Theresa Williams ("Williams"), the Department of Aviation facilities maintenance office manager.
4. The investigation revealed that Williams had two (2) relatives working in her department that did not disclose the fact that they were related to Williams, in their employment applications. Those relatives were her son, Ti'Rone Smith, and her nephew, Appellant Jordan Smith.
5. The investigation confirmed that Williams unfairly allocated overtime to Appellant.

6. When being interviewed as part of the investigation, Appellant admitted that he did not make accurate statements on his employment application.
7. On June 12, 2018, a Notice of Proposed Adverse Action (“NPAA”) was issued by the City to Appellant, with the proposed action of termination. (Exhibit C-1)
8. On June 21, 2018, a Notice of Final Adverse Action (“NFAA”) was issued by the City to Appellant, without modification to the NPAA. The effective date of the action was June 26, 2018. (Exhibit C-2)

### **DISCUSSION**

Amanda Noble, the City of Atlanta Auditor, was called as the City’s first witness. Ms. Noble testified that her office began investigating an anonymous complaint concerning the allocation of overtime to family members, by a manager in the Department of Aviation. The initial target of the investigation was Theresa Williams, the facilities maintenance office manager. Appellant worked as a mechanic, in this same department.

According to Ms. Noble, it was determined that Mrs. Williams is Appellant’s aunt. Appellant did not disclose that he had relatives working for the City, in his employment application. When Appellant was interviewed as part of the investigation, he confirmed that he did not make an accurate statement on his employment application regarding family members working at the City, out of fear that he would not be hired.

The City’s other witness, Kathy Roby, the Department of Aviation Human Resources Manager, testified concerning the NPAA and the NFAA in this case. During her testimony, Ms. Roby noted that all employees are asked the question about relatives working for the City of Atlanta in the employment application. Ms. Roby confirmed that one of the reasons for this question was to prevent overtime abuse.

During his testimony, Appellant did not dispute that he failed to provide accurate information on his employment application regarding relatives working for the City of Atlanta. He confirmed that he was not truthful because he believed that he would not be hired if he admitted that his aunt worked for the City.

Based on the evidence presented, the City of Atlanta has met its burden to substantiate the dismissal of Appellant in this matter. It is uncontroverted that Appellant was not truthful when completing his application for employment. The City followed all of the proper procedures in this action and the Board is satisfied that the City’s actions are appropriate in this matter.

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 26<sup>th</sup> day of February 2021.

Signed:

*Sterling P. Eaves*

Sterling P. Eaves, Chair

*Nkoyo-Ene Effiong*

Nkoyo-Ene R. Effiong

*E. Carl Touchstone*

E. Carl Touchstone, DWB