

CITY OF ATLANTA CIVIL SERVICE BOARD
ORDER

APPEAL NO. 2018-053AP
APPELLANT: TI'RONE SMITH
Department of Aviation (the "Department")

Effective Date: June 26, 2018
Hearing Date: March 4, 2021

ACTION:
Dismissal

HEARING OFFICERS
Mary Ann Phyll, Chair
Sterling P. Eaves
Nkoyo-Ene Effiong, DWB

APPEARANCES

City of Atlanta ("City"):

Counsel/Representative:
Jessica P. Johnson, Esq.

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

Appellant:
Ti'Rone Smith

Counsel/Representative:
Pro Se

Appellant's Witnesses:
Yolanda Henderson
Jerome Brundidge

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 Ti’Rone Smith’s Application and Onboarding Package

C-5 City Code of Ordinance Sec. 114-528

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 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, Appellant Ti’Rone Smith, and her nephew.

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 mother. 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.

While Appellant presented evidence that decisions regarding overtime were not made by his mother, Appellant cannot overcome that fact that he failed to provide accurate information on his employment application regarding relatives working for the City of Atlanta. The employment application that he signed indicates that he did not have any family members working with the City, when in fact, that was not true.

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 7th day of April, 2021.

Signed:

Mary-Ann Phyll

Mary Ann Phyll, Chair

Sterling P. Eaves

Sterling P. Eaves

Nkoyo-Ene Effiong

Nkoyo-Ene Effiong, DWB