

**CITY OF ATLANTA CIVIL SERVICE BOARD  
FINDINGS OF FACT AND ORDER**

**APPELLANT: Charlyn Aikens**  
Senior Communications Dispatcher (Civ.)  
City of Atlanta Police Department (APD)

**APPEAL NO. 2021-004AP**  
Effective Date: February 12, 2021  
Hearing Date: April 20, 2021

ACTION:  
4 Day Suspension

HEARING OFFICER  
Mary Ann S. Phyll

**APPEARANCES**

City of Atlanta Representative:  
Staci Miller, Esq.

City Witnesses:  
Charlyn Aikens, Appellant  
Asst. Chief Todd Coyt -APD

Appellant Representative:  
John Wales, Esq.

Appellant's Witnesses:  
None

**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:**

COA 1	OPS File No. 20-I-0283-SOP - 55 pages
COA 2	Transcript of Charlyn Aiken's Statement to OPS – 20 pages
COA 3	APD.SOP 6050 - Off Duty Conduct – 17 pages

**Appellant:**

None

## STIPULATIONS

None

## CHARGES

Suspended 4 days for violation of the Atlanta Police Department Work Rule(s):

*4.2.33 Conformance to Directives – Employees are required to familiarize themselves with and conform to, the rules, regulations, directives, and standard operating procedures of the Department.*

## INFRACTION

See City of Atlanta Notice of Final Adverse Action (NFAA) (COA 1 pgs. 8-9)

## FINDINGS OF FACT

1. The Appellant, Charlyn Aikens joined the Atlanta Police Department (APD) in January 2019. At the time of the infraction, she held a civilian position as a Senior Communications Dispatcher.
2. On June 25, 2020, the APD was informed of postings and comments made by the Appellant on her personal Facebook social media account May 29, 2020 thru June 24, 2020. After viewing the posts, the department deemed them inappropriate and unprofessional. The postings included:
  - disparaging posts about police killing black men
  - information on how to “de-certify” police officers
  - images of black people being hanged and burned
  - written racially insensitive and offensive comments to a former friend and co-worker. (Exhibit COA-1)
3. During the time of the postings, the Appellant, an essential worker, was not physically on the job. In early March she informed her supervisor that she was pregnant. Her pregnancy placed her in a high-risk category due to Covid-19. As a result, management sent the Appellant home with pay on March 19, 2020. She was given no assignments.

4. On July 22, 2020 the Office of Professional Standards (OPS) completed an investigation of the allegations made against the Appellant. It found sufficient factual evidence to indicate that the Appellant did not conform to standard operating procedures by posting inappropriate comments through a social media platform. (Exhibit COA-1 pg. 17)
5. The postings and the resulting investigation caused a disturbance in the Appellant's assigned 9-1-1 unit. Department employees felt that the Appellant's posts were *against* police and, as a communications dispatcher, it made them question information she may provide when dispatching an officer. They challenged the Appellant's credibility and her ability to be impartial while performing her job duties.
6. APD placed the Appellant on leave with pay from July – October 2020.
7. The Appellant started her maternity leave in October 2020 until January 2021. Following the birth of her child, she physically returned to her communications dispatcher position with APD sometime in January.
8. On January 27, 2021, a Notice of Proposed Adverse Action (NPAA) was issued to Appellant proposing discipline of 4 days without pay for violating Rule 4.2.33. And, on February 3, 2021 the Notice of Final Adverse Action (NFAA) effective February 12, 2021 was issued. (Exhibit COA-1 pages 8-11)
9. The Appellant served a 4-day suspension and returned to her work assignment with the APD. Approximately two weeks later, on March 1, 2021, the Appellant resigned from her position.

### DISCUSSION

Due to Mayor Keisha Lance Bottoms' Executive Order and COVID-19 pandemic guidelines, the appeal of Civilian Charlyn Aikens was called virtually at 10:00am via the internet platform of Zoom.

The City's first witness, Asst. Chief Coyt, a 29-year veteran of APD testified that the posts made by the Appellant caused an uproar in the 9-1-1 center. Several APD employees took issue to the Appellant's posts. He stated that the employees believed

that the posts were inflammatory, that they were made against police, and eroded the trust of the police department, not to mention, the public trust. He concurred with the OPS investigation results that found the Appellant had violated APD.SOP 6050 - Department Employee's Duties with Regards to Information Technology (2) Off-Duty (a) Social Networking.

As stated during the hearing, Chief Coyt acknowledged the charge against the Appellant had been sustained through the APD chain of command up to him. In the ordinary review process, Chief Coyt received the OPS packet which included his lower ranking officers' discipline recommendation: Dismissal. However, Chief Coyt was opposed to that level of higher punishment. It was his regular practice to utilize discipline as a tool to educate or re-educate his staff. He modified the recommendation of dismissal down to a 4-day suspension.

The City called the Appellant as their second witness. Charlyn Aikens, the Appellant, was an experienced APD communications dispatcher with POST certification, who was also entrusted as a department trainer. She testified that she was familiar with APD.SOP 6050(2)(a). She understood the rule to mean that she could not mention the Atlanta Police Department *by name* when posting or commenting on social media.

The Appellant continued her testimony by stating that her personal feelings did not affect her decision making when performing her job duties and that she was offended by employees assuming that she would not be professional or biased in the workplace. She repeated that her posts did not address APD by name nor depict the department in a negative way. The Appellant apologized for the discomfort that her fellow employees may have felt - but not for the statements she made. She believed the comments were not unprofessional or inappropriate and the images posted were publicly available. She did not remove the postings and comments from her social media account and didn't recall being asked by APD management to do so.

The Appellant's representative, Atty. Wales contended that the Appellant did nothing wrong and that the Facebook page was private, family/friends only and concerned matters of public interest. (Exhibit COA-1 pg. 4)

The Appellant may have misunderstood the APD rule by which she was employed but due to her length of employment as a communications dispatcher and trainer, her failure to comply cannot be excused. See APD work Rule 4.2.33, *Employees*

*are required to familiarize themselves with, and conform to, the rules, regulation, directives, and standard operating procedures of the Department.*

Finally, the Appellant at all times admitted to the posts. And, although made outside of work and on the Appellant's personal time, some of these postings were racial in nature. Moreover, when advised by upper management that the postings were against department policy, the Appellant did not remove them. The Board believes that the conduct of the Appellant brought doubt to her credibility as an impartial police communications dispatcher.

In conclusion, the Board carefully considered all testimony and evidence presented by both, the City and the Appellant during the hearing. The Board thereafter finds that the Appellant's actions are a violation of work Rule 4.2.33 Conformance to Directives, specifically APD.SOP 6050 (2) Off-Duty Conduct (a) Social Networking Sites.

### **ORDER**

The appeal of Charlyn Aikens is Denied.

This the 4<sup>th</sup> day of May 2021.

Respectfully submitted,

*Mary Ann Phyll*

Mary Ann S. Phyll  
Civil Service Board member