

CITY OF ATLANTA CIVIL SERVICE BOARD

FINDINGS OF FACT AND ORDER

APPEAL NO. 2020-003AP

Effective Date: February 3, 2020

Atlanta Fire-Rescue Department

Hearing Date: October 14, 2021

APPELLANT:

Sergeant Brent Pittman

HEARING OFFICERS:

Herman Sloan, Chair

Mary Ann S. Phyll

Robert D. Hawkins, DWB

ACTION:

30 Days (12-Hour Days) Suspension Without Pay

APPEARANCES

City of Atlanta ("City")

Representative:

Keyshia Baytop

City of Atlanta's Witnesses:

Deputy Fire Chief Byron Kennedy

Sergeant Brent Pittman

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Appellant:

Sergeant Brent Pittman

Counsel/Representative:

Gwendolyn Gillespie

Appellant's Witnesses:

Captain Winston Bowers

Lieutenant Kwame S. Nyuku

Sergeant William B. Walker

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 conference 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 (the "Board") on the date set forth above.

ATLANTA CIVIL SERVICE BOARD MISSION STATEMENT

The Board's sole purpose is to examine the issues of adverse employment action(s) in accordance with the Atlanta City "Code". More specifically, the Board is "not" charged with determining if the Appellant's actions were criminal in nature nor will it make any reference thereto.

EXHIBITS

City of Atlanta: See List in the Official Records

Appellant: See List in the Official Records

CHARGES

Appellant was suspended for 30 days for violating Section 2.32 (b) of the Atlanta Fire – Rescue Department's Office of Professional Standards, Standard Operating Procedures:

"Unsatisfactory Performance".

FINDINGS OF FACTS

The Appellant has been employed by the City of Atlanta Fire-Rescue Department for eighteen years. He holds the rank of sergeant and is currently assigned to the Division of Avionics at the Hartsfield-Jackson International Airport.

The City's disciplinary action stems from the Appellant's failure to complete mandatory on-line "Incident Command" training within the prescribed timeframe.

The "City" provided documentary evidence, confirming on July 11, 2018, Battalion members were notified of the requirement to complete what is also referred to as "Blue Card" training. Moreover, during his testimony, the Appellant acknowledged that he was also made aware of the required training during morning briefings and by announcements that were conspicuously posted in rooms where briefings were routinely held.

The "City" provided evidence of a "Record of Counseling", dated August 11, 2019, whereby the Appellant was directed to start and complete the training. The Appellant acknowledged the counseling event by executing the document. The Record of Counseling serves as additional proof of the Appellant's non-conformance with a specific directive issued by supervisory personnel.

The Appellant submitted email correspondence, dated October 21, 2019, stating that he was unable to gain access to the on-line training because of being locked-out of the network. However, during his testimony, Deputy Fire Chief Byron Kennedy said, he never received communication or evidence from the Appellant noting any technical impediments that precluded him from completing the training. The Deputy Chief further stated that he did not receive any requests from the Appellant for assistance.

Deputy Chief Kennedy testified that the vast majority of the staff completed the exercise within the allotted timeframe and those who did not were disciplined accordingly. Two witnesses for the Appellant, Lieutenant Kwame Nyuku and Sergeant William Walker testified that they did encounter problems logging into the system to complete the training. Moreover, they noted some degree of confusion surfaced about who was expected to complete the training; yet, they too were disciplined for not adhering with the completion deadline. The disciplinary measures issued to Messrs. Nyuku and Walker suggest the City's approach was consistent and not arbitrary with respect to the Appellant.

The "City" offered evidence confirming on December 31, 2018, the Appellant was suspended for one day (12 hours) for not completing sexual harassment and CPR training. Moreover, he failed to attend any of the make-up classes.

On January 16, 2020, the "City" issued a Notice of Proposed Adverse Action (NPAA) to the Appellant for failing to complete the "Incident Command" training as mandated. The Appellant's action was deemed to be in contravention to Office of Professional Standards Rule 2.32(B) – "Unsatisfactory Work Performance". In accordance with the "City's" Code he was

given until January 21, 2020 to provide a written response and until January 22, 2020 to appear before a Disciplinary Authority, in this case Fire Chief Randall Slaughter. The NPAA recommended a suspension of 30 days (12-hour days), without pay, effective February 3, 2020.

Finally, the Notice of Final Adverse Action (NFAA) was mailed on January 27, 2020, effective February 3, 2020 and contained the same disciplinary provisions as the NPAA.

DISCUSSION

During the hearing, the “City” provided sufficient and credible documentary evidence. Its primary witness, Deputy Chief Kennedy offered compelling testimony for the Board to conclude that the Appellant had more than ample time to complete the “Incident Command” training. The training is viewed as critical because it prepares battalion members to appropriately respond during emergency incidents at one of the world’s busiest airports, Hartsfield-Jackson International Airport. In essence, staff could, at any point, be required to respond to life and death situations. Also, the Appellant acknowledged receiving notice of the training during morning briefings and via announcements posted in briefing locations.

Finally, the “City” offered evidence of other occasions whereby the Appellant failed to adhere with directives, so clearly a pattern of non-compliance and a history of not following supervisory mandates is apparent. Thus, the City’s disciplinary measures were merited.

ORDER

Based on concrete documentary evidence and witness testimony confirming the Appellant’s unsatisfactory performance, the City’s action is **Affirmed** and the Appellant’s **Appeal** is **Dismissed** on this 14th day of October 2021.

Herman Sloan

Herman Sloan, Chair

Mary Ann S. Phyll

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