

CITY OF ATLANTA
CIVIL SERVICE BOARD

FINDINGS OF FACT AND ORDER

APPEAL NO. 2018-038AP Effective Date: September 24, 2018

APPELLANT: **Delontay Dodson** Hearing Date: August 26, 2021

City of Atlanta (“the City”)

Department of Public Works (“the Department”)

ACTION: HEARING OFFICER/BOARD

Dismissal Mary Ann Phyll, Chair Plemon El-Amin

Herman Sloan, DWB

APPEARANCES

City of Atlanta Representative:

Jessica Johnson, Esq.

Appellant Representative:

Delontay Dodson, *Pro se*

City Witness:

Kenya Moore

Appellant Witness:

Delontay Dodson

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

C-1 Notice of Proposed Adverse Action

C-2 Notice of Final Adverse Action

C-3 Delontay Dodson’s Time Detail

C-4 Civil Service Board Appeal Form

C-5 City Code of Ordinances Section 114-528

STIPULATIONS

None.

VIOLATIONS

Dismissal for violation of City of Atlanta Code of Ordinances Sections 114-528(b)(8) and 114-528(b)(9).

SPECIFIC CHARGES

Appellant was absent from work without official leave. Appellant was absent without authorized leave, from work, for three (3) consecutive days.

FINDINGS OF FACT

1. The Appellant was employed by the City of Atlanta (“the City”) in the Department of Public Works, Solid Waste Services as an “*ESWI*.” According to the Appellant he “worked the back of the garbage truck.”
2. The Appellant was employed for approximately fourteen (14) months.
3. The Appellant was arrested and incarcerated in Dekalb County in March of 2018 and remained incarcerated until his release in April 2019.
4. On September 10, 2018, the City issued a Notice of Proposed Adverse Action, apprising the Appellant of the City’s intention to dismiss the Appellant from its employ as a consequence of the Appellant’s “absenteeism since 3/20/18.”
5. On September 21, 2018, the City issued a Notice of Final Adverse Action, apprising the Appellant of the City’s intention to dismiss the Appellant from its employ as a consequence of the Appellant’s violation of City of Atlanta Codes of Ordinances sections 114-528(b)(8) and 114-528(b)(9).
6. On September 22, 2018, Juanita Dodson, filed, on behalf of her son DeLontay Dodson, an appeal.

DISCUSSION

City of Atlanta Code of Ordinances section 114-528(b) states:

“The following actions constitute cause for which disciplinary action may be imposed, but the imposition of disciplinary action shall not be limited to such offenses:

...

(8) Absence without official leave.

(9) Abandonment of job. An employee not on authorized leave of absence who, without valid reason, fails to report for work for three consecutive days.”

The City presented one witness, Ms. Kenya Moore . Ms. Moore is a Human

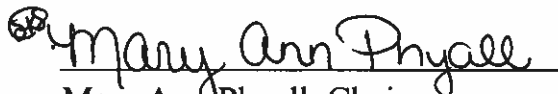
Resources Manager within the Department of Public Works. Ms. Moore testified that she has been with the City for approximately 17 years and with the Department of Public Works for five (5) years. Ms. Moore testified that her duties include *inter alia*, ensuring that appropriate disciplinary actions are carried out when employees fail to follow the prescribed policies and procedures. In this instance, Ms. Moore testified that the Appellant was not on or in an official leave status for the period in question. She also testified that the Department was aware that the Appellant was incarcerated. Nonetheless, Ms. Moore testified that it was incumbent upon the Appellant to request the appropriate leave and there was nothing to indicate that this had taken place.

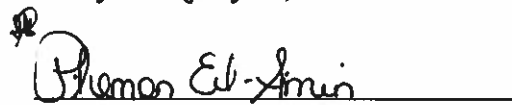
Mr. Dodson testified. He admitted that because of his incarceration he was absent from work for more than three consecutive days. He stated that he was arrested in March 2018 and was not released until April 2019. He also testified that he did not submit an appropriate leave request.

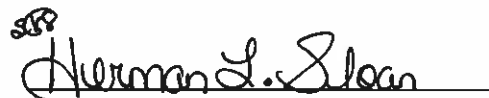
ORDER

Accordingly, the Board **AFFIRMS** the discipline imposed by the City against the Appellant and **DENIES** the appeal.¹

This 13 day of September 2021


Mary Ann Phyll, Chair


Plemon El-Amin


Herman L. Sloan, DWB

¹ Mr. Dodson testified that he had reapplied with the City of Atlanta in hopes of being re-hired in his former position and is awaiting a response on his new application. The Civil Service Board acknowledges that under the circumstances presented, that it is without any authority to intervene in the hiring process. However, the Board respectfully requests that the appropriate hiring authority review Mr. Dodson's application and make whatever decision it believes to be consistent with the City's hiring practices.