

CITY OF ATLANTA CIVIL SERVICE BOARD

FINDINGS OF FACT AND ORDER

APPEAL NO.2021-103AP

Effective Date: May 27, 2021

Department of Enterprise Asset Management

Hearing Date: August 19, 2021

APPELLANT:

Larry Earl Jackson, Jr.

HEARING OFFICERS:

Herman Sloan, Chair

ACTION:

15 days Suspension

E. Carl Touchstone

Robert D. Hawkins, DWB

APPEARANCES

City of Atlanta ("City")

Representative:

Taci Perkins

City of Atlanta's Witnesses:

Maurice F. Calhoun

Chonte' Martin

Remy Saintil

Appellant:

Larry Earl Jackson, Jr._

Counsel/Representative:

None

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 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

As stated during the August 19, 2021 Zoom hearing, 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 15 days for violating Section 114-528 (b) (3) and Section 114-528 (b) (20) of the Code:

"Failure to carry out an official directive or refusal to carry the lawful, reasonable directions given by a supervisor or other acts of insubordination".

"Any other conduct or action of such seriousness that disciplinary action is considered warranted".

FINDINGS OF FACTS

The Appellant is employed in the City of Atlanta's Department of Enterprise Asset Management ("DEAM") as a custodian/recycling ambassador, a position he has held since 2018. Appellant has been employed by the "City" for approximately seven years.

The City's adverse action was taken because the Appellant repeatedly failed to attend meetings at the request of those in supervisory capacities.

The "City" provided written evidence showing on April 6, 2021, the Appellant failed to attend a meeting held at the Municipal Court Worksite after receiving prior notice on April 5, 2021 on his personal phone. Additional evidence showed that Jonathan Rosser, an Inventory Manager at the 72 Marietta Street site, attempted to reach the Appellant to ask that he call him from a land line because the Appellant had previously stated that he does not respond to business calls sent to his personal device. The Appellant did not respond as directed.

The "City" provided written evidence showing, on April 22, 2021, the Appellant did not attend an "Open Door Policy" meeting as directed by his supervisor in which an Oral Admonishment was to be issued because he failed to attend a previously scheduled meeting.

A subsequent meeting was scheduled on April 29, 2021 whereby a "Written Reprimand" was to be issued. During the testimony of Chonte' Martin, a Facilities Operations Director with "DEAM," she testified that the Appellant chose not to attend the meeting because it interfered with his lunch break.

The "City" provided written evidence confirming email correspondence was sent to the President of the AFSCME Union, on April 30, 2021, requesting representation on the Appellant's behalf during an upcoming disciplinary meeting. Reportedly, a response from the union was never received.

The "City" provided written evidence showing on May 10, 2021, the Appellant received an email directing him to attend a meeting to discuss proposed disciplinary measures with the DEAM Commissioner along with his Union Representative. The meeting was held on May 12, 2021 at which time the initial recommendation for adverse action was 3 days suspension; however, because the Appellant abruptly left the meeting, a Notice of Proposed Adverse Action which the Appellant did not sign, recommending 15 days suspension was executed by the "City". The Appellant was given seven days to respond which is concert with the City's Code.

A Notice of Final Adverse Action was issued by the "City" on May 24, 2021, effective May 27, 2021. Once again, the Appellant chose not to sign the document.

DISCUSSION

The evidence provided by the City confirmed the Appellant's blatant disregard for directives issued by his immediate supervisors. He routinely missed scheduled meetings without the prior approval of those in managerial roles. The "City" attempted to employ progressive disciplinary measures, but those efforts were fruitless and more stringent remedial action seems justified.

ORDER

Based on concrete documentary evidence confirming the Appellant's inappropriate behavior and the testimony provided by witnesses, the "City's" action is **Affirmed** and the Appellant's **Appeal** is **Dismissed**.

Herman Sloan

Herman Sloan, Chair

E. Carl Touchstone

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Robert D. Hawkins

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