

CITY OF ATLANTA  
CIVIL SERVICE BOARD

APPEAL No. 2020-031AP

APPELLANT: **David Ressler**

City of Atlanta  
Department of Aviation

HEARING OFFICER:  
Suzanne Wynn Ockleberry

**ORDER**

On November 1, 2021, the City of Atlanta filed a Motion to Dismiss (“Motion”) pursuant to City of Atlanta Code Section (“Code Section”) 114-555 in the above referenced appeal of a three (3) day suspension issued in October, 2020 to Appellant David Ressler (“Appellant”). The basis for the Motion is that Appellant is and was an unclassified employee of the City of Atlanta (“City”) at the time of his suspension pursuant to Code Section 114-84(c) and, is therefore ineligible to appeal his suspension to the Atlanta Civil Service Board according to Code Section 114-546(1).

In response, while Appellant admits that he was at a pay grade 19 at the time of his suspension and that he was a classified employee of the City, he asserts that he should not have been reclassified because he never took a promotional exam as required by Code Section 114-106 and was never informed that as a result of a pay raise upon his transfer from the Police Department to the Department of Aviation that he would lose his status as a classified employee.

Having reviewed the arguments by the parties, the Hearing Officer finds that the arguments by the Appellant are not proper for consideration by the Atlanta Civil Service Board. Any collateral attack on whether Appellant was properly reclassified from an unclassified employee to

a classified employee is not within the jurisdiction of the Atlanta Civil Service Board (“Board”). Code Section 114-549 sets forth the authority and duties of the Board. And, Code Section 114-546(1) sets forth which appeals may be considered by the Board. The evidence submitted by both the Appellant and the City indicates that Appellant was at a pay grade of 19 at the time of his suspension and was an unclassified employee.

The Motion to Dismiss filed by the City of Atlanta is GRANTED. The above-referenced matter is dismissed due to lack of jurisdiction by the Board to hear the appeal.

This the 25<sup>th</sup> day of November, 2021.

Respectfully submitted,

*Suzanne Wynn Ockleberry*  
Suzanne Wynn Ockleberry, Chair