

CITY OF ATLANTA  
CIVIL SERVICE BOARD

**FINDINGS OF FACT AND ORDER**

APPEAL NO. 2018-022AP Effective Date: January 5, 2018

APPELLANT: **Jaquavius Little** Hearing Date: December 9, 2021

City of Atlanta (“the City”) Department of Public Works (“the Department”)

ACTION: Dismissal HEARING OFFICER/BOARD

E. Carl Touchstone, Chair  
Suzanne W. Ockleberry  
Herman L. Sloan

**APPEARANCES**

City of Atlanta Representative:

Joshua Foster, Esq.

Appellant Representative:

Jaquavius Little, *Pro se*

City Witnesses:

Investigator Shaun Houston  
Paula Magee  
Jaquavius Little

Appellant Witnesses:

Jaquavius Little

**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**

#### **The Appellant:**

None

#### **The City:**

- C-1 Notice of Proposed Adverse Action
- C-2 Notice of Final Adverse Action
- C-3 Investigative Report *CI-2017-0011*
- C-4 City Code of Ordinances Section 114-528

### **STIPULATIONS**

None

### **VIOLATIONS**

Dismissal for violation of City of Atlanta Code of Ordinances sections 114-528(b)(11) – Abuse or theft of City property; 114-528(b)(20) – Any other conduct or action for which disciplinary action is considered warranted.

### **SPECIFIC CHARGES**

The Appellant, in conjunction with another Department of Public Works employee, altered and fraudulently negotiated two (2) City of Atlanta payroll checks issued on October 13, 2017 and October 27, 2017, respectively.

## **FINDINGS OF FACT**

1. On October 13, 2017, City of Atlanta payroll check #1653310, in the amount of \$989.96, was issued in the name of Michael Mack.
2. On October 16, 2017, City of Atlanta payroll check #1653310, in the amount of \$989.96, was presented and negotiated with the payee name having been altered to that of Jaquavius Little.
3. On October 17, City of Atlanta payroll check #1653310, in the amount of \$989.96, was presented and negotiated with Michael Mack appearing as the payee.
4. On October 24, 2017, the City Law Department began an investigation into the circumstances surrounding payroll check #1653310, being negotiated twice and the two City employees who appear to be implicated therein.
5. On October 27, 2017, City of Atlanta payroll check #1653581, in the amount of \$1,516.50 was issued in the name of Michael Mack.
6. On October 30, 2017, City of Atlanta payroll check #1653581, in the amount of \$1,516.50 was presented and negotiated with the payee name having been altered to that of Jaquavius Little.
7. On October 31, 2017, City of Atlanta payroll check #1653581, in the amount of \$1,516.50 was presented and negotiated with Michael Mack appearing as the payee.

## **DISCUSSION**

As a preliminary matter, Board member Suzanne W. Ockleberry stated for the record that she has known the City's representative, Mr. Foster his entire life and is extremely close friends with Mr. Foster's mother. Ms. Ockleberry assured the Board and the Appellant that her familiarity with Mr. Foster would in no way influence her decision in this matter and if Mr. Little so desired, she would recuse herself from the hearing. Nevertheless, she felt that out of an

abundance of caution the disclosure was warranted. Mr. Little expressed confidence in Ms. Ockleberry's ability to remain impartial and render a fair decision. The matter was called by Mr. Touchstone and the hearing proceeded.

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:

...

(11) Abuse or theft of city property.

...

(20) Any other conduct or action of such seriousness that disciplinary action is considered warranted.

The City called Investigator Shaun Houston with the Atlanta Police Department as its first witness. Investigator Houston testified before the Board that he is an investigator with the City of Atlanta Police Department and has been so employed for 17 years. In November 2017, he was assigned to the City's Law Department Compliance Division. While on that assignment, his duties included investigating any employee misconduct involving employee theft. Consequently, he was assigned the investigation involving the multiple negotiations of City payroll checks numbers 1653310 and 1653581.

Investigator Houston testified that the Law Department's involvement in this matter was initiated by the City of Atlanta Finance Department. The Finance Department contacted the Compliance Division because it appeared that two City employees presented the same check, check # 1653310 in the amount of \$989.96 for negotiation. The City payroll check was issued in the name of Michael Mack as payee. However, after issuance of the check, the payee was changed to Jaquavius Little and Mr. Little cashed the check. The check was retained by the employees and thereafter negotiated a second time, with Mr. Mack as the payee. Investigator Houston testified that when Mr. Mack presented the check to a Wells-Fargo bank branch for negotiation, the bank contacted the City's Finance Department, but the Finance Department being unaware that the check had been previously negotiated, verified the validity of the check and merely requested the bank to obtain Mr. Mack's identification to verify his identity. Further, Investigator Houston testified that for the next pay cycle, City of Atlanta payroll check # 1653581, in the

amount of \$1,516.50, issued in the name of Michael Mack was altered so that Jaquavius Little appeared as the payee and the check was cashed. Thereafter, the same check was negotiated and cashed with Michael Mack appearing as the payee.

After concluding his investigation, Investigator Houston prepared Investigative Report *CI-2017-0011*, which appears in the record as City's Exhibit # 3. As was protocol, Investigator Houston forwarded the completed report to the City's Compliance Officer, who at the time was Jeffrey Norman. Investigator Houston testified that the normal course of action would have been for Mr. Norman to forward the report to the commissioner of the department under which the involved employees were assigned.

The City's next witness Paula Magee, Human Resources (HR) Manager, testified that she has been employed with the City of Atlanta for nine (9) years. In that capacity, she provides HR guidance to her various client groups. Included in her guidance is the provision of assistance during the disciplinary process. Ms. Magee testified she was quite familiar with the City's progressive disciplinary process, however, under certain circumstances, the lesser levels of discipline are inapplicable and the City may proceed with termination. Such is the case involving the Appellant. After receiving Investigator Houston's report regarding the altering and cashing of payroll checks, a Notice of Proposed Adverse Action (NPAA), City's Exhibit #1, was issued to Appellant. Ms. Magee testified that the NPAA alleges that Appellant violated City of Atlanta Code of Ordinances section 114-528(b)(11), abuse or theft of city property and 114-528(b)(20), any other conduct or action of such seriousness that disciplinary action is considered warranted. Ms. Magee testified that the NPAA indicated dismissal of the Appellant as the proposed disciplinary action. Ms. Magee identified City's Exhibit #2, as a Notice of Final Adverse Action (NFAA), which she testified is indicative of the fact that after having issued the NPAA and giving the employee an opportunity to respond to the allegations contained therein, senior leadership made a determination to uphold the original proposed discipline of dismissal. Further, Ms. Magee testified that contained in the NFAA was the Appellant's response to the allegations lodged against him. Ms. Magee testified that the Appellant stated that he notified his bank of fraudulent activity involving his account, but denied any wrongdoing. Ms. Magee testified that the determination to terminate Appellant was made by William Johnson, who was Commissioner

of Department of Public Works and that Mr. Johnson made his decision based upon the investigative report prepared by Investigator Houston and the statement of the Appellant.

The Appellant, Jaquavius Little, was called as a witness for the City. Mr. Little testified that in November 2017, he resided in Winston Georgia 2017, that he never lived at the Church Street, East Point, Georgia address listed as the address on the payroll checks that were cashed twice. He testified that prior to working in Public Works, he worked for six (6) years with the City in Sanitation. He denied having an extensive criminal history. He asserted that he was hired “off the streets” and was not part of a second chance program. The Appellant testified that on each occasion that the check was cashed, Mr. Mack complained that he would not be able to get to the bank prior to its closing, so he, made a mobile deposit using his cell phone into his account, gave the money to Mr. Mack and gave the checks back to Mr. Mack. Appellant admitted that he placed his name - Jaquavius Little - on the payroll checks.

### **ORDER**

After carefully considering the evidence presented by the Appellant and the City, the Board **AFFIRMS** discipline imposed by the City against the Appellant and **DENIES** the appeal.

This 6th day of January 2022

*E. Carl Touchstone*

E. Carl Touchstone, Chair

*Suzanne Ockleberry*

Suzanne W. Ockleberry

*Herman Sloan*

Herman L. Sloan, DWB