

CITY OF ATLANTA
CIVL SERVICE BOARD
FINDINGS OF FACT AND ORDER

APPEAL No. 2020-024AP

Effective Date: September 14, 2020

Hearing Date: August 25, 2022

APPELLANT: **Tereka Tisinger**

City of Atlanta
Department of Parks and Recreation

ADVERSE ACTION:
Ten (10) Day Suspension

HEARING OFFICERS:
E. Carl Touchstone, Chair
Robert Hawkins
Suzanne Wynn Ockleberry

APPEARANCES

City of Atlanta Representative:
Danielle Jones

City Witnesses:
Doug Voss
Keldrick Wilson

Appellant Representative:
Gwendolyn Gillespie

Appellant Witnesses:
Tereka Tisinger
Dimekko Sidney

STATEMENT OF AUTHORITY

Under the authority and provisions of Chapter 114, Article VI, Division 3, Sections 114-546 through 556 of the City of Atlanta Code of Ordinances (“Code”) a hearing in the above-referenced case was held virtually via Zoom, facilitated by the City, pursuant to Mayor Andre Dickens Executive Order regarding COVID-19, and before the above-named hearing officer of the Atlanta Civil Service Board (“Board”) on the date set forth above.

EXHIBITS

City of Atlanta:

C1 – Notice of Proposed Adverse Action, Notice of Final Adverse Action and Investigative Report
C2 – City of Atlanta Code Section 114-601
C4 - Witness Statements
C5 - June 4, 2020, Statement of Tereka Tisinger

Appellant:

- B1 – Notice of Proposed Adverse Action
- B2 – August 27, 2020, Letter from the City of Atlanta to Tereka Tisinger
- E2 – May 20, 2020, Handwritten Statement by Tereka Tisinger
- J2 – June 3, 2020, Statement of William Stevenson

CHARGES

Ten (10) day suspension for violation of Code Section 114-601 *Sexual Harassment Policy*

The city is proud of its tradition of a collegial work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere which promotes equal opportunities and prohibits discriminatory practices, including sexual harassment. Sexual harassment, whether verbal, physical or environmental, is unacceptable and will not be tolerated. In the event incidents of sexual harassment do occur, it is the policy of the city to take prompt remedial action, calculated to end the harassment. Retaliation for making a complaint of sexual harassment will not be tolerated.

STIPULATED FACTS BY THE PARTIES

None.

FINDINGS OF FACT

1. Appellant works as a supervisor for the City of Atlanta Department of Parks and Recreation and worked for the same department at the time of the incident which led to the ten (10) day suspension.
2. In May, 2020, a complaint regarding sexual harassment involving the Appellant and Keldrick Wilson was reported to the Office of Labor and Employee Relations. (C-1).
3. On May 20, 2020, the date of the incident, Keldrick Wilson reported to Appellant. (C-1)
4. The Office of Labor and Employee Relations investigated the complaint which involved interviewing Mr. Wilson, Appellant and additional employees who were present during the discussion between Appellant and Mr. Wilson. (C-1).
5. The only statement which indicated that Appellant made any statements of a sexual nature on May 20, 2020 was from Mr. Wilson. (C-4).
6. All six (6) of the department employees were interviewed and indicated that they were present during the argument on May 20, 2020 between Mr. Wilson and Appellant did not hear Appellant make any statements of a sexual nature. (C-1).
7. Appellant indicated during her interview regarding the May 20, 2020 incident that she did make statements of a sexual nature during an argument with Mr. Wilson which occurred more than six (6) years ago at a time when she was not his supervisor. (C-5).
8. As a result of the investigation by the Office of Labor and Employee Relations which

- found that a complaint of sexual harassment had been substantiated, Appellant was issued a Notice of Proposed Adverse Action (NPAA) on August 27, 2020 for a ten (10) day suspension to be effective on September 14, 2020. (C-1).
9. On September 3, 2020, Appellant responded to the NPAA and admitted that the statements of a sexual nature were made more than six (6) years ago. (C-1).
 10. Appellant was issued a Notice of Final Adverse Action (NFAA) on September 9, 2020. The NFAA advised Appellant that she was being suspended for ten (10) days for violation of the City of Atlanta's Sexual Harassment Policy. The suspension was effective on September 14, 2020. (C-1).

DISCUSSION

Due to Mayor Andre Dickens' Executive Order and COVID-10 pandemic guidelines, the appeal by Tereka Tisinger was called virtually at 10:00 a.m. on August 25, 2022 via the Zoom Internet platform.

After hearing arguments from both sides and reviewing all of the evidence presented, the Board finds that there was insufficient evidence presented by the City to affirm and revokes the ten (10) day suspension issued to Appellant.

Appellant testified that she is currently a supervisor for the Department of Parks and Recreation and has more than twenty (20) years of service with the City. Appellant indicated that on the day of the incident in May, 2020, she had a meeting with her employees, including Mr. Walker, regarding a directive from her supervisor about the use of compensatory time off work. She indicated that during that meeting, Mr. Walker became irate about the directive and started cursing. Appellant admitted to cursing at Mr. Walker during the argument which was resulted in her supervisor, Rodney Millen, separating Appellant and Mr. Walker. She denied making any comments of a sexual nature during the May, 2020 argument with Mr. Walker.

Appellant testified that as part of the investigation into the incident, she was interviewed by the Office and Labor Relations. Appellant indicated that she told the investigator that the reason Mr. Walker does not currently get along with her is as a result of comments she made more six (6) years ago of a sexual nature during another argument with Mr. Walker. Appellant denied using any language of a sexual nature during her argument with Mr. Walker in May, 2020.

Doug Voss Deputy Commission for Parks and Recreation testified that Appellant was issued a ten (10) day suspension because it is the minimum discipline that can be administered under the Code Section and Appellant had no previous discipline. He admitted that the investigation indicated that no one heard the sexual harassment comments attributed to Appellant in May, 2020.

Mr. Wilson testified that he has been employed by the department for more than 17 ½ years and that at the time of the incident in May, 2020, he reported to Appellant. He testified that he did not recall the incident in May, 2020 and only recalls that Appellant talked about his wife and kids. Mr. Wilson testified that the argument between he and the Appellant began over a discussion regarding childcare for his kids and that Appellant started cursing. Mr. Wilson testified that Appellant made inappropriate statements about his wife previously and a prior supervisor "swept

it under the rug” and did not discipline Appellant. He testified that Appellant also made a statement about his wife on the day of the incident.

Mr. Dimekko Sidney testified about a prior report of sexual harassment in the Department of Parks and Recreation which did not involve the Appellant which was deemed irrelevant and excluded from consideration by the Board.

The City of Atlanta has the burden to establish cause for the adverse action imposed upon Appellant. Code Section 114-528(a). And, under the Sexual Harassment policy, prompt action and a rapid response are integral to the investigative and disciplinary process. Code Section 114-601, *et. seq.*

The only person who indicated that Appellant made comments of a sexual nature on May 20, 2020 was Mr. Wilson: Six (6) employees who were present during the argument between Appellant and Mr. Wilson denied hearing Appellant make any comments of a sexual nature. And, during the hearing, Mr. Wilson initially testified that he did not recall what happened in May, 2020. After some recall, Mr. Wilson indicated that Appellant made a statement about his wife in May, 2020, but he never testified as to what Appellant purportedly said about his wife.

Based upon the evidence presented during the hearing, the City of Atlanta failed to show cause to suspend Appellant for ten (10) days for violation of the City of Atlanta Sexual Harassment Policy as a result of the incident on May 20, 2020.

ORDER

Based upon the evidence presented, the Board revokes the ten (10) day suspension issued to Appellant for violation of Code Section 114-601.

This the 6th day of September, 2022.

Respectfully submitted,

E. Carl Touchstone

E. Carl Touchstone, Chair

Robert Hawkins

Robert Hawkins, Board Member

Suzanne Wynn Ockleberry

Suzanne Wynn Ockleberry, Board Member