

**CITY OF ATLANTA CIVIL SERVICE BOARD**  
**FINDINGS OF FACT AND ORDER**

APPEAL NO.2021-030AP

Department of Aviation

Effective Date: January 6, 2022

Hearing Date: November 17, 2022

APPELLANT:

Vinica Harris

HEARING OFFICERS:

Herman Sloan, Chair

E. Carl Touchstone

Robert D. Hawkins, DWB

ACTION:

Dismissal for Violating City of Atlanta Code 114-528 (b) (9) – Job Abandonment

**APPEARANCES**

City of Atlanta (“City”)

Representative:

Jacquita Parks

City of Atlanta’s Witnesses:

April Broaders

Jerome Brundidge

Appellant:

Vinica Harris

Counsel/Representative

None

Appellant’s Witnesses:

Alfred Brathwaite

## **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 Andre D. Dickens’ 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**

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: None

## **CHARGES**

Appellant was dismissed for violating City of Atlanta Code Chapter 114, Personnel Article V1, Labor Relations, Division 3, Section 114.528 (b)(9) – Job Abandonment

## **FINDINGS OF FACTS**

The Appellant was initially hired as a Senior Facilities Maintenance Mechanic in the City of Atlanta’s Department of Aviation.

The Appellant was issued an approval letter for leave under the Family Medical Leave Act on July 12, 2021, effective May 24, 2021, through the close of business on August 18, 2021. As such, the Appellant was expected to return to her shift on August 19, 2021. The letter was

signed by Employee Benefits Manager TaDarol Bates. The letter specifically informed the Appellant of the required documents needed to return to work and advised her of the required protocols if she was unable to work on the next scheduled date, to include contacting her supervisor to discuss appropriate leave options. The letter also stated that failure on the part of the Appellant to comply with the parameters specifically highlighted in the letter, could result in dismissal.

On September 16, 2021, the Appellant was issued a letter from Human Resources Manager Katy Roby. The letter noted the Appellant's failure to return to work on the planned date and her failure to provide release documents from her physician. Of significant importance, the letter referenced the Appellant's ongoing absence without approved leave, while advising her that such continued behavior could warrant termination.

On September 20, 2021, the Appellant responded and said, COVID precluded her from returning to work as scheduled. She went on to say that the appropriate return to work documents would be submitted as required.

On December 6, 2021, the Appellant attempted to clock-in, but she was told to leave the work-site because the necessary return to work documents, to support her protracted absence, were not previously submitted.

On December 9, 2021, the "City" issued a Notice of Proposed Adverse Action (NPAA) to the Appellant for failing to return to work after the expiration of an approved leave of absence with a final action date of December 23, 2021. The Appellant was given until December 16, 2021 to submit any additional documents that she deemed pertinent to her case.

On December 17, 2021, the Appellant was granted a hearing before the "City's" Disciplinary Committee to provide her with yet another opportunity to offer documents and commentary that might alter the City's planned course of action. Moreover, the "City" extended the final adverse action date to January 6, 2022 in an effort to demonstrate a fair and collegial approach. Nevertheless, the Appellant failed to submit compelling evidence to counter the "City's" proposed adverse action during the hearing.

## **DISCUSSION**

The Appellant failed to return to work in accordance with the provisions contained in the "City's" letter approving her leave of absence in accordance with the Family Medical Leave Act. The "City" provided sufficient evidence showing the Appellant was given ample opportunities to provide relevant documentation from her medical provider. During the hearing, the "City's" representative asked the Appellant if at any point, were documents submitted on her behalf? The Appellant's initial response was in the affirmative, but when the question was repeated, the Appellant stated that she could not recall.

In summary, the Appellant did not return to work on the agreed-upon date, nor did she timely and properly communicate with the appropriate “City” personnel. Thus, the Appellant’s behavior constitutes violations of the “City’s” prescribed Code.

**ORDER**

Based on concrete documentary evidence and witness testimony confirming the Appellant’s unapproved leave of absence, the City’s action is **Affirmed**, and the Appellant’s **Appeal** is **Dismissed** on this the 9<sup>th</sup> day of December 2022.

*Herman Sloan*

Herman Sloan, Chair

*E. Carl Touchstone*

E. Carl Touchstone

*Robert Hawkins*

Robert D. Hawkins, DWB