

CITY OF ATLANTA
CIVL SERVICE BOARD
FINDINGS OF FACT AND ORDER

APPEAL No. CSB-2023-004

Effective Date: February 28, 2023

Hearing Date: April 27, 2023

APPELLANT: **Sherrie Coleman**

City of Atlanta
Department of Transportation

ADVERSE ACTION:

Dismissal

HEARING OFFICERS:

Constance Russell, Chair

Herman L. Sloan

Suzanne Wynn Ockleberry

APPEARANCES

City of Atlanta Representative:

Laura T. Yellig, Esq.

City Witnesses:

Allen Smith

Todd Miles

Appellant Representative:

Crystal Jeffrey

Carlton Hamm

Appellant Witnesses:

Sherrie Coleman

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 officers of the Atlanta Civil Service Board (“Board”) on the date set forth above.

EXHIBITS

City of Atlanta:

C1 – Notice of Proposed Adverse Action

C2 – Notice of Final Adverse Action

C5- 2022 12-08 12.38.44 Video

C6 - 2022 12-08 12/30.52 Video

C7 – Combined Statements redacted to only include December 2, 2022 statement of Sherrie Coleman

CHARGES

Dismissal for violation of Code Sections:

114-528 (b) (12) Willful making of false statements to the public, supervisors, officials, boards, department heads or agencies or the willful making of false statements on an employment application within the city.

114-528 (b) (20) Any other conduct or action of such seriousness that disciplinary action is considered warranted.

STIPULATED FACTS BY THE PARTIES

None.

FINDINGS OF FACT

1. Appellant worked for the City of Atlanta Department of Transportation Maintenance Division for approximately seven (7) years prior to the incident which led to her dismissal.
2. On December 2, 2022, Appellant reported to her direct supervisor, Ed Dodson, that another employee, Shawanda Blandburg, jumped down off of a wall into the path of Appellant while both parties were near the time clock at the North Avenue work location. Appellant also indicated that Ms. Blandburg jumped and/or walked back in front of her vehicle on two (2) separate occasions as she was leaving work. Appellant reported that all of the incidents occurred on December 1, 2022. (C-7).
3. As a result of the report by Appellant, Deputy Commissioner Allen Smith, Ed Dodson, Installation Chief Derrick Boddie and Director of Operations and Maintenance Todd Miles investigated the incident.
4. As part of the investigation Appellant, Ms. Blandburg and Rodney Hailes ,who was walking next to Ms. Blandburg at the time Appellant indicated the incident occurred, were interviewed.
5. In addition, Mr. Smith and Mr. Miles reviewed surveillance video from the North Avenue work location for the time period in which Appellant indicated the incident occurred. (C-5 and C-6).
6. The City was unable to find any evidence to substantiate any of the incidents Appellant reported in her December 2, 2022 statement.
7. On February 14, 2023, Appellant was issued a Notice of Proposed Adverse Action (NPAA) for making a false statement/report in violation of Code Sections 114-528(b)(12) and 114-528(b)(20). (C-1).
8. The NPAA notified Appellant that the proposed discipline was dismissal. (C-1).
9. Appellant was advised that the effective date of the dismissal was February 28, 2023.

Appellant was further advised that she had until February 21, 2023 to provide a response to the NPAA. (C-1).

10. On June 6, 2017, Appellant responded to the NPAA and stated that she previously informed management on three separate occasions about issues she had with Ms. Blandburg and nothing was done. Appellant also indicated that she may have “over exaggerated” what occurred on December 1, 2022. (C-2).
11. Appellant was issued a Notice of Final Adverse Action (NFAA). The NFAA advised Appellant that she was being dismissed for violation of Code Section 114-528(b)(12) and 114-528(b)(20). The dismissal was effective on February 28, 2023 (C-2).

DISCUSSION

Due to Mayor Andre Dickens’ Executive Order and COVID-19 pandemic guidelines, the appeal by Sherrie Coleman was called virtually at 2:00 p.m. on April 27, 2023 via the Zoom Internet platform.

After hearing arguments from both sides and reviewing all of the evidence presented, the Board finds that there was sufficient evidence presented by the City to affirm the dismissal issued to Appellant.

Deputy Commissioner for the Department of Transportation, Maintenance Division Allen Smith, who has been employed by the City of Atlanta for 16 years, testified regarding the issuance of the NPAA and NFAA to the Appellant and the reason for her dismissal. Mr. Smith testified that Appellant reported the December 1, 2022 incident to Mr. Boddie who asked Appellant to provide a written statement regarding the incident which she did on December 2, 2022. Mr. Smith indicated that after reviewing the statement and engaging his colleagues in Human Resources, a decision was made to place both employees on paid administrative leave until the incident could be investigated. Mr. Smith testified that he reviewed the surveillance video from December 1, 2022 and could not find any evidence that Ms. Blandburg jumped into the way of Appellant as she was leaving the time clock area or that Ms. Blandburg jumped in front of her vehicle on two separate occasions as she was leaving the North Avenue work location parking lot.

Mr. Smith indicated that a couple of months prior to Appellant’s report of the December 1, 2022 incident, Ms. Blandburg reported to management that Ms. Coleman appeared to have “an attitude with her”. As a result of her report, a meeting was held between Appellant and Ms. Blandburg and their supervisors. Mr. Smith indicated that during the meeting, both employees indicated that they did not have any problems with each other. Mr. Smith testified that after the meeting, both employees, who were on the same crew, were separated and assigned to different crews.

Mr. Smith testified that he played the surveillance video for Appellant at her NPAA meeting and, only after she saw the video, did Appellant indicate that she may have exaggerated what occurred on December 1, 2022 in her written statement. Mr. Smith testified that it is an egregious act for one employee to lie about another employee and that it was the collective decision of the Department of Transportation and Human Resources to terminate Appellant for submitting a falsified statement. Mr. Smith indicated that termination is consistent with past discipline for other

employees who committed the same infraction of falsifying a document.

Director of Operations and Maintenance for the Department of Transportation Todd Miles testified that he worked with Appellant and had regular contact with her when she worked for the City. Mr. Miles testified that he was part of the investigation into the incident Appellant reported occurred on December 1, 2022. Mr. Miles testified he spoke with Ms. Blandburg, Mr. Hailes and reviewed the video surveillance which did not substantiate Appellant's report. Mr. Miles testified that there was conflict between the parties before the December 2, 2022 report by Appellant, it started in the Spring of 2022 and was reported to him by Ms. Blandburg. However, he testified that Ms. Coleman told him on several occasions that she did not have a problem with Ms. Blandburg. Mr. Miles testified that Ms. Coleman did not make a report to him prior to December 2, 2022 about any personnel issues with Ms. Blandburg. Mr. Miles testified that Appellant was terminated for being untruthful about what she contended occurred on December 1, 2022.

Appellant testified that prior to her termination, she had never been disciplined and only received a verbal reprimand for clocking out early. She testified that on July 13, 2022, August 31, 2022 and October 31, 2022 that she had negative interactions with Ms. Blandburg that she reported to Mr. Boddie and Mr. Miles. Appellant testified that she did not have any witnesses to corroborate any interactions with Ms. Blandburg in August and October, 2022. She also indicated that she did not have any witnesses to corroborate her version of what occurred on December 1, 2022.

The evidence presented to the Board, including a review of the surveillance videos from the North Avenue work location on December 1, 2022, indicates that contrary to Appellant's December 2, 2022 statement, Ms. Blandburg did not approach her at the time clock or walk in front of or jump in front of her vehicle on two separate occasions. While the City has a policy of progressive discipline, the City also has the ability to terminate an employee for cause including submitting a false statement to a supervisor. Code Section 114-528(b)(12).¹ Submitting a false statement to management regarding the actions of a fellow employee is a serious infraction of the Code, could have resulted in erroneously issuing discipline against an employee and results in mistrust in the workplace of the employee who submitted the false statement.

Based upon the evidence presented during the hearing, there were sufficient grounds for the Department of Transportation to terminate the Appellant's employment.

ORDER

Based upon the evidence presented, the Board AFFIRMS the dismissal of Appellant for violation of Code Sections 114-528(b)(12) and 114-528(b)(20).

This the 28th day of April, 2023.

¹ While the Board did not admit into evidence the Atlanta Municipal Code Sections 114-526 through 114-528 tendered by the City, the Board has the authority to rely upon experience and specialized knowledge of having served as Board Hearing Officers in several other matters in the evaluation of evidence. Code Section 114-551(8).

Respectfully submitted,

Constance Russell

Constance Russell, Chair

Herman L. Sloan

Herman L. Sloan, Board Member

Suzanne Wynn Ockleberry

Suzanne Wynn Ockleberry, Board Member