

CITY OF ATLANTA
CIVIL SERVICE BOARD

FINDING OF FACT AND ORDER

APPEAL No. CSB-2023-005

Effective Date: March 23, 2023

Hearing Date: January 18, 2024

APPELLANT: YOLANDA CRAWFORD

CITY OF ATLANTA DEPARTMENT:
DEPARTMENT OF WATERSHED MANAGEMENT

ADVERSE ACTION:

Dismissal

HEARING PANEL:

Suzanne Ockleberry, Chair
Constance Russell
Herman Sloan

City of Atlanta Representative:

Dominique Smiley

Appellant:

Appeared Pro Se

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 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 Andre Dickens’ Executive Order.

EXHIBITS

Exhibits Tendered at Hearing

C-1 Incident reports from 2022
C-2 Incident Report and investigation

C-4	Text message photos and e-mails
C-5	Y. Crawford disciplinary history
C-6	HR reports
C-7	Code of Ordinances Sec. 114-528
C-8	Code of Ordinances Sec. 106-81
C-9	Disciplinary Process Code Secs.119-529 to 532
C-10	DWM policy and procedures
C-11	NPAA
C-13	NFAA

**BASIS FOR
ADVERSE ACTION**

City of Atlanta Code of Ordinances Sec. 114-528:

(b) 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:

(4) Misconduct, including but not limited to engaging in offensive conduct or language toward the public, supervisory personnel, or fellow employees.

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

City of Atlanta Code of Ordinances Sec. 106-81.

Disorderly Conduct.

It shall be unlawful for any person within the corporate limits of the city to engage in any conduct described in the following subsections: ...:

(1) Act in a violent or tumultuous manner toward another whereby any person is placed in fear of the safety of such person's life, limb or health.

PANEL FINDINGS AND CONCLUSIONS

Appellant was a long-term City employee. At the time of the events at issue, she was employed as a lead in the Department of Watershed Management. Her supervisor was Michael Stanley. Mr. Stanley was a Senior Crew Leader 2. The relevant facts are undisputed. On November 30, 2022, Appellant, Ms. Crawford sent Mr. Stanley a lengthy text. The text contained expletives and vulgar language as well as insulting and disparaging comments about Mr. Stanley and other City employees. The purported purpose of the text was to convey Appellant's concern that Mr. Stanley placed her in danger by telling other employees that she had complained about them using marijuana on the job. The text further stated that Appellant felt harassed and wanted to be left alone.

The text in its entirety was admitted into evidence. In addition to expressing concern about Appellant's safety and requesting to be left alone, the text referenced Appellant's sons who were in prison for murder and that the day before, she had taken a gun from someone who had pulled the weapon on her daughter. The text then stated,

“[m]y child is dying and the only reason I haven't retaliated against you is because of her. I'm sick about my child and I wanna take it out on someone and who better than you! You been bothering me for a minute. But I'm trying not to live on that eye for an eye shit nomore [sic]. imma [sic] pray you off me [devil emoji] I'm just keeping it real.”

City Exhibit 4.

Upon receiving the text, Mr. Stanley prepared an incident report notifying his supervisor. In his report he characterized the text as “threatening.” City Ex. 2. The City investigated and confirmed the Appellant sent the text. Based on the investigation, the determination was made that Appellant violated City Ordinances 114-528 (b)4, (b)20 and 106-81. Based on the content of the text and Appellant's disciplinary history, dismissal was recommended. The recommendation was accepted, and a Notice of Final Adverse Action (NFAA) was issued on March 21, 2023. City Exhibit 13.

ORDER

The record reflects that the City of Atlanta complied with its standard disciplinary procedures in its handling of the current matter. The only issue before the Hearing Panel therefore is whether the City has proven that its decision was correct on the merits. With respect to the violation of 114-528 the City has met its burden.

The Appellant testified that her intention when she texted her supervisor was to convey concern for her well-being based on what she believed he had communicated to her co-workers. Mr. Stanley testified that he felt threatened by the message. Texts, like e-mail, do not convey tone. Whether the text considered in totality was intended as a threat or a sincere request to not be harassed is subject to debate. Notably when asked his reaction to the text at the hearing Mr. Stanley said he felt angry, disappointed, and shocked. He did not say threatened. However, there can be no question that the language in the text was offensive and

disparaging to Mr. Stanley and other City personnel named in the text. The record fully supports the conclusion that Appellant violated the cited provisions of City Ordinance sec. 114-528.

The City's reliance on Ordinance sec. 106-81 (1) is, however, misplaced. Ordinance 106-81 is the disorderly conduct ordinance. The ordinance prohibits **conduct** that is inappropriate. (Emphasis added.) Violation of the ordinance requires that a person "Act in a violent and tumultuous manner. Id. The ordinance governs behavior not the content of electronic communications. Sending a text is not behavior of a violent or tumultuous nature as contemplated by the ordinance. Accordingly, the Hearing Panel finds that the City failed to prove a violation of Ordinance sec. 106-81.

The discipline imposed by the City was dismissal. The record reflects that Appellant has a disciplinary history. Appellant's disciplinary record includes a prior violation of 114-528 (b)(4) and (b) (20). The Hearing Panel finds that the discipline imposed in the present case was warranted in light of Appellant's disciplinary history and the content of the text sent to her supervisor.

For all the foregoing reasons, the Board **AFFIRMS** the discipline imposed by the City of Atlanta against Appellant and **DENIES** the appeal.

This 22 day of January 2024.

Suzanne Wynn Ockleberry
Suzanne Wynn Ockleberry, Chair

Herman L. Sloan
Herman L. Sloan

Constance C. Russell
Constance C. Russell, DWB