

CITY OF ATLANTA  
CIVIL SERVICE  
BOARD

**FINDINGS OF FACT AND  
ORDER**

APPEAL NO. 2023-012

Effective Date: 02 May 23

APPELLANT – Timothy Wynn  
Department of Parks and Recreation

Hearing Date: 12 Oct 23

ACTION:  
Ten (10) Day Suspension

HEARING OFFICER/BOARD  
Constance C. Russell, Chair  
Suzanne Wynn Ockleberry  
Herman L. Sloan, DWB

**APPEARANCES**

City of Atlanta Representative:

Robert Steinberg, Esq.  
City of Atlanta Law Department

Dominique Smiley, Esq.  
City of Atlanta Law Department

Appellant Representative:

Stephanie Mutti, Esq

City Witnesses:

Tifanni Bryant  
Assistant Director Office of Recreation  
Department of Parks and Recreation

Danielle Jones  
Human Resource Director  
Department of Parks and Recreation

Appellant Witnesses:

Timothy Wynn

## **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 regarding the Covid-19 Pandemic.

## **EXHIBITS\***

### **City Exhibits**

- C-1            Emails from Tiffani Bryant Unusual Incident Report (Flanagan 12-8-22)
- C-2            Unusual Incident Report (Flanagan 12-8-22)
- C-3            City of Atlanta Code of Ordinances Sections 114-527 - 528
- C-4            Notice of Proposed Adverse Action
- C-5            Notice of Final Adverse Action

### **Appellant’s Exhibits**

- A-1            FlexReg Roster
- A-2            Office of Recreation – Policies and Procedures (pp. 1; 15-18)

## **STIPULATIONS**

None.

\*The record as maintained by the court reporter is the official record of the exhibits admitted into evidence during the hearing.

## **VIOLATIONS**

### **City of Atlanta Code of Ordinances Section 114-528(b)(1)**

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:

- (1) Negligence in performing assigned duties.

## **SPECIFIC CHARGES**

“The parent of two afterschool participants called the Anthony Flanagan Recreation Center informing the staff that she received a call from her kids’ bus driver that Coach Tim Wynn was not at the drop off location. On another phone, Ms. Murphy (Recreation employee) called Mr. Wynn on Speaker phone. When Mr. Wynn was asked about the pick-up of the two kids he stated that he forgot and would go back to pick them up. The parent of the kids declined his offer and advised that the bus driver was taking the kids back to the school.”\*\*

## **FINDINGS OF FACT**

Timothy Wynn was employed by the City of Atlanta Department of Parks and Recreation as a Recreation Operations Assistant.

His regular duties included picking-up participants in the afterschool program.

Zeke and Yuri Yahaya were regular participants in the afterschool program.

On December 7, 2022, Timothy Wynn failed to pick-up Zeke and Yuri Yahaya for participation in the afterschool program.

On April 18, 2023, a Notice of Proposed Adverse Action (NPAA) was issued to Timothy Wynn for negligence in performing assigned duties in violation of City of Atlanta Code of Ordinances Section 114-528(b)(1) and proposed a ten (10) day suspension without pay.

On April 28, 2023, a Notice of Final Adverse Action (NFAA) was issued to Timothy Wynn for negligence in performing assigned duties in violation of City of Atlanta Code of Ordinances Section 114-528(b)(1) and imposed a ten (10) day suspension, without pay.

## **DISCUSSION**

Pursuant to Mayor Andre Dickens’ Executive Order and COVID-19 pandemic guidelines, the appeal by Timothy Wynn was called virtually at 2:00p.m., on October 12, 2023, via the Zoom Internet platform.

\*\* As contained in the Notice Of Proposed Adverse Action.

The City's first witness was Tiffani Bryant, Assistant Director for the Office of Recreation. Ms. Bryant testified that on December 7, 2022, she was one of two Operations Directors within the Office of Recreation. Ms. Bryant testified that she received a call from staff at the Flanagan Center regarding the children not being picked up by the Appellant. She testified after receiving the call she went to the Center and spoke with the Appellant. Ms. Bryant testified that during her conversation with the Appellant, he admitted that he had forgotten to pick-up the children, even though the other children on the van reminded him to do so. Ms. Bryant testified that as part of the normal operational procedures for the Department of Parks and Recreation she prepared the report which was admitted as City's Exhibit # 2. She testified that the policy is that the Unusual Incident Report is to be prepared within 24 hours of the incident that formed the basis for the report.

Ms. Bryant testified that in the past, a child being left would have resulted in the employee being terminated. However, in a prior similar incident, the employee received a ten (10) day suspension, so it was the decision of the Department to follow that as precedent and impose a ten (10) day suspension, in Appellant's case.

During cross-examination by the Appellant's attorney, Ms. Bryant testified that the recreation centers use a daily roster to determine who is required to be picked up. She stated that the driver must ensure that only the children whose names are listed are picked up. However, she testified that it is not uncommon after the roster has been printed for staff to add additional names on the roster.

The City's next witness was Danielle Jones. Ms. Jones testified that she is the Human Resources Director for the Department of Parks and Recreation. She testified she was made aware of the incident very early on by Ms. Bryant and remained in consultation with the Department as it moved forward through the disciplinary process. Ms. Jones testified that she was actively involved in the disciplinary process. She testified that at the Show for Cause Hearing on the NPAA, the Appellant and his then Representative appeared at the hearing. She testified during the hearing the Appellant admitted that he had spoken with his previous supervisor about adding the children to his daily pick-up routine and that he had picked the children up on prior occasions.

The Appellant testified in his own behalf. Mr. Wynn stated he has been employed with the Department of Recreation for over seven (7) years, currently as a Recreational Operations Assistant. He testified that he is authorized to only pick up the children whose names are listed on his roster. According to his testimony, he is not authorized to add any names to the roster. Moreover, he said he would send any child whose name is not on the roster back into the school. He testified that the Yahaya children names were not on the roster for December 7, 2022, and there were no handwritten names on the roster.

During cross-examination by the City, the Appellant testified that he forgot to pick up the Yahaya children.

Although there were no facts stipulated for the record, the facts surrounding this disciplinary action, are not in dispute: Zeke and Yuri Yashaya were not picked-up by the Appellant on December 7, 2022. In imposing a ten (10) day suspension, the City contends that this failure was the result of the Appellant's negligence in performing his assigned duties. The Appellant contends that someone else negligently performed their duties and that he should not suffer the consequences of that person's negligence. However, on at least three separate occasions, the

Appellant admitted he forgot to pick up the children and the Board is not persuaded by Appellant's denials.

After hearing all of the testimony and considering all of the exhibits, the Board concludes, that the City did prove that the Appellant was negligent in performing his assigned duties in violation of City of Atlanta Code of Ordinances, Section 114-528(b)(1).

**ORDER**

Accordingly, the Board **SUSTAINS** the discipline imposed by the City against the Appellant and **DENIES** the appeal.

This 3<sup>rd</sup> day of November 2023.

Constance Russell

Constance C. Russell, Chair

Suzanne Ockleberry

Suzanne Wynn Ockleberry

Herman Sloan

Herman L. Sloan, DWB