CITY OF ATLANTA

CIVL SERVICE BOARD

FINDINGS OF FACT AND ORDER

APPEAL No. 2021-017AP

Effective Date: July 28, 2021
Hearing Date: October 4, 2021

APPELLANT: **Jazmine Arnold**

City of Atlanta
Department of Parks and Recreation

ADVERSE ACTION:
Termination

HEARING OFFICERS/BOARD:
Mary Ann Phyall, Chair
Suzanne Wynn Ockleberry, DWB
Robert Hawkins

APPEARANCES

City of Atlanta Representative(s):
Jessica P. Johnson, Esq.

City Witnesses:
Barbara Thomas
Bretta Hunnicutt
Wendell Bryant

Appellant:
Jazmine Arnold

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 in the above-referenced case was held virtually via Zoom, facilitated by the City, pursuant to Mayor Keisha Lance Bottoms 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
C2 – Notice of Final Adverse Action
C3 - City of Atlanta Code of Ordinance 114-528
C4 – Written Reprimand – November, 2020
C5 – Written Reprimand – March 4, 2021
C6 – Written Reprimand – June 5, 2020
C7 – C. Anderson Statement – May 6, 2021
C8 – S. Nelms Statement – May 27, 2021
C9 – Notice of Final Adverse Action – April 6, 2021
C10- Administrative Closure Letter – March 10, 2021

Appellant: None

CHARGES

DISMISSAL for violation of City of Atlanta Municipal Code of Ordinances:

114-528(b)(1) – Negligence in performing assigned duties
114-528(b)(4) – Misconduct, including but not limited to engaging in offensive conduct or language toward the public, supervisory personnel or fellow employees
114-528(b)(20) – Any other conduct or action of such seriousness that disciplinary actions is considered warranted
116-610 – False Allegations of Sexual Harassment

FINDINGS OF FACT

1. Appellant worked for the City of Atlanta, Department of Parks and Recreation for approximately 18 months at the time of her termination.
2. The probationary period for new employees is six (6) months.
3. On August 6, 2020, Appellant's probationary period was extended for an additional six (6) months beyond the initial six (6) month period. (C-1)
4. On June 8, 2020, Appellant made a threat of physical violence against her co-worker.
5. In November, 2020, Appellant was issued a Written Reprimand after a second incident in which she caused damage to and/or loss of city issued equipment. (C-4)
6. On March 4, 2021, Appellant was issued a Written Reprimand for engaging in abusive behavior towards her supervisor. (C-5).
7. On March 10, 2021, the City of Atlanta administratively closed Appellant's claim of sexual harassment. (C-10).
8. On April 6, 2021, Appellant was issued a Notice of Final Adverse Action for a ten (10) day suspension effective on April 8, 2021 as a result making false statements to investigators when being interviewed about her allegations of sexual harassment. (C-9)
9. In May, 2021, Appellant left her assigned work location to use the bathroom and did not return until one (1) hour later. During a discussion with her supervisor about her failure to promptly return to the work location, Appellant became irate and raised her voice. (C-8)
10. On June 7, 2021 Appellant was issued a Written Reprimand with a recommendation for termination for using inappropriate language in front of a Department of Parks and Recreation supervisor. (C-6, C-7)
11. On July 14, 2021, the City of Atlanta, Department of Parks and Recreation, issued a Notice of Proposed Adverse Action (NPAA) to Appellant which indicated that the Proposed Adverse Action was to be termination of her employment effective on July 28, 2021 for violating City of Atlanta Code Ordinance Sections 114-528(b)(1), 114-528(b)(4), 114-528(b)(20) and Section 114-61[sic] due to continued violations of departmental policies and procedures and City of Atlanta Code of Ordinances. (C-1).
12. On July 26, 2021, the City of Atlanta, Department of Parks and Recreation, issued a Notice of Final Adverse Action (NFAA) which notified Appellant that her dismissal was effective on July 28, 2021, citing to violation of City of Atlanta Code of

Ordinance Sections 114-528(b)(1), 114-528(b)(4), 114-528(b)(20) and 114-610. (C-2).

DISCUSSION

Due to Mayor Keisha Lance Bottoms' Executive Order and COVID-10 pandemic guidelines, the appeal by Jazmine Arnold was called virtually at 2 p.m. on October 14, 2021 via the Zoom Internet platform.

After hearing arguments from both sides and reviewing all of the evidence presented, the Panel finds that there was sufficient evidence presented by the City that Appellant was in violation of Atlanta City Code of Ordinances Section 114-528(b)(1), 114-528-(b)(4), 114-528(b)(20) and Section 114-61 which warranted termination.

Ms. Barbara H. Thomas, Appellant's direct supervisor when she was employed with the Department of Parks and Recreation, testified that her responsibility was to provide instructions to Appellant to ensure that she knew how to perform her position as a Park Worker II. She testified that Appellant would become angry while at work if she did not want to work with someone or did not like her assignment and would "throw a temper tantrum". Ms. Thomas testified that employees are instructed on how to use and store city issued equipment and that Appellant damaged city property on two (2) separate occasions with both incidents occurring in November, 2020.

Ms. Bretta Hunnicutt, who is Ms. Thomas' supervisor, testified that the normal probationary for new employees is six (6) months, but it was extended for the Appellant due to her lack of work ethic, misconduct, damaging city issued equipment, excessive tardiness, and absenteeism. She testified the probationary period being extended, Appellant could not complete some of the tasks for the position for which she was trained and her work performance did not improve. Ms. Hunnicutt testified about a series of incidents in which Appellant engaged in inappropriate and/or disruptive conduct while at work, including: 1) On June 8, 2020 when Appellant threatened to "bust" another employee in the head with a stick; 2) On March 4, 2021 when Appellant was issued a Written Reprimand for raising her voice and being disrespectful to Ms. Hunnicutt when she denied Appellant's request for vacation during peak mowing season; 3) On May 27, 2021 when Appellant became irate with another supervisor after she failed to promptly return to her work location after using the bathroom; and 4) On June 6, 2021 when she used inappropriate language in front of another supervisor in reference to a co-worker's private parts.

Ms. Hunnicutt testified that she tried to provide feedback and mentorship to Appellant and referred her to EAP as well to Appellant's personal physician, but Appellant failed to seek assistance from EAP. Ms. Hunnicutt also testified that when Appellant told her that she was being sexual harassed by two (2) male co-workers, she reported the allegations to HR. Mr. Wendell Bryant, Human Resource Manager II, testified that Appellant was suspended for ten (10) days in April, 2021 after an investigation determined that she made false allegations against her co-workers. Mr. Bryant also indicated that Appellant was referred to EAP. Mr. Bryant testified that in addition to the other infractions of department policies and procedures as well as harassment policy on June 6, 2021 when she discussed a co-worker's private parts in front of a supervisor.

Appellant disputed some of the evidence presented by the City of Atlanta pertaining to receiving any information about her work performance, her discussion with Ms. Hunnicutt about her vacation, failing to return to her work location, speaking to a supervisor about a co-worker's private parts, and sexual harassment by her co-workers. However, Appellant admitted that her position with the City of Atlanta stressed her out and she took it out on her co-workers and supervisors. Appellant testified that she was sorry for her behavior, that she learned her lesson and wanted to go back to work, but when she was offered the opportunity to seek assistance from EAP while she was still employed with the City of Atlanta, she failed to do so. And, over a period of approximately eighteen (18) months, Appellant received a six (6) month extension of her probationary period, accumulated three (3) Written Reprimands, served a ten (10) day suspension and violated the sexual harassment policy on two (2) separate occasions. While Appellant provided an explanation for some of the incidents which resulted in discipline, there were a sufficient number of documented incidents which warranted termination.

As Ms. Hunnicutt testified because employees of the Department of Parks and Recreation interact with members of the public most of the time, there is a standard of behavior by which employees are expected to abide. Appellant repeatedly violated that standard of behavior and engaged in offensive conduct or language, was negligent in performing her assigned duties and engaged in conduct of such a seriousness that disciplinary action was warranted in addition to violating the sexual harassment policy.

Based upon the evidence presented, there was just cause for the City of Atlanta to terminate Appellant pursuant to Section 114-528(b)(1), 114-528(b)(4), 114-528(b)(20) and Section 114-610 of the City of Atlanta Code of Ordinances.

ORDER

The appeal by Jazmine Arnold regarding her termination from the City of Atlanta Department of Parks and Recreation on July 28, 2021 is DENIED.

This the 19th day of October, 2021.

Respectfully submitted,

Mary Ann Phyall
Mary Ann Phyall, Chair

Suzanne Wynn Ockleberry
Suzanne Wynn Ockleberry, DWB

Robert Hawkins
Robert Hawkins, Board Member