



CITY OF ATLANTA
OFFICE OF THE INSPECTOR GENERAL

OIG INVESTIGATION INTO ABUSES OF AUTHORITY BY
DEPARTMENT OF HUMAN RESOURCES COMMISSIONER

Shannon K. Manigault
Inspector General

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EXECUTIVE SUMMARY

In April 2023, the Compliance Division of the City of Atlanta Office of the Inspector General initiated an investigation into an allegation that the commissioner of the Department of Human Resources created a City of Atlanta position for her daughter and, after the daughter began working in the created position, sought to have her daughter's supervisor terminated. OIG found that the DHR commissioner, Tarlesha W. Smith, Esq., abused her authority in creating a position for her daughter and attempting the termination of the supervisor.

Beginning in the fall of 2022, through her staff, the DHR commissioner worked to "place" her daughter in a City position. DHR inquired with the Office of the City Solicitor, and, finding no full-time vacancies available, had a position created. City staff expedited the daughter's onboarding process, skipping elements of her background check and disregarding her ineligibility. She did not receive an employment or education verification. She was not interviewed. She did not meet the minimum qualifications of the position.

The created OCS position required onsite training. The daughter misinterpreted the training manual to limit the term of training (and, accordingly, onsite work) to four weeks. When her supervisor did not allow her to telework at the conclusion of four weeks of training, the daughter became disengaged from her work and exhibited tardiness and absenteeism. Pursuant to City law governing job abandonment, the supervisor recommended termination. The department then contacted DHR to terminate the daughter. The daughter was not terminated; rather, DHR initiated an investigation into the supervisor.

Before the conclusion of its investigation, DHR placed the supervisor on administrative leave and informed her department head that the supervisor would be terminated. The department head, who had worked with the supervisor for more than twenty-five years and who could not recall a single complaint against the supervisor, requested that DHR provide him with documentation to support this action—a copy of the complaint against the supervisor and a copy of DHR's investigative findings. DHR provided no documentation. The department head requested an alternative to termination, seeking some form of progressive discipline. The request was denied. Ultimately, the department head gained permission to keep the supervisor on staff through the end of the year. To date, the department head has not signed or submitted termination documentation.

The OIG investigation revealed that City staff sought to afford preferential treatment to the daughter, from her onboarding through her work conditions. And when the supervisor tried to hold the daughter to the same accountability standards expected of other employees, the DHR commissioner retaliated against her, orchestrating her termination.

The OIG investigation also revealed broader concerns about the DHR commissioner's unprofessionalism and deviation from human resources standards.

OIG encountered challenges in its investigation surrounding access to records. OIG issued policy and procedure recommendations to address these challenges and enable OIG to perform future investigations.

In response to OIG's investigative findings, the Office of the Mayor placed Smith on administrative leave and assigned the matter to the Law Department for further investigation.

BACKGROUND

The Compliance Division of the City of Atlanta Office of the Inspector General (OIG) received a complaint in April 2023 alleging that the commissioner of the City of Atlanta Department of Human Resources (DHR), Tarlesha W. Smith, Esq., created a position for her daughter, Bridget Smith (B. Smith), within the Office of the City Solicitor (OCS) and retaliated against OCS Director of Administration Jennifer Johnson when Johnson denied B. Smith's request to telework.

OIG initiated an investigation and took a number of investigative actions, including, but not limited to, reviewing City records and databases, employee personnel files, emails and internal communications; and interviewing various City employees from DHR (including Talent Acquisition and Office of Labor and Employee Relations (OLER)) and OCS.

FINDINGS

According to records obtained from Oracle, the City's cloud-based human resources database, Johnson began working with the City of Atlanta (the City) in June 1996 and has served in various positions within OCS including senior investigator, administrative analyst, program management officer, and compliance manager. Since October 2021, Johnson served as the director of administration for the Pre-Trial Intervention Traffic Program (PTI-T). According to its website, PTI-T is responsible for assisting eligible defendants with the resolution of their traffic cases in lieu of prosecution.

OIG learned from Johnson that in November 2022, Director of Administration Sandra Thompson approached Johnson and asked if the PTI-T unit needed extra help. Johnson advised Thompson that the PTI-T unit could always use extra help due to the workload and suggested that DHR create two positions. As a result of this discussion and the OCS request, two positions were to be created for the PTI-T unit. According to Johnson, Thompson was first contacted by DHR HRBP Danielle Jones, who advised Thompson that the DHR commissioner had someone that she wanted to place within the department. Johnson stated that she was not made aware of who the person was, nor the circumstances surrounding the placement, but that the position was being created for the person. Johnson stated that she attempted to gather background information regarding the candidate, however, Thompson did not have any further information to provide at that time.

In December 2022, Thompson called Johnson and explained to Johnson that the person to be placed in the PTI-T unit would be the DHR commissioner's daughter. During this telephone conversation, Thompson emailed B. Smith's resume to Johnson. Upon receipt of the resume, Johnson advised Thompson that B. Smith would receive no special treatment and would still be required to do the work. Johnson stated that she told Thompson that B. Smith would be supervised like all other employees under Johnson's supervision.

Creation of the position

Thompson told OIG that, in or around September 2022, Jones called her to inquire if there were any vacant positions available within OCS. Thompson told Jones that the department did not

have any full-time positions available, but there were extra help (part-time) positions available, originally classified as senior data technicians. According to Thompson, Jones advised her that the DHR commissioner was attempting to place two full-time employees within the department. Thompson told Jones that she would inquire with Johnson about the need for two additional compliance analysts within PTI-T.

City Solicitor Raines Carter recalled to OIG that, in November 2022, he received a call from Jones inquiring if the department could use extra staffing. Carter explained to OIG that the department could always use extra staffing due to the caseload fluctuations and the backlog issues stemming from the Covid pandemic. Carter stated that Jones explained that she had someone that she would like for Carter to consider for employment within the department. Carter explained that it was not unusual for DHR to refer people to the department for hire. Carter stated that he then consulted with Thompson and Thompson consulted with Johnson regarding staffing needs within the PTI-T unit. Carter stated that Johnson requested that two extra help positions be created, as the division really needed the help. Carter concurred with Johnson's recommendation for two extra help positions and forwarded the request back to Jones.

Thompson told OIG that, in December 2022, Jones called Thompson to ask if an offer was made to the candidates for the compliance analyst positions. Records indicate that the positions had not yet been posted to the City's website, nor had the requisition for the positions been created in Taleo, the City's former talent acquisition and recruiting portal. Thompson stated no offers of employment had been made because she had not received the resumes for the candidates from Jones. During that conversation, Jones told Thompson that she forgot to send the resumes and offered her apologies. Thompson recalled that on December 19, 2022, Jones sent her one resume, via email, for B. Smith. Thompson told OIG that immediately upon review of the B. Smith resume, she noticed that B. Smith lacked the experience required for the compliance analyst position. Thompson stated that the lack of experience prompted her to inquire further with Jones about who the individual was. It was during this conversation that Thompson learned from Jones that B. Smith was the DHR commissioner's daughter.

Thompson stated that she immediately contacted Carter to advise him that the candidate DHR was placing in the compliance analyst position was the DHR commissioner's daughter, B. Smith, and voiced her concerns regarding B. Smith's lack of experience. Thompson asked Carter if she should advise DHR that B. Smith was not qualified for the position. According to Thompson, Carter suggested that they give B. Smith a chance. Upon Carter's approval, Thompson contacted Jones and OCS Program Management Officer Wendell Bryant and advised them that Carter has agreed to extend B. Smith an offer of employment.

Carter told OIG he recalled the conversation with Thompson where he learned one of the OCS positions was created for the DHR commissioner's daughter, B. Smith. Carter said at that time, it was almost as if an alert went off in his head. Carter stated he immediately questioned why Jones would have left out such a critical detail. Carter asked Thompson to provide more information regarding B. Smith's placement, however, according to Carter, Thompson was not aware of the details herself. Carter stated that he was never provided any other details regarding B. Smith and that sparked concerns for him, especially given the connection to the DHR commissioner.

Records reflect that B. Smith was assigned to one of the two newly-created compliance analyst positions, and an internal candidate was transferred into the other position. According to

Thompson and Johnson, the internal candidate was interviewed. Thompson told OIG that she did not know if B. Smith had been interviewed for the position. Johnson stated that B. Smith was not interviewed for the position and that she was told B. Smith was being “placed” into one of the two compliance analyst positions.

DHR records and email communications show that on December 12, 2022, Bryant completed a Vacancy Review Board - Request to Fill (RTF) form detailing the requested positions. Bryant sent the form to the Department of Finance (Finance), which verified funding for the position. From Finance, the form was then sent to Carter for review and approval. Upon Carter’s approval, the form was returned to DHR for processing.

On December 13, 2022, Jones emailed DHR Deputy Commissioner Danielle Nichols requesting approval of the RTF in the absence of DHR Deputy Commissioner Laurette Woods. Nichols approved Jones’ request via email that same day. On December 14, 2022, Jones forwarded Nichols’ email approval and the RTF to HRIS, requesting that HRIS move forward with creating the specified extra help positions within OCS. On December 19, 2022, Jones forwarded the approved RTF to Thompson and Bryant. Bryant created a formal request to create the new compliance analyst positions, Requisition ID: 221904, that was approved the same day by a DHR recruiter. In an email to recruiting staff, Bryant requests that B. Smith be attached to Requisition ID: 221904 as a “HOT ITEM.”

From: Bryant, Wendell <wambryant@AtlantaGa.Gov>
Sent: Monday, December 19, 2022 2:23 PM
To: Hooks, Destinee <dhooks@AtlantaGa.Gov>
Cc: King, Shabreka J <sjking@AtlantaGa.Gov>; Jones, Danielle <DMJones@AtlantaGa.Gov>; Finley, Kimberly <kfinley@AtlantaGa.Gov>
Subject: Candidate Attached and Offer

Good Morning Destinee & Shabreka!

I hope that you both are well. A couple of things:

- HOT ITEM - Will you please approve requisition to the Compliance Analyst #221904 and attach candidate Bridget Smith? – I think that they (Kim and Danielle) also want to get an offer out by the close of business today.
- Will you please attach external candidate [REDACTED] to the Investigator Specialist requisition #221582?
- Will you please attach internal candidate [REDACTED] to requisition #220990?

Thank you and please let me know when the candidates have been attached

Sincerely,

Wendell A. M. Bryant, SHRM-SCP
Program Management Officer
City of Atlanta | Office of the City Solicitor
150 Garnett St. SW | Atlanta, GA 30303

(emphasis original)

Job Posting

The compliance analyst job announcement (Requisition ID: 221904) was posted to the careers section on the City’s website. As detailed in the Minimum Qualifications – Education and Experience section of the job posting, the position required a “High School diploma and a minimum of 1 year of specialized skill in administering the compliance to Solicitor’s Office pretrial diversion programs including case processing, auditing, and financial management.”

Bryant reported to Johnson that, as of January 12, 2023, sixteen candidates had applied to Requisition ID: 221904, including B. Smith.¹ The candidates included both internal (OCS and other City employees) and external applicants. The posting expired on January 15, 2023.

Experience and Credentials of B. Smith

OIG reviewed B. Smith’s City Candidate Profile #544855 (the profile) for Requisition ID: 221904.² Under the Experience and Credentials section, the profile indicated her highest achieved education level as an associate’s degree. According to the profile, B. Smith was enrolled in the computer information systems program at Howard University from August 2014 to May 2015. The profile also indicated B. Smith attended Grambling State University from August 2015 to May 2018 and was enrolled in the computer science program. According to the profile, her highest achieved level of education from Grambling State University was “bachelor’s degree.”

The talent acquisition screening process contains a series of prompts that require the candidate to provide a response. In the Education section (under Experience and Credentials) for Howard University, the application asks, “Have you graduated?” The profile states, “No;” however, under “Graduation Date,” the profile states, “May 2015.”

In the Education section (under Experience and Credentials) for Grambling State University, the application asks, “Have you graduated?” The profile states, “No;” however, under “Graduation Date,” the profile states, “May 2018.”

OIG found no proof of education attached to B. Smith’s Candidate Profile #544855. OIG checked B. Smith’s education through the National Student Clearinghouse and obtained a DegreeVerify Certificate for Howard University. Per the INFORMATION VERIFIED section, B. Smith was enrolled at Howard University from August 25, 2014, to May 8, 2015. Her major course of study is listed as COMPUTER INFO SYSTEMS, and her degree title reads “Enrollment Only.” National Student Clearinghouse records did not reflect that B. Smith earned an associate’s degree.

OIG checked B. Smith’s education through the National Student Clearinghouse and obtained a DegreeVerify Certificate for Grambling State University. Under the INFORMATION VERIFIED section, B. Smith was enrolled at Grambling State University from August 24, 2015,

¹ OIG requested the final tally of candidates from DHR. DHR advised OIG that it no longer has access to the data from Taleo.

² OIG discovered that B. Smith had a second candidate profile (539384), created October 13, 2022. The profile indicated that B. Smith applied for a nightlife culture marketing assistant position within the Office of Film and Entertainment. Records indicate B. Smith applied to a number of job postings using Candidate Profile #544855, including for positions as administrative assistant, office support assistant, legal secretary, and training specialist.

to December 9, 2016.³ Her degree title reads “Enrollment Only.” National Student Clearinghouse records did not reflect that B. Smith earned a bachelor’s degree.

Also attached to Candidate Profile #544855 was B. Smith’s resume. Her prior work experience included:

- BIGO LIVE – Live Talent Agent & Executive Assistant
- CEPODS X ROLLING LOUD – Content Curator & Creator/Photographer
- MIAMI-DADE COUNTY DEPT OF ELECTIONS – Elections Trainer

Contact information was not included for any of the former employers listed on her resume. An online search for BIGO Live revealed a global live video social media platform of BIGO Technology based in Singapore. An online search for CEPODS X Rolling Loud revealed a corporate collaboration featuring custom shipping container environments for an international music festival.⁴ OIG requested B. Smith’s personnel records for Miami-Dade County Elections Department through the Miami-Dade County online human resources portal, using B. Smith’s name and date of birth as listed in Oracle. Miami-Dade County Labor Relations and Employee Records Division advised that it found no personnel records matching that name and date of birth.

On December 20, 2022, B. Smith signed an acknowledgment and authorization for background investigation authorizing Sterling Talent Solutions (Sterling), the City’s background investigation company, to obtain all background information. According to the report Sterling provided to DHR on January 4, 2023, B. Smith’s employment history was never verified.

Onboarding Process

Nichols told OIG that Smith verbally expressed that her “daughter needed a job” and that her daughter wanted to work for the City. Nichols overheard Smith advising people that the City had “a thousand jobs” and all people had to do was “just pick one.” Nichols told OIG that shortly after the DHR commissioner’s appointment, DHR Sr. Director of Administration & Finance April Weekes-Wood reached out to her and asked if she was comfortable creating an offer of employment letter for the DHR commissioner’s daughter. Nichols informed Weekes-Wood that offer letters are typically generated by the recruiting staff. According to Nichols, she did not trust Weekes-Wood, and thought her request was “odd,” so Nichols followed up with a text to the DHR commissioner to confirm the request. The DHR commissioner confirmed that she gave the directive to Weekes-Wood to ask Nichols if she was comfortable with drafting and signing the offer letter.

According to Nichols, shortly after she received confirmation of the request from the DHR commissioner, Nichols received an email advising her that the DHR commissioner no longer needed her to create the offer letter because the DHR commissioner had decided to “take a different approach.” Nichols requested a meeting with the DHR commissioner. During the meeting, Smith again confirmed that she gave the directive to Weekes-Wood regarding the offer letter. Subsequent to the meeting, Smith advised Nichols that a deputy chief operating officer would create the offer

³ The DegreeVerify Certificate did not include a major course of study for Grambling State University.

⁴ OIG obtained contact information for corporate headquarters of BIGO Live and contact information and general customer service information for CEPODS X Rolling Loud but did not contact either entity.

letter that she was previously asked to create. Nichols stated that she told the DHR commissioner that it was a good decision to have B. Smith's manager create the offer letter instead of Smith due to the family connection.

DHR records and email communications indicate that on December 20, 2022, DHR extended an offer of employment to B. Smith for compliance analyst, at an annual salary of \$51,750.00, with an anticipated start date of Thursday, January 5, 2023. The offer letter was signed by the DHR commissioner (undated) and signed by B. Smith on December 20, 2022.

DocuSign Envelope ID: 4B09E603-7E77-4691-9AF4-EBC48DA4FEFF



CITY OF ATLANTA

ANDRE DICKENS
MAYOR

65 MITCHELL STREET, S.W. • ATLANTA, GEORGIA 30303-0366
TEL: 404-330-6360 • FAX: 404-658-6892

DEPARTMENT OF HUMAN RESOURCES
TARLESHA WILLIAMS SMITH, ESQ.
COMMISSIONER

December 20, 2022

Bridget Smith

[REDACTED]

Delivered by Electronic Mail to: [REDACTED]

Dear Bridget,

Congratulations! The City of Atlanta, Department of Human Resources, is pleased to offer you the position of **Compliance Analyst**, at an annual salary of **\$51,750.00**, payable at a biweekly rate of **\$1,990.38**. You will be working in the Department of Solicitor.

Your employment status makes you eligible to participate in the City of Atlanta's Benefits Program and receive comprehensive medical benefits effective your first day of employment.

This offer is contingent upon successful completion of background check (previous employment, criminal, education, and references) and a physical examination, which includes a drug screening. If you accept this offer of employment:

- Sign and return this letter by email (sjking@atlantaga.gov)
- You will be required to verify your identity and employment eligibility within three business days of your start date.
- Upon successful completion of your background and drug screening, we will confirm your official start date.

Welcome aboard!

Sincerely,

Digitally signed by:
Commissioner Tarlesha W. Smith, Esq.
Tarlesha W. Smith, Esq.
Commissioner

[Handwritten signature in blue ink]

12/20/2022
(Date)

On December 21, 2022, Bryant sent an email to recruiting staff thanking them for extending the pre-employment offer to B. Smith before B. Smith's background approvals were complete. Bryant asked recruiting staff if they knew who B. Smith was and told them that B. Smith needed to be monitored throughout the onboarding process. Additionally, Bryant requested that the recruiters "shake a stick @ Talentwise..." so that they would process B. Smith's background "ASAP." Bryant concluded the email stating that he was not trying to do anybody's job but wanted to make sure that nothing fell through the cracks "on this one."

From: Bryant, Wendell <wambryant@AtlantaGa.Gov>
Sent: Wednesday, December 21, 2022 11:09 AM
To: Hooks, Destinee <dhooks@AtlantaGa.Gov>
Cc: King, Shabreka J <sjking@AtlantaGa.Gov>
Subject: RE: Pre-employment Offer for Bridget Smith - Compliance Analyst (SOL) (ID: 221904)

Good Morning Destinee & Shabreka!

Thank you for sending this out to her before the approvals have come through. Do you guys know who this is?

As you are likely aware, we need to monitor this person throughout the process. Given the holidays and the start date, a couple of things:

- Can we shake a stick @ TalentWise to get them to get us her background check done ASAP
- We need to make sure that she has completed her parts at the appropriate step in the process in a timely manner. How can we monitor?

Please let me know if you guys are on vacation over the next week and half, I will certainly reach-out to her – if I need to do so. I'm not trying to do anybody's job, just tryin' to make sure that nothing falls through the cracks on this one.

Merry Christmas/Happy Holidays to you both!

Thank you!

Sincerely,

Wendell A. M. Bryant, SHRM-SCP

On December 21, 2022, recruiting staff responded back to Bryant stating, "we are aware of who she is connected to" and stated that she would continue to monitor B. Smith's onboarding process, "as [she does] with other candidates." Recruiting staff concluded the email stating that they would make sure that B. Smith was ready to begin work on January 5, 2023.

On January 3, 2023, at 9:39 am, Bryant sent a follow-up email requesting an update on B. Smith's paperwork. Recruiting staff responded to Bryant stating that she would provide an update once she spoke with her supervisor regarding B. Smith's paperwork. Additionally, recruiting staff advised Bryant via email that B. Smith had been non-responsive to recruiting telephone calls and emails.

On January 3, 2023, at 3:03 pm, Bryant sent another follow-up email inquiring if recruiting staff had heard back from B. Smith and if B. Smith was still interested in the position. Bryant

requested that B. Smith's start date be moved to Thursday, January 19, 2023, because B. Smith's access to OCS databases had not yet been granted and she would not be able to be productive. At 3:06 pm, recruiting staff responded to Bryant advising that she had not heard back from B. Smith. At 3:11 pm, a recruiting supervisor emailed her staff instructions to send her the new hire paperwork for B. Smith. The supervisor changed B. Smith's status in Taleo from "Post Offer Checks" to "To be Hired," and advised that she would give B. Smith a call and follow up with her via email. At 3:37 pm, the supervisor advised, via email to Bryant and her staff, that B. Smith was scheduled to take the pre-employment physical on January 4, 2023.

On January 5, 2023, recruiting staff advised Bryant that B. Smith's new start date would be January 9, 2023, since B. Smith would have reported for the pre-employment physical on January 4, 2023. On January 6, 2023, recruiting staff sent an email to B. Smith advising that the City was unable to provide her with a definitive start date because her pre-employment physical results were incomplete. Email communications suggest that B. Smith had not yet reported to take the physical exam, contributing to the delay in establishing a start date.

B. Smith's official start date was January 19, 2024, however, her first day at OCS was January 24, 2023. According to Johnson, B. Smith was late on her first day. Johnson explained that B. Smith was to report to the office at 8:30 am but did not actually report until approximately 11:30 am. Johnson stated when B. Smith arrived, B. Smith told her that she forgot she had a court appearance.

PTI-T Training

Johnson explained that she held weekly review meetings with trainees, the trainer and the assistant solicitor where Johnson inquired about training progress and asked that the trainee provide Johnson with any suggestions, complaints, or concerns. Johnson stated that the purpose of the weekly reviews was to get a sense of how things were going for the new employee, understanding that people had various learning styles and their ability to retain information also varied. Johnson stated this was especially true with all new hires to the PTI-T unit. Johnson relied on the assessment of multiple trainers as each trainer had different strengths upon which they focused with the trainee. For example, one trainer paid keen attention to catching grammatical and punctuation errors, while another paid keen attention to accuracy of violations and assessed fees. According to Johnson, this training rotation was important to ensure the employee was prepared to work independently. Johnson stated that B. Smith never expressed concerns regarding the training process, however it was clear to Johnson and other PTI-T senior staff members that B. Smith had become disengaged after the fourth week of training.

OIG reviewed the PTI-T training manual titled "PTIT DESK MANUAL," last revised March 11, 2021 (the manual). The manual includes an introduction to PTI-T (Section 1) which consists of a PTI-T training checklist and policies and procedures. The PTI-T training checklist includes a series of learning objectives covered daily and over a course of four weeks. The manual also includes a training guide section (Section 5) which consists of PTI-T worksheets and instructions on how to use the departmental database. The PTI-T training manual does not indicate that training will conclude within four weeks. The manual states the successful completion of the learning objectives is at the supervisor's discretion. For those training in early 2023, Johnson was the supervisor making the final determination based on feedback from PTI-T trainers.

OIG spoke with Senior Compliance Specialist Ariel Howard regarding training for PTI-T new hires and the ability to telework. Howard confirmed that she assisted with training B. Smith and has been a trainer within the department since 2015. Howard advised that, with the exception of the Covid pandemic, training for PTI-T has always been in office and involved multiple senior level staff members. Howard stated that the duration of training has varied for each employee due to various learning styles and one's ability to retain information. Howard stated that the manual is used solely as a guide and that it does not dictate a trainee's completion time. According to Howard, the ability to telework has always been at the approval of the department head⁵ and with the understanding that the position is not remote, therefore employees would need to report to the office, in-person, when directed to do so.

PTI-T Training Assessments

According to Thompson, the PTI-T unit falls under the purview of the compliance division and is one of the busiest units within the department. PTI-T requires employees to be very detailed, so there is very little room for error. Thompson noted that PTI-T errors can cause participants to be eliminated from the program and could result in the denial of driver's licenses, housing, and the loss of employment.

OIG reviewed B. Smith's training assessments and documentation from Senior Compliance Analysts Suzy Memmelaar, Ariel Howard, and PTI-T Supervising Assistant Solicitor Nana-Yaa Amaning.

Memmelaar's assessment states that B. Smith had shown that she had the skillset to do the job and completed assignments without delay. Memmelaar stated that B. Smith's shortcomings included: "Lack of communication regarding the status of training and progress, lack of note taking which appeared as though B. Smith did not take constructive criticism well, and the need for improvement of B. Smith's entire work etiquette such as eye contact and sitting still." Memmelaar advised that she encouraged B. Smith to provide more feedback and communicate more effectively. Memmelaar's training assessment from March 20, 2023, to March 29, 2023, included observations on processing errors committed, and tardiness/absences. Memmelaar advised Johnson that B. Smith was absent on March 27, 2023, and March 28, 2023. Memmelaar advised Johnson that on March 27, 2023, Memmelaar had to contact B. Smith to inquire if she was coming to work. Memmelaar stated that, as a courtesy, she requested that B. Smith advise her of any tardiness or absence ahead of time because Memmelaar drives two hours to provide training onsite. Memmelaar advised Johnson via email on March 28, 2023, that she had a discussion with B. Smith regarding the need for notification to management of any tardiness or absence.

Howard's assessment stated that B. Smith was not very cooperative during training and appeared to be difficult and disrespectful towards Johnson during case reviews. Howard stated that B. Smith had several recurring errors.

Amaning provided assessment notes and an overall review for B. Smith from January 23, 2023 (Week 1) to March 17, 2023 (Week 8). Amaning stated that B. Smith consistently exhibited a poor attitude and lack of professionalism throughout the entire training period. Amaning stated

⁵ During his interview, Carter stated that Johnson was responsible for deciding when PTI-T training was completed and a compliance analyst might begin to work remotely.

that B. Smith did not respond well to criticism or critique. Amaning stated that during each meeting, B. Smith was asked if she needed anything in regard to training and B. Smith would consistently state that she was fine, all while displaying a negative attitude and lack of care about the work. During Week 4, February 13, 2023 - February 17, 2023, Amaning's notes indicate that B. Smith felt that she was doing well but needed to focus on not making careless errors. During Week 5, February 20, 2023 - February 24, 2023, Amaning noted that B. Smith was not responsive during training. Amaning noted B. Smith was not cooperative when answering Johnson's questions and appeared to be purposefully difficult in her responses to Johnson. Amaning stated that during Week 6, February 27, 2023 - March 3, 2023, she constantly observed B. Smith on the telephone and on FaceTime. During Week 6, Amaning noted that Johnson informed B. Smith that starting March 10, B. Smith would no longer be training and would be moving on to the review phase with Howard.

Request to Telework

OIG learned from interviews of Johnson and other OCS staff that the compliance analyst role in the PTI-T unit required B. Smith to be onsite for in-person training, Monday through Friday, with a senior compliance specialist. While training was conducted remotely when the office was closed during the Covid pandemic, OCS reinstated the PTI-T's onsite training requirement when the office reopened. According to Johnson, new hires are advised of unit expectations and conditions of employment, and provided with the PTI-T training manual. Johnson described OCS as a public safety agency and noted that operational decisions are made based on the needs of the office and assigned operations.

Johnson stated that roughly thirty days into B. Smith's training process, she received a call from B. Smith inquiring about her ability to telework. Johnson stated that she reminded B. Smith that all training is performed onsite until the employee is approved by Johnson to transition out of training. Johnson stated that B. Smith was disappointed with Johnson's response to her telework request.

Email communications and training assessments described B. Smith as doing well with learning the basics of the PTI-T unit; however, the trainers observed and reported to Johnson, that B. Smith continued to make preventable processing errors that could adversely affect the outcome of a court case. According to Johnson, such errors could adversely impact a defendant's freedom, housing, employment, and driving privileges, and prove costly to the City through litigation. Johnson stated that B. Smith did not understand that the next phase of training required consistency and a greater attention to detail when processing cases.

Johnson told OIG that approximately two weeks after first requesting to telework, B. Smith called her and advised that B. Smith's transportation to work was taking a two-week vacation and that it would cost her roughly \$100.00 per day to get to work. Johnson told OIG that she replied, "Ok," and there was a long pause where Johnson stated she assumed that there would be a question related to teleworking. According to Johnson, the ensuing silence prompted her to ask B. Smith if there was anything else that B. Smith needed. Johnson stated that B. Smith responded, "No" and immediately ended the call without further comment. Johnson stated that B. Smith's tone suggested B. Smith was annoyed with Johnson. Johnson stated that from that moment forward, B. Smith became unpleasant.

OCS staff interviews and B. Smith's training assessments state that B. Smith's demeanor towards the work and Johnson changed after this exchange. Thompson recalled receiving a telephone call from Jones inquiring if B. Smith could telework. Thompson advised Jones that she could not approve that request as it was outside the scope of her responsibilities. According to Thompson, she insisted that Jones speak with Johnson regarding the telework request, since Johnson was the manager of the PTI-T unit. Thompson asked Jones if there was an issue, and recalled that Jones responded, "Nothing that I want to talk about at this time. If I talk about it, it becomes a formal complaint." After this comment, Thompson informed Jones that Johnson could not let B. Smith telework until Johnson was certain that B. Smith was capable of doing the work, especially considering B. Smith's lack of experience. Thompson told OIG that Jones verbally declined to speak with Johnson regarding the telework request.

Following the telework exchange, Johnson told Thompson about her issues with B. Smith's performance and detailed a particular meeting in March 2023 that Johnson organized via Teams. Johnson asked Thompson to attend. Thompson told OIG that she was unable to attend Johnson's meeting and requested Bryant report for the meeting in her stead. According to Thompson, shortly after the meeting, Bryant notified Thompson that B. Smith had gone to the DHR office. Thompson recalled that Bryant warned her that day: "People on the level of the commissioner expect their family to be treated differently," and reminded her to consider the effect this situation would have on the solicitor.

During Nichols' interview with OIG, Nichols stated that she was fully aware of the issues with B. Smith at OCS. According to Nichols, almost every day, B. Smith would come to the DHR commissioner's suite during her lunch break and after work. Nichols told OIG that the DHR commissioner and B. Smith drove to work together, and that B. Smith was in DHR "all the time." Nichols heard B. Smith complain about Johnson, specifically stating B. Smith said Johnson did not know how to do her job. Nichols told OIG that she witnessed the DHR commissioner get agitated and use profanity with regard to Johnson, making statements like: "She doesn't know who she is dealing with!" "You not going to mess with my child." "I don't play that; Atlanta don't know me; Atlanta is not going to play with my child." Nichols told OIG that none of these statements were expressed directly to her, but the DHR commissioner spoke loudly enough in the DHR suite that Nichols would hear these comments.

Nichols stated that B. Smith had a problem with Johnson because B. Smith wanted to work remotely, however due to training she had to work onsite. Nichols stated that, to her knowledge, B. Smith did not have a car, so she assumed that was why B. Smith needed to work from home. Nichols told OIG that she thought the entire situation was ironic because the DHR commissioner had issues with DHR staff working remotely; however, the DHR commissioner strongly advocated for her daughter to work remotely.

B. Smith Problems within OCS

During Carter's interview with OIG, Carter stated that not long after B. Smith's onboarding, he started to receive reports from Thompson that there were problems with B. Smith. Carter stated that the first problem he was made aware of was that B. Smith had attendance issues, where B. Smith did not show at a time she was instructed to report. The second issue involved B. Smith being in violation of the office dress code, where B. Smith was instructed multiple times to

refrain from wearing hats within the building. Carter told OIG that Thompson and Johnson advised him, separately, of a conversation with Bryant regarding discipline for B. Smith due to the absences and dress code violation.

Carter told OIG that Thompson sent an email to Jones on April 3, 2023, detailing B. Smith's failure to report to work and further advising that B. Smith had not communicated with her manager (Johnson) since March 29, 2023. Carter had been advised that B. Smith had not requested, nor been authorized for leave.

On April 3, 2023, Johnson emailed Carter and Thompson detailing the following issues with B. Smith while in the probationary period:

- January 24, 2023: Tardy
- March 6, 2023: Absent; called out
- March 14, 2023: Absent; called out
- March 27, 2023: Absent; called out
- March 28, 2023: Tardy; no call
- March 29, 2023: Tardy; no call
- March 30, 2023: Absent; no call/no show
- March 31, 2023: Absent; no call/no show
- April 3, 2023: Absent; no call/no show

Johnson recommended the termination of B. Smith pursuant to Section 114-528(b)(9) of the City of Atlanta Code of Ordinances (the Code), "Abandonment of job." The Code states that abandonment of job occurs when "An employee not on authorized leave of absence who, without valid reason, fails to report for work for three consecutive days." This constitutes cause for which disciplinary action may be imposed. Additionally, Section 114-425 of the Code states "Any absence of an employee from duty for all or part of a day which is not authorized by a specific grant of leave of absence under this division shall be deemed to be an absence without leave. Any such absence shall be one without pay and shall subject the employee so absent to disciplinary action." Johnson also stated that, on multiple occasions, B. Smith demonstrated a disregard for policies, protocols, and procedures.

Thompson recommended severing B. Smith's employment with OCS. Carter recalled a conversation with Johnson where she inquired whether he had heard from B. Smith. Carter stated that he had heard nothing and advised Johnson and Thompson that it was important to handle the situation as they would with any other employee.

On April 3, 2023, Thompson emailed Jones outlining B. Smith's attendance issues. Jones responded advising that B. Smith was placed on "authorized" leave through April 7, 2023. Carter questioned why an employee was placed on "authorized" leave without department head notification and approval. Carter was later informed by Thompson that there was an outreach to a division of DHR that led to B. Smith's placement on administrative leave. Carter reiterated to OIG that the department was not involved with placing B. Smith on administrative leave and was unaware that she had been placed on leave prior to Jones' email; Carter was not consulted regarding the decision and had received no communication from DHR concerning the matter.

Thompson, Sandra

From: Jones, Danielle
Sent: Monday, April 3, 2023 1:50 PM
To: Thompson, Sandra
Subject: RE: Bridget Smith

Sandra:

Bridget Smith is on authorized leave through April 7, 2023. If you have any questions and or concerns, please feel free to reach out to me.

Danielle Jones

From: Thompson, Sandra <SLThompson@AtlantaGa.Gov>
Sent: Monday, April 3, 2023 12:13 PM
To: Jones, Danielle <DMJones@AtlantaGa.Gov>
Cc: Thompson, Sandra <SLThompson@AtlantaGa.Gov>
Subject: Bridget Smith
Importance: High

Good morning, Danielle,

Employee, Bridget Smith (67834), Compliance Analyst with the Office of the City Solicitor effective employment date is January 19th, 2023. Ms. Smith is in her 6-month probationary period. Ms. Smith has failed to report to work and has not communicated with her manager since March 29, 2023. She also has not requested nor has been approved authorized leave. We would like to move forward with officially severing our employment relations with Bridget Smith immediately pursuant to Municipal Code 114-528 (b) (9) Abandonment of Job.

Thompson, Sandra

From: Johnson, Jennifer Y
Sent: Wednesday, April 12, 2023 9:06 AM
To: Carter, Raines F; Thompson, Sandra
Cc: Johnson, Jennifer Y
Subject: Bridget Smith

As you're aware Bridget Smith has not reported to work as assigned nor communicated with me since March 29, 2023. As I've previously advised Ms. Smith has demonstrated on multiple occasions her disregard for policy/protocol/procedures during her employment with the Solicitor's Office which began January 19, 2023. In addition, she has had multiple **unscheduled** absences during her short period. I think it is important that I remind you that her actions and any lack of consequences is undermining to managerial authority not only for me, but also for the Solicitor's Office if we intend to treat all employees fairly. I was advised today that Ms. Smith notified a 'co-worker' that she was 'back' and that they could 'drop her cases'--Ms. Smith had not reported to the her work station and this has NEVER been our practice of operation.

It is my recommendation that Ms. Smith's employment with the Office of the City Solicitor be severed immediately.

Respectfully,

Carter instructed Thompson to look into B. Smith's administrative leave absence and report back to him with her findings. From his experience, the department head had always received notification of a DHR referral. Carter stated receiving no notification from DHR regarding a referral was highly unusual.

OLER Investigation

Nichols told OIG that she was in the DHR commissioner's suite one day when she overheard the DHR commissioner order Deputy Commissioner Candace Kollas to investigate Johnson. Nichols specifically recalled the DHR commissioner saying to Kollas, "Somebody better check that bitch before I have to go off and lose my job" and "I need you to check and see why they keep fucking with my child!"

Former DHR Deputy Commissioner Anthony Roberts told OIG that Smith instructed B. Smith to speak with Roberts and Kollas regarding B. Smith's complaints against Johnson. Roberts said that B. Smith expressed that Johnson was bullying and picking on B. Smith by not allowing B. Smith to work from home. Roberts described a time when B. Smith came into the DHR commissioner's suite complaining about Johnson. Roberts stated that B. Smith appeared to be upset. Roberts stated that B. Smith did not submit any complaints in writing but due to the nature of the complaints, OLER initiated an investigation, under the direction of Kollas.

Roberts told OIG that he and the DHR commissioner had several conversations regarding B. Smith and Johnson. According to Roberts, during his initial discussions with Smith, he expressed that he thought it would be in her best interest to stay clear of the investigation. Roberts recalled that the DHR commissioner would say things like, "The way they are treating her, they can't do that, especially not my daughter." Roberts stated that he felt as if the DHR commissioner was acting emotionally because the situation involved her daughter.

Carter told OIG that, sometime after B. Smith returned from the DHR-authorized leave, Jones called Carter and advised him that there would be an investigation into Johnson for harassment and/or bullying. During this conversation, Carter told Jones that he had not received any complaints or notifications related to Johnson. According to Carter, Jones assured him that he would be notified, however, he never received any notification. After this conversation with Jones, Johnson told Carter that Johnson was instructed to report for an interview with DHR. Carter stated it was at that point he knew the interview was related to B. Smith. Carter said shortly thereafter, Thompson approached him with concerns that DHR intended to punish Johnson because of B. Smith.

Former OLER Director Tamika Spirling-Brooks conducted the OLER investigation into Johnson with Kollas. Spirling-Brooks stated she received a heads-up about B. Smith's issues with Johnson from Jones and Roberts. Spirling-Brooks told OIG that she started to prepare for B. Smith's complaint intake based on her receipt of this preliminary information. According to Spirling-Brooks, she immediately notified Kollas of the situation due to the relationship between the complainant and the DHR commissioner, as she anticipated that OLER would not be able to follow its normal complaint process. Spirling-Brooks assumed that the Law Department would provide direction. However, she noted that Kollas took a particular interest in the case. According to Spirling-Brooks, Kollas advised her that she (Kollas) would provide notification of the complaint to Smith and develop a strategy on how to handle the complaint.

OLER commenced its investigation with an interview of B. Smith on May 2, 2023. Spirling-Brooks described B. Smith's interview as long and stated that B. Smith was adamant about Johnson not wanting her within the department. Spirling-Brooks told OIG, and her OLER interview notes confirm, that B. Smith complained about how Johnson switched her trainers and how B. Smith believed that she was set up to fail. Spirling-Brooks stated B. Smith used profanity

at multiple points during the interview, and that she stated, “My mom is the chief of HR and my mama can’t tell me what to do, so I damn sure know that Jennifer Johnson not telling me what to do!” Spirling-Brooks stated that she was stunned at B. Smith’s behavior during the intake interview, especially given that B. Smith was within her mother’s office.

Spirling-Brooks stated the tone of B. Smith’s interview caused her to immediately type the transcript and provide a copy to Kollas. Spirling-Brooks recognized that B. Smith’s primary complaint against Johnson was that Johnson would not let her telework, despite B. Smith’s interpretation of the PTI-T training manual as stating otherwise. According to Spirling-Brooks, Kollas never provided her any feedback related to the B. Smith transcript, so Spirling-Brooks proceeded with the investigation and began scheduling witness interviews. One of the witnesses interviewed was an OCS employee, who later submitted an official complaint with OLER after speaking with Jones about an unrelated matter handled by Johnson. Spirling-Brooks notified Kollas of the second complaint against Johnson, which led to a meeting of Kollas and Smith. Kollas later told Spirling-Brooks that she learned during the meeting with Smith, that it was the DHR commissioner’s plan to fire Johnson. Spirling-Brooks recalled that she thought that this was odd, since the other interviews had not yet been completed and she was still in the very early stages of the investigation.

Spirling-Brooks stated that she was instructed by Kollas to also interview Bryant regarding B. Smith’s allegations. Spirling-Brooks stated she spoke with Bryant twice, once informally via telephone and the second time in a formal interview. Spirling-Brooks stated that both times, Bryant referred to Johnson as a “bully.” Spirling-Brooks stated that she completed a transcript of Bryant’s interview. OIG requested from OLER a copy of this transcript; OLER did not provide it to OIG.

Spirling-Brooks stated that leading up to Johnson’s interview, she consistently updated Kollas regarding the investigation. Spirling-Brooks stated that once she notified Kollas of Johnson’s interview date, Kollas requested to be present. Spirling-Brooks expressed that she and Kollas had different interview styles, and that Kollas was extremely aggressive and combative during interviews. According to Spirling-Brooks, Kollas made the impromptu decision to place Johnson on administrative leave as Kollas claimed Johnson was being disruptive and combative during the interview. OIG’s review of an audio recording of the interview made by Johnson confirmed Kollas’ aggressive and combative interview style, which Johnson at times reciprocated in her responses to Kollas. Spirling-Brooks stated that shortly after that interview, Kollas scheduled a meeting with Carter and during that meeting, advised him that Johnson could not come back to work. Spirling-Brooks stated Carter expressed his disappointment with the decision because Johnson was the point person for OCS’ case management system and he needed Johnson to continue working.

Spirling-Brooks told OIG that Kollas made the decision to have B. Smith report directly to the solicitor. Spirling-Brooks disagreed with Kollas as B. Smith was in an entry level position, and she could have reported to another line manager within the unit. Spirling-Brooks stated that the decision to have B. Smith report directly to Carter was a “power move” because no other compliance analyst reported directly to the solicitor.⁶

⁶ Email communications indicate that, in response to an inquiry from DHR following B. Smith’s authorized leave, Carter had B. Smith report directly to him.

Although the investigation was not completed at the time of her departure from the City in August 2023, Spirling-Brooks told OIG that she had concluded that there was insufficient evidence to substantiate B. Smith's allegations that Johnson was trying to keep B. Smith from teleworking. Spirling-Brooks based this conclusion upon information gathered during the investigation, which included the solicitor's comments about Johnson's track record with managing the PTI-T unit and her vigilance concerning training and minimization of errors. Spirling-Brooks confirmed that no official findings or recommendations had been issued when she resigned from DHR.

I. OLER Interview with B. Smith

OLER interview transcripts reveal that B. Smith's interview was conducted virtually via Teams on May 2, 2023, by Spirling-Brooks alone. B. Smith confirmed her start date of January 19, 2024, with her first day in office on January 24, 2023. B. Smith stated that the PTI-T training manual indicated a four-week training and that after that, employees could work from home. B. Smith stated that at the time of the interview she reported directly to the solicitor. B. Smith indicated that during training, she was first assigned to Senior Compliance Specialist Shakira Stone⁷ and later switched to Howard. B. Smith stated that Stone would notify B. Smith right away with errors and Howard would advise her of errors later in the day. B. Smith stated the training was ineffective and inefficient. B. Smith stated that when she was working with Stone, she was at roughly 90% compliance. B. Smith stated that Stone would advise B. Smith of formatting errors. B. Smith stated Johnson was "looking down on me, like not on my level." B. Smith stated that she felt like she was set up for failure.

During her OLER interview, B. Smith stated that Johnson does not come to work. B. Smith stated she remembered seeing Johnson a total of three times in office and recalled having maybe five conversations with Johnson since her hiring in January 2023. B. Smith described a case review held via Teams on March 8, 2023, which included Johnson, the PTI-T supervising attorney, Memmelaar, and B. Smith's current trainer, Howard. B. Smith stated that at this point, she had been working in the office for approximately two months, and she had a trainer who was not training her but putting X's and marks on a paper. B. Smith stated that regarding work "her vibe is now, I'm here for work-I'm not friendly-I'm not here to be liked." B. Smith later noted that Bryant was in the meeting and added "from the comfort of his own home." B. Smith stated that during the meeting, Johnson brought up an issue regarding a comment B. Smith made to Johnson about work emails being crazy, an incident reported by Howard regarding B. Smith playing music without headphones while in the office, and B. Smith's attitude.

B. Smith told Spirling-Brooks that following a case review where Johnson gave B. Smith performance feedback, she went to DHR like she normally did on her lunch break and asked Marketing & Communications Director Jamar Brown for Jones' contact information. B. Smith stated she texted Jones to advise that they needed to talk about Johnson and later met with Jones in her office and told her everything that happened during the March 8, 2023 case review. B. Smith told Spirling-Brooks that Jones stated that she was going to talk to who she needed to talk to, and that Jones would keep B. Smith updated.

B. Smith expressed to Spirling-Brooks that she went to DHR and had a conversation with Kollas and Roberts due to her having a breakdown at her desk. B. Smith stated that "it's a certain amount of rage that can build up in a person-because I can't handle you like I would on the street.

⁷ OIG was not provided with Shakira Stone's training assessments for B. Smith.

It's work. It's rules and regulations to how things go down at work." B. Smith stated that she sat at her desk and shed tears. B. Smith stated, "that's when I knew—you can't bring stress to my life, and I can't handle you like I normally would handle you." B. Smith stated she said "Listen Anthony, something has to give. I can't keep going through what I'm going through. I'm not here to play nice, the politics. I'm here to do my job. You're creating a hostile work environment (Howard). I shouldn't come to work anticipating being stressed or harassed. Or feeling like somebody got eyes on me. I shouldn't have to do that. You got Ariel watching me like a hawk." B. Smith further stated that "Now you're a lap dog. You an op." B. Smith told Spirling-Brooks that Kollas instructed her to call a division of DHR. Kollas stated, "I talked to them, they say you've reached your breaking point. Take off for a week."

B. Smith stated that she had been contacted by James Bush who told her he was in training for five months, but he trained remotely. B. Smith expressed that Johnson was picking and choosing who came into the office and treating her different. During the interview, Spirling-Brooks asked B. Smith if she had addressed these concerns with Johnson. B. Smith stated that she did not because, given the way she was feeling, the conversation would not have been productive. B. Smith stated, "It's going to be handled the way it's going to be handled." Spirling-Brooks asked B. Smith if she expressed her concerns about being treated differently with supervisors. B. Smith responded "No." When asked if there were any witnesses who could attest to B. Smith's experiences, B. Smith mentioned Bush, Howard, Memmelaar, Amaning, and Bryant. B. Smith stated that, "Going into the suite - they all know - April, Jamar, Starr, Myrlande. Everybody knows. Because every time something happened, I went in there to tell them about it."

II. OLER Interviews with OCS Staff

OIG's review of the OLER interview transcripts provided to OIG found that B. Smith was trained and observed by several senior members in the PTI-T unit who could speak to B. Smith's performance. B. Smith was described in these interviews as competent and able to do the job, however, she appeared resistant to receive constructive criticism. B. Smith's trainers stated that B. Smith would speak about how her compliance rate changed based on who she was training with, and at one point B. Smith appeared withdrawn and not interested in doing the work. According to the statements, B. Smith was advised that some trainers have a more "critical eye" than others, and they catch errors like dashes, periods, and commas.

One employee stated that Johnson disagreed with the trainers' assessments of B. Smith. The employee suggested that Johnson punished the trainers by assigning them to train new employees, knowing that the trainers had to be in the office to train, when they mostly teleworked. Another employee described the working relationship with Johnson as "up and down." When asked if Johnson's behavior at work created a hostile environment, the employee answered in the affirmative, stating that Johnson used "slurs" at work. When asked if Johnson could be characterized as a bully, the employee responded "absolutely," and affirmed that the behavior was frequent, demeaning, and used as intimidation towards other employees. One employee stated that Johnson was not heard disrespecting anyone in the office or virtually. When asked if Johnson ever yells or berates employees, the employee responded, "No," and described Johnson as assertive.

III. OLER Interview with Johnson

OLER interview transcripts indicate that Johnson was interviewed virtually via Teams on June 12, 2023, by Spirling-Brooks and Kollas. OIG reviewed an audio recording of the virtual meeting. In the recording, Spirling-Brooks advised Johnson that the purpose of the interview was to gather information related to allegations brought to the attention of OLER by B. Smith and Memmelaar.

Johnson provided Spirling-Brooks and Kollas an overview of her position as director of administration. Johnson described the various positions and tasks associated with each position in the PTI-T unit. Johnson stated that for new hires, there are weekly meetings at which they discuss training progress. Johnson stated processing cases is the most critical step within the PTI-T unit and requires the most expertise. Spirling-Brooks asked Johnson to tell her about case reviews with B. Smith. Johnson stated during case reviews she advised on what to expect, paired the new hire with a trainer for baseline training, and provided reporting instructions. Johnson stated new hires are introduced to baseline information and later trained on applying the baseline information to case processing.

Johnson told Spirling-Brooks that training is completed onsite and with a senior team member. Johnson noted that training for the division has always been held onsite, excluding the period of the Covid pandemic when no one was allowed in the office as training was conducted online. Johnson stated that online training was determined to be unsuccessful, and once they were cleared to report back to the office, training resumed onsite.

Spirling-Brooks asked Johnson if she had issues or concerns with training B. Smith. Johnson responded that she thought B. Smith was doing well at the beginning of her training, but that it appeared B. Smith's performance began to decline when, roughly four to five weeks into the training process, B. Smith asked Johnson if she could telework. Johnson stated that when she reminded B. Smith that training was conducted onsite, B. Smith's demeanor changed, and her compliance rate decreased.

Johnson confirmed that B. Smith was first paired with Stone and that training for B. Smith went well during that phase. Spirling-Brooks asked Johnson about providing trainees with "error rates." Johnson advised that there was no such thing as an error rate, however they would discuss the cases that were processed and the errors made during processing. Kollas asked Johnson if there was an expected rate or percentage that trainees needed to meet before they could be released. Johnson advised that there was no expected rate and stated that one could have a 99% error rate but that 1% could be a major error that may perhaps result in the City being sued. Johnson stated that for PTI-T, rate was not important, it was the type of errors that a trainee could make that determined if the trainee was released from training. Kollas asked Johnson if there is a baseline metric for trainees being released. Johnson explained that, during training, there is daily and ongoing feedback provided by the trainers that reduce the number and types of errors a trainee would make. Johnson expressed that when examining error rates or percentages, it was important to look at the volume, type of error, and repetitiveness.

Spirling-Brooks asked Johnson how things began to decline when B. Smith asked to telework. Johnson stated that several things took a turn for the worse such as B. Smith's attitude, work product, and engagement with the training. According to Johnson, during the weekly meetings, Johnson gave B. Smith ample opportunity to address training issues. Johnson conveyed

that B. Smith never expressed any issues nor reached out to her outside of the two instances where she asked to telework.

During her interview with OIG, Johnson stated she and Kollas engaged in a back-and-forth exchange during the OLER interview that resulted in Kollas declaring that Johnson was being placed on administrative leave. Kollas advised Johnson that her behavior violated City code. Johnson asked what she was being accused of, to which Kollas replied that Johnson was in violation of the City's anti-bullying policy. Kollas stated multiple employees told OLER that Johnson's leadership style had been characterized as bullying. Johnson stated that she did not feel that she had ever used her position to force anyone or demand anything from anyone that was not within what was expected of them to do their jobs.

Carter told OIG that, after Johnson's interview with OLER, Johnson shared with him a picture she had taken of a letter from DHR, dated June 12, 2023, placing Johnson on paid administrative leave with instructions for her to turn over all city equipment, keys, and identification. OIG provided Carter with a copy of the letter. Carter stated that it was his first time seeing a physical copy of the letter, and said he never received a copy of the letter despite being listed at the bottom of the letter as a carbon copy recipient.

Carter's Attempt to Intercede in DHR Employment Actions Against Johnson

Carter told OIG that he was not involved with the decision to place Johnson on administrative leave which he described as alarming, given his position as department head. According to Carter, he would be in consultation with DHR during any personnel action involving his department. The department head would typically make the final determination regarding such actions and the communication would be sent under the signature of the department head.

Carter stated that Johnson has worked in various capacities within his administration and that Johnson was the reason that OCS' diversion program had expanded. Carter explained that Johnson had the unique ability to grasp concepts and analyze critical issues, and emphasized that under Johnson's tenure, the diversion program had expanded its reach to over thirty-four thousand defendants and included an increase to more than six million dollars in revenue for the department. Carter stated that Johnson was responsible for the implementation of OCS' new case management system. Carter stated that while Johnson served under his leadership, he had not received any complaints regarding Johnson's work performance or leadership style. Carter explained that as solicitor, he maintained an open-door policy and encouraged employees to bring forward concerns regarding any issues within the department.

On June 29, 2023, Jones called Carter and advised him that she had received the results of the OLER investigation regarding Johnson and that Johnson was to be terminated. According to Carter, despite several requests during their conversation, Jones did not provide Carter an explanation nor a copy of the investigative report. Carter requested a meeting with DHR to better understand OLER's decision to terminate Johnson. Carter told OIG that during this discussion with Jones, he told her that Johnson had never before been disciplined and in this case, had not received any progressive discipline. Carter questioned the basis of OLER's disciplinary decision, and stated he was not in agreement with DHR's decision to terminate Johnson. According to Carter, Jones advised him to contact Kollas for further information.

Following this conversation with Jones, Carter reached out to Johnson. Johnson told him that after twenty plus years of service, she could see that the DHR commissioner was after her and wanted her out of her position. Johnson was extremely worried about how the situation would impact her pension or any other future benefits. Carter told OIG he could sense that Johnson was ready to give up. According to Carter, Johnson subsequently submitted to him a letter of resignation and suggested that Carter not attend the meeting with DHR. Carter explained that Johnson had no intention of causing the solicitor any heartache or grief and did not want him to participate in the disparaging comments and disrespect being displayed by DHR. Carter stated he held the letter and did not accept Johnson's resignation because he felt it was imperative to meet with DHR to resolve the matter. Carter told OIG that during his tenure as the solicitor, there has never been a time where DHR has terminated an employee without his input.

On July 12, 2023, Carter attended a meeting with Kollas and Spirling-Brooks at DHR regarding OLER's investigation into Johnson. Carter told OIG that during the meeting, he expressed the significant impact Johnson's termination would have on the office. Carter told Kollas and Spirling-Brooks that the entire situation was unusual, especially with a long-standing supervisor. According to Carter, Kollas responded and said, "Well, she got to go! In fact, this has been going on for some time and she should have been dealt with two years ago!"

Carter told OIG that during the meeting, he requested from Kollas a copy of the official complaint and the OLER investigative report with its findings. According to Carter, Kollas refused to provide him with the complaint and investigative findings and told him, "No, we're not going to do that." Carter said he was never allowed to see any OLER report and during the meeting, he did not observe a file that could have contained investigative findings. Carter stated to his knowledge, Johnson was never provided with OLER's investigative findings.

Carter asked Kollas if there was any alternative to Johnson's termination. Kollas replied, "No." At that point, Carter pulled out Johnson's letter of resignation, and advised Kollas that he had not formally accepted it because he needed Johnson to stay and assist with the office's case management system project. According to Carter, Kollas advised that because Carter had not formally accepted Johnson's resignation, DHR would like for Carter to provide Johnson with a letter of acceptance. Kollas then made what Carter characterized as an "unusual" request for him to send her a copy of the draft letter of acceptance.

After his meeting with Kollas and Spirling-Brooks, Carter reported back to Johnson and informed her of what happened at the meeting. Johnson said she did not want to be fired, and again proffered to Carter that she wanted to resign. Carter asked Johnson to remain employed until at least the end of the year so that she could continue to lead the implementation of the new case management system. Johnson accepted Carter's offer. Carter told Johnson that he would also notify DHR of her decision to assist the office until the end of 2023.

Carter told OIG that as the solicitor and head of the department, with full authority over office operations, he feels usurped. Carter said from the beginning, once he learned the identity of the employee to be placed in his department, he felt that there could be political ramifications to his career. Carter said he had to remain careful in his communications with DHR because, as a City department, there are rarely any transactions that do not involve DHR. Carter desired to have a professional relationship with DHR that was free of any possible ramifications as a result of the situation with the DHR commissioner's daughter. According to Carter, it appeared that he had no authority at all.

Other Reported DHR Observations

During OIG's interview with Spirling-Brooks, Spirling-Brooks stated that she decided to leave the City due to a change in culture within DHR under Smith's leadership. Spirling-Brooks explained that it was extremely difficult to complete tasks within OLER due to staffing issues, the inability to make changes to processes within the division, and difficulty working with the DHR commissioner and Kollas. Spirling-Brooks reported directly to Kollas, whom she described as "an extreme micromanager." Spirling-Brooks also told OIG that it was "nearly impossible" to speak or meet with the DHR commissioner as she could not be reached.

According to Spirling-Brooks, the DHR commissioner created a "kiss the ring" culture in DHR, where everyone had to show deference to Smith to garner her favor. Spirling-Brooks described the atmosphere within DHR as like being in a "gang or club," where if someone did not fall in line, one would be considered gone. She cited as an example the City Council meeting where Smith was to be confirmed as DHR commissioner. Smith instructed everyone in DHR to wear the same color to the event. Spirling-Brooks advised that she did not adhere to the directive and in her opinion, became an immediate target for elimination from DHR.

Spirling-Brooks stated the DHR commissioner threatened to terminate her for communicating with the Law Department about an EEOC matter. Spirling-Brooks stated that she was instructed not to interact with certain departments because the DHR commissioner had problems with City Attorney Nina Hickson and Chief Operating Officer Lisa Benjamin. Spirling-Brooks recalled that Kollas told her, per the DHR commissioner, no one within DHR was allowed to directly communicate with the Law Department.

Roberts, who told OIG that he was asked by Smith to come work for DHR due to their previous professional relationship in Fort Lauderdale, stated that he decided to sever ties with DHR due to his frustrations with working under the direction of Smith.

According to Roberts, the DHR commissioner focused on retaliation more than providing solutions, and her professionalism is governed by how she feels and whom she is around. As an example, Roberts told OIG that when the DHR commissioner is upset, she is very loud and emotional. Roberts stated that the DHR commissioner takes things personally, and when she does, her professional judgment and maturity are not exercised in decision-making. Roberts cautioned that it was not good for someone to be on the DHR commissioner's bad side because she is "quick to anger, and difficult to forgive."

Roberts stated that DHR was often made aware of OIG investigations, both from within DHR and from other City departments. According to Roberts, when OIG would make requests for records and interviews for its investigations, DHR would be notified that OIG is looking into a matter. Roberts stated, "Word travels fast."

OIG Access to DHR Records

On November 14, 2023, OIG requested the complete investigative case file associated with the OLER investigation of Johnson from Kollas. On November 16, 2023, Kollas advised OIG that the team would gather the requested information. After two weeks with no response from Kollas, OIG sent a follow-up email on December 6, 2023, and December 19, 2023, requesting the status

of the requested file. On December 19, 2023, Kollas responded via email and advised that OLER was working to piece together the requested information.

From: Kollas, Candace <CKollas@AtlantaGa.Gov>
Sent: Tuesday, December 19, 2023 10:27 AM
To: Brown, Perrish <PBrown@atlantaGA.gov>
Cc: Williams, Shelby <SJWilliams@AtlantaGa.Gov>; Johnson, Kristi G <kgjohnson@AtlantaGa.Gov>; Ouzts, Stephanie <souzts@AtlantaGa.Gov>
Subject: RE: OIG Request

Good morning –
Thank you for your email. Due to personnel changes – we are still in the process of locating this file in its entirety. OLER has had to recover erased files and is piecing together the information. We will advise once the process is complete.

Candace M. Kollas | Deputy Commissioner HR Compliance and Regulation
City of Atlanta | Department of Human Resources
[68 Mitchell Street | Atlanta, GA 30303](https://www.atlantaga.gov/68-Mitchell-Street-Atlanta-GA-30303)
470.542.9737 | ckollas@atlantaga.gov

“Driving Policy, Partnerships, and Progress”



On January 3, 2024, OIG requested an update from Kollas and Interim OLER Director Kristi Johnson regarding the location of the investigative file. On January 8, 2024, Kollas advised OIG that OLER was able to locate a paper file in Spirling-Brooks’ box of files that were removed from her office and placed in storage due to the OLER suite renovation. On January 9, 2024, OLER provided OIG a scanned file (PDF) via email titled “SmithJohnson Interview Notes Request 01.09.23.”

The file contained the interview transcripts of B. Smith, Johnson, Howard, Memmelaar, and OCS Compliance Analyst James Bush. OIG found that several pages of the transcripts were not included within the emailed file from OLER to OIG. Additionally, the emailed file did not include an OLER complaint form, a report with investigative findings and recommendations, nor audio/video recordings. On March 8, 2024, OIG advised OLER of the missing documents and requested that the complete file associated with the investigation be provided. To date, OIG has not received a response from the interim director or Kollas.

On March 12, 2024, OIG requested from AIM copies of the hard drive and archived records of Spirling-Brooks. AIM confirmed receipt of OIG’s request on March 13, 2024. After three weeks with no response, OIG requested the status of the information on April 8, 2024, and April 12, 2024. On April 15, 2024, AIM responded suggesting that OIG’s request be processed through the Atlanta Information Management’s open records process. AIM also advised that the City is a cloud-based organization, and all files would be saved in the cloud. AIM provided OIG no records or links to records in response to this request.

ANALYSIS

OIG's investigation into the creation of a City position for B. Smith and the personnel actions lodged against Johnson in connection with B. Smith's employment revealed several concerning issues, including the use of a City position to advance personal interests, deviation from recruiting and personnel processes and standards, unprofessional conduct of department leadership, and obstruction of an investigation initiated under the Charter.

Influence in the Creation of the Position

As the DHR commissioner, Smith oversees all DHR operations and activities; because DHR provides citywide services, Smith is also the steward of all personnel actions across the City. Here, it appears the DHR commissioner used her position and authority to call for the creation of a position within OCS, specifically for her daughter.

OIG found that at the direction of the DHR commissioner, Jones reached out to Thompson to inquire if OCS had any vacant, full-time positions. At the time of Jones' request, no full-time positions were available. In collaboration with the DHR commissioner, Jones and Bryant facilitated the creation of the compliance analyst position to accommodate the DHR commissioner's request for the placement of her daughter, B. Smith, into one of the two created positions. In December 2022, Jones was in contact with Thompson and Carter to expedite the processing of the RTF paperwork to create the positions.

OIG notes that Jones initially did not disclose to OCS the fact that the recommended person to be placed into one of the compliance analyst positions was the DHR commissioner's daughter. When Jones initially reached out to OCS, she inquired about full-time positions for a person the DHR commissioner wanted to place. Thompson requested on multiple occasions that Jones send over the resumes of the recommended individual(s). Jones subsequently provided Thompson with B. Smith's resume. Despite OCS' request for the placement of two full-time individuals within OCS, Jones did not provide a second resume. DHR did not have a second recommendation, as the request for placement was exclusively for B. Smith. Jones advised Thompson that OCS could hire whomever it wanted for the second position. Once Thompson concluded her initial review of B. Smith's resume, Thompson communicated to Jones that B. Smith lacked the experience necessary to fill the compliance analyst position. It was at that point that Jones revealed to Thompson that B. Smith is the DHR commissioner's daughter.

A typical job seeker would not have the luxury of having a mother as the DHR commissioner where they could pick any job they wanted, especially, as detailed below, without the necessary experience level. The DHR commissioner's actions perpetuate a perception of an unlevel playing field and reinforces a notion that one must be "friends and family" to succeed.

Preferential Treatment during the Hiring Process

Given the deviations from the normal course, the hiring process seemed to be manipulated to favor B. Smith based on her connection to the DHR commissioner and irrespective of her qualifications.

I. Interview

B. Smith was not interviewed by OCS for either of its compliance analyst positions. The other candidate to receive an offer for the position, an internal candidate, was interviewed by OCS. It is counterintuitive that an existing City employee would receive greater scrutiny than an external candidate.

II. Expedited Processing

Immediately upon approval of the RTF and creation of positions within Taleo, Bryant emailed a request to DHR recruiters asking that B. Smith be attached to Requisition ID: 221904. Bryant's request also included an attachment request for two other candidates, for two unrelated positions. Bryant prioritized the request for B. Smith, highlighting B. Smith's request for attachment yellow and labeling it a "HOT ITEM." Additionally, Bryant indicated that Jones planned to extend an offer of employment to B. Smith by close of business that same day and needed this step completed so that the offer could be made. Bryant made no mention of the other two candidates receiving offer letters by close of business that same day.

The December 2022 email where Bryant suggested to DHR recruiters that B. Smith be monitored through the entire onboarding process reflected special treatment for B. Smith. Bryant seemed to chasten the DHR recruiters by asking if they knew who B. Smith was, highlighting the significance of to whom B. Smith was connected. Bryant requested that the DHR recruiters "shake a stick" at the background screening company—Sterling Talent Solutions and its TalentWise division—so that B. Smith's background check could be completed "ASAP."

III. Credentials – Case Management Experience

The compliance analyst position required a minimum of one year of specialized skill in administering the compliance to OCS pretrial diversion programs including case processing, auditing, and financial management. B. Smith's resume did not indicate she possessed these required skills at the time the application was submitted. B. Smith indicated that she was a live talent agent and executive assistant, content curator and creator/photographer, and elections trainer. From her immediate review of B. Smith's resume, Thompson noticed and noted B. Smith's lack of qualifications for the compliance analyst position.

IV. Credentials – Employment and Education Verification

OIG reviewed Sterling's background report on B. Smith and found that employment verification for BIGO Live and Miami-Dade County Department of Elections were not verified. The background report is silent on its efforts to verify employment for CEPODS X Rolling Loud. OIG found that DHR extended an offer of employment to B. Smith despite not having verified B. Smith's work experience.

OIG requested B. Smith’s personnel records from the third former employer, Miami-Dade County, from which personnel data was readily accessible. Miami-Dade County conducted a search of its records and stated to the best of its knowledge, no such records existed for B. Smith. The absence of such records suggests the falsification of B. Smith’s resume and removes the only work experience that might have colorably satisfied the OCS minimum qualification of one year of specialized skill.

While the position did not require education beyond a high school diploma, OIG notes that the City candidate profile for B. Smith appears to have inflated her highest level of education achieved. The DegreeVerify Certificates indicated that B. Smith received neither an associate’s degree from Howard University, a bachelor’s degree from Grambling State University, nor a graduation date from either Howard University or Grambling State University, as represented in the profile; DegreeVerify listed the degree title for each institution as “Enrollment Only.”

* * *

Individually, any of the above issues with a candidate’s application would have posed a problem. Collectively, these issues would almost certainly disqualify another candidate. Here, however, the candidate’s relationship with the DHR commissioner not only overrode the credential issues, it yielded special efforts to ease and expedite the candidate’s start.

B. Smith’s Performance and Accusations against Johnson

Having received preferential treatment in hiring, B. Smith expressed frustration when she was ultimately held to the same standards as other employees. B. Smith voiced her frustration to her mother and her mother’s staff, which resulted in an OLER investigation ordered by the DHR commissioner. While OLER concluded that Johnson targeted B. Smith by deviating from standard training procedures and switching B. Smith’s trainers during the training process, OIG’s investigation found no misconduct on Johnson’s part.

I. Switching Trainers

Several members of OCS spoke to the fact that the PTI-T training process involves multiple trainers. During her interview with OIG, Johnson articulated that trainers tend to differ in personality, training style, and often in specialty and focus. This was confirmed by statements made to OIG by the PTI-T trainers and other OCS staff interviewed. Johnson’s decision to switch B. Smith’s trainer does not indicate that it was Johnson’s intention to target B. Smith. Based on the training manual and the accounts of OCS staff, this practice was in place prior to B. Smith’s employment. Indeed, each of the trainers interviewed noted that they had themselves received training from multiple trainers.

II. Duration of Training and Telework

B. Smith stated during her OLER interview, that the training manual says that there is a four-week training and after that, an employee may work offsite. B. Smith also repeated this (mis)interpretation of the manual to other DHR and OCS staff. Based on several employees’ accounts, this interpretation of the training process and the availability of remote work impacted B. Smith’s work performance and attitude, and formed the foundation of her complaint against

Johnson.

The PTI-T training checklist includes a series of learning objectives covered daily and over a course of four weeks. Johnson stated that B. Smith had completed the learning objectives and had moved on to the observation phase of training. The PTI-T training manual is silent regarding remote work. As noted by multiple OCS employees, including Carter, the ability to telework is an operational decision that was authorized at the sole discretion of Johnson, once she determined that an employee was competent to independently perform the work.

OIG reviewed the manual and statements made by B. Smith to OLER, DHR, and OCS, and concluded that B. Smith did not understand the requirements and timeframe governing the training process. B. Smith mistook the four weeks of learning objectives outlined in the manual's timetable to require only four set weeks of training.

III. B. Smith's Work Performance and Attendance

OIG's review of B. Smith's weekly assessments indicate that B. Smith performed well in training until B. Smith requested and was denied the opportunity to work remotely. In Week Four of training, B. Smith told trainers that she felt that she was in a good place with processing cases, but she needed to focus on not making careless mistakes. Several members of OCS spoke to how B. Smith became detached and disengaged with the work upon learning that she would not be able to telework. OIG learned from interviews and written assessments that B. Smith exhibited a poor attitude and a lack of respect for (and during) the training process. B. Smith's behavior and complaint to DHR suggest that B. Smith's issues with Johnson stem from Johnson denying B. Smith's request to telework after four weeks of training.

At the conclusion of four weeks of training, towards the end of February, B. Smith requested to telework. In addition to the above-mentioned change to her demeanor, B. Smith began to exhibit a pattern of tardiness and absenteeism from work. Her absence from the office was often without advanced notice. This also included a period when DHR reported she was on administrative leave, but where neither B. Smith nor DHR notified OCS (including her supervisor or the solicitor) of the leave until OCS sought termination of B. Smith for job abandonment.

* * *

In light of the shift in B. Smith's attitude and performance, and attendance issues, OCS had justification to seek B. Smith's termination. When DHR learned of this request, it appears that an investigation was initiated as a reprisal.

OLER Investigation Process and Treatment of Johnson

Given the stakes involved in labor and employment claims, entities tasked with the responsibility of investigating allegations should conduct their investigations in a manner that is fair and impartial. The OLER investigation into Johnson did not appear to meet these standards.

I. Prescribed Outcome

Employee accounts indicate the result of the OLER investigation was predetermined. Smith had directed Kollas to "check" Johnson. Spirling-Brooks stated that, well before the start of

OLER's investigative process, Kollas expressed her intention to terminate Johnson based on previous uninvestigated allegations made against Johnson.

The DHR commissioner's involvement with OLER's investigation suggests the misuse of authority to exert control over OCS and to manipulate the outcome of OLER's investigation. Roberts stated that he encouraged the DHR commissioner to exclude herself from the investigation in light of her relationship with the employee (B. Smith). Despite the conflict of interest, it appears that the DHR commissioner was actively involved in the investigation and was aware of decisions made by Kollas. Spirling-Brooks stated that Kollas provided the DHR commissioner with frequent updates regarding the status of the investigation.

II. Undisclosed Allegations

Further, the complaint(s) against Johnson or stated bases for the investigation were withheld. Roberts told OIG that the DHR commissioner directed B. Smith to relay her complaints to Kollas and Roberts. OIG and OCS requested documentation or evidence of the allegations, but neither Kollas, nor Bryant, nor DHR provided any such information. Carter told DHR and OIG that he had an open-door policy and that he was not aware of any historical complaints against Johnson. Spirling-Brooks noted Johnson's unblemished record. Kollas referenced a two-year old complaint against Johnson but that allegation was never investigated and when asked to provide documentation regarding the allegation, Kollas provided nothing.

III. Tenor of Interview

OIG's review of audio from OLER's interview with Johnson suggests that Kollas and Spirling-Brooks had pre-existing beliefs regarding Johnson. Without notifying Johnson of what she was being accused of, there were a series of rapid-fire questions targeted at Johnson's leadership style. The tone of the interview was confrontational. Kollas assumed a cross-examination-like posture rather than a more neutral position one might expect during a factfinding investigation. Within one hour of the interview, Kollas took on an aggressive tone and suggested that Johnson was not being forthcoming with the responses to OLER's questions. Johnson took exception to being called a liar, and appeared to reciprocate Kollas' demeanor. Kollas concluded that Johnson was being combative during the interview and immediately placed Johnson on administrative leave.

IV. Investigation Findings

Based on documentation provided and the account of the former OLER director, it appears that OLER made no factual findings; rather, OLER imposed disciplinary action, ostensibly, on the basis of complaint allegations and a subject's conduct during an interview.

The City's Anti-Bullying & Workplace Violence Policy (the Policy) defines bullying as:

[A]ggressive behavior that is intentional and that involves an imbalance of power (whether actual or perceived). A person is bullied when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more other persons, and he or she has difficulty defending themselves.

Based on interviews with OCS staff and OCS records, OIG found that Johnson had not behaved in a manner that was intentionally aggressive towards B. Smith. Johnson stated that she wanted B. Smith to become fully competent as a compliance analyst and had taken the best steps to ensure a successful outcome. This was consistent with Johnson's position as director of administration and underscored by OCS staff.⁸

The Policy outlines the complaint procedures for reports of bullying and workplace violence. Section 7.1 states:

The complaint will be reduced to a written statement; on an appropriate form; by the employee/complainant and presented to the department's Human Resources Representative. An accurate record of the objectionable behavior is necessary to resolve a complaint of bullying or workplace violence.

OIG requested from OLER the complete investigative file, including the complaint(s) and investigative findings. The partial documentation OLER provided OIG detailed no objectionable behavior.

Section 7.6 of the Policy states:

If the investigation report indicates that there is reasonable cause to believe that bullying or workplace violence has occurred, the department head shall initiate disciplinary actions as appropriate.

OIG found that Carter, as OCS department head, was not provided with OLER's investigative findings. Indeed, when Carter specifically requested information regarding the initiation of the investigation and the investigative findings, he recalled receiving the response: "No, we're not going to do that."

Treatment of OCS

In the course of the investigation, OIG identified a pattern where DHR excluded OCS and Carter from the personnel actions related to B. Smith and Johnson. As the department head, Carter serves as the appointing authority for his department and should be given final say in OCS personnel matters. The unilateral actions of DHR in support of B. Smith and against Johnson marked a deviation in practice and appeared an overreach of DHR into the operations of a department.

Days into a period of absence of B. Smith, where she had provided no notice to and received no approval from OCS, OCS sought to terminate B. Smith for job abandonment. In response, Jones communicated that B. Smith was on "authorized leave." OCS had not been consulted by DHR regarding any such leave and had not authorized any such leave.

⁸ One trainer felt that her specific assignment as a rotated trainer for B. Smith constituted punishment (to the extent it required the trainer who otherwise worked remotely to travel to the office to train onsite) for her disagreement with Johnson's assessment of B. Smith's training progress.

Despite the fact that a department had requested termination—on the basis of multiple absences and instances of tardiness, not merely the unannounced “authorized” leave—OIG found no indication that DHR ever took any steps to terminate or otherwise discipline B. Smith.

DHR placed Johnson on administrative leave during her interview with OLER. Carter learned about this action from Johnson. Carter played no role in imposing this administrative leave: he did not seek the leave, he did not approve the leave, and he did not receive notice of the leave. While Carter was listed on the administrative leave letter as a carbon copy recipient, he never received the administrative leave letter from DHR.

DHR sought termination of Johnson before the conclusion of the OLER investigation. This action was relayed to Carter by Jones by telephone. Carter requested basic information regarding the proposed termination, including documentation of the allegations against Johnson and OLER’s investigative findings. DHR provided Carter with no such information.

In sum, DHR ignored a personnel action expressly requested by OCS; DHR pursued a personnel action specifically unwanted by OCS.

DHR Leadership

The culture and ethical climate of an organization is set by its leadership.

In its mission statement, DHR notes that it endeavors “to attract, retain, and develop a diverse and competent workforce that enables City departments to achieve their business objectives.” DHR states, “In all of our relationships, we stand for integrity, respect, and compassion.” Among its core functions, DHR seeks to “promote fairness and equitable treatment for all applicants and employees” and “acquire and retain top talent.”⁹

The Society for Human Resource Management (SHRM)—the international professional human resources association that provides, among other services, standards and certifications for individuals performing human resources-related duties and recommendations to improve performance in organizations—states that human resource professionals are ethically responsible for promoting and fostering fairness and justice for all employees and their organizations. Additionally, per SHRM, human resource professionals should not engage in activities that create actual, apparent, or potential conflicts of interest.

Multiple employees described to OIG a culture of unprofessionalism in DHR that was cultivated by Smith. Employee accounts demonstrate that the DHR commissioner’s behavior deviated from DHR’s stated mission and function and industry standard.

I. Unprofessionalism

Spirling-Brooks stated that she decided to leave the City due to a change in culture within DHR under Commissioner Smith’s leadership. Spirling-Brooks stated that the DHR commissioner was unapproachable and that she established a “kiss the ring” culture in DHR where employees had to show deference to the DHR commissioner in order to garner favor. Spirling-Brooks stated it was as if she was in a gang where if she did not fall in line, she would be excluded. She cited the

⁹ City of Atlanta FY25 Proposed Budget.

fact that every time Smith had a presentation, staff was required to attend and wear color-coded clothing. Spirling-Brooks stated that she accepted another job offer before she could be negatively impacted by the DHR commissioner's leadership.

Roberts stated that the level of professionalism exhibited by the DHR commissioner was based on her audience and noted Smith would often become loud and emotionally charged. Roberts stated that the DHR commissioner engaged in retaliation and that emotions impacted her professional judgment. Roberts stated that the DHR commissioner did not exercise maturity when the DHR commissioner would make decisions. Roberts described the DHR commissioner as quick to anger and difficult to forgive.

Roberts and Spirling-Brooks noted that Smith had frequent outbursts. Nichols stated that she witnessed the DHR commissioner make loud outbursts that included profanity. Nichols told OIG that she was in the DHR suite when the DHR commissioner ordered Kollas to investigate Johnson when Smith said, "Somebody better check that bitch before I have to go off and lose my job" and "I need you to check and see why they keep fucking with my child!"

II. Deviation from Mission, Function, and Standards

As illustrated by the treatment of Johnson, Smith and Kollas demonstrated a lack of respect for employees and cavalier attitude towards their termination. In a discussion where a department head sought some justification for a DHR-initiated termination—and pleaded for some alternative action to address any alleged misconduct—it is concerning that the response from DHR leadership was, "She got to go."

The actions of the DHR commissioner directly contravene the DHR mission statement and core functions, and SHRM standards. Smith had a position created for her daughter that, on the basis of the stated minimum qualifications, she was not "competent" to fill. Rather than "retain [the] top talent" of a 25+ year City public servant performing critical duties for her department, Smith directed her termination. Smith's actions, and that of one of her deputies, reflect bias and an absence of due process that subvert "fairness and equitable treatment," and demonstrate neither "integrity," "respect," nor "compassion." Smith took these actions, with no legitimate justification, solely to benefit her daughter; this constitutes an "actual" "conflict of interest."

The actions of the DHR commissioner were noticed by her staff. As one DHR employee relayed to OIG, "It must be nice to have your mom create a position for you." To the extent a department head sets the tone and the example for her team, and the DHR commissioner impacts employment activity citywide, Smith appears to have created an environment where favoritism rules, professional conduct is not required, and those who fail to fall in line will be punished.

Obstacles in the OIG Investigation

In connection with its investigation, OIG attempted to gather records and documents from DHR. Very early on, OIG was met with resistance from DHR. Roberts spoke to the fact that DHR had already been made aware of OIG's investigation and noted Smith's displeasure with OIG. OIG had to submit multiple requests to DHR for records, wherein most of its responses were delayed or no response was received at all.

Spirling-Brooks reported to OIG that she maintained files for OLER's investigation into Johnson on her City-issued computer, including transcripts of all employees interviewed. When OIG requested OLER's investigative files, it took more than two months for OLER to produce incomplete transcripts of only select interviews. The City did not produce any requested archived records from Spirling-Brooks' computer.

Outside of OLER records, OIG encountered difficulty with other records requests in connection with this investigation. For example, OIG contacted the DHR custodian of records on October 30, 2023 to retrieve several personnel files. The custodian advised OIG that due to construction at City Hall, an analyst reported in office once or twice per week to scan files and that OIG must contact the City's facilities department, the Department of Enterprise Asset Management (DEAM), to request entrance into the construction area where files are kept. OIG requested to report alongside the analyst at the date and time approved by DEAM.

- On October 31, the custodian advised that the analyst would be in contact with OIG regarding the date and time to meet regarding the records.
- On November 17, OIG requested a follow-up regarding the retrieval date. The analyst responded seeking the employee names for the requested personnel files, because location of the files (electronic vs. hard copy) depended on the date of the employees' hire.
- On November 20, OIG emailed the analyst and the custodian the names of the employees.
- On December 4, OIG requested an update on the requested files. The analyst responded that he would provide the files by close of business the next day.

OIG received the requested files on December 5. OIG notes that the custodian of records reports directly to the DHR commissioner, one of the subjects of the investigation. As Roberts noted, the DHR commissioner was aware that she was a subject of the OIG investigation.

This investigation highlighted the significant problems that arise from OIG's lack of direct access to records. To date, despite requests for direct access to records, OIG has had to follow a protocol to obtain City records that involves making requests only through a designated department custodian. Among other problems, this approach exposes OIG requests to a chain of individuals, compromising the confidentiality and integrity of ongoing investigations. Roberts underscored this point, noting that "word travels fast" and DHR was made aware of OIG investigations citywide. In addition, the protocol raises the possibility that OIG would have to request information from, and/or expose the requests to a circle that would include, the subjects of ongoing investigations. In appeals for direct access, OIG has emphasized this concern. This investigation underscores that this foreseen issue was neither hypothetical nor farfetched. OIG was placed in the position where it had to request personnel files of various DHR employees, including those of the commissioner and her deputies, from a records custodian with close ties to the DHR commissioner. To address this issue, OIG requested a meeting with the DHR commissioner to discuss the possibility of arranging special access to personnel files in connection with OIG investigations, including this matter. Smith never responded to the request.¹⁰

¹⁰ In November 2023, the City declined OIG's request. Broader discussions with the City regarding OIG's access to City records are ongoing.

RE: personnel files



Manigault, Shannon K.
To: Smith, Tarlesha W
Cc: Gordon, Lisa Y; Donald, Odie



Fri 9/1/2023 8:59 AM

Good morning,

Just following up on the below. Please let me know when we can meet.

Thank you,

Shannon

From: Manigault, Shannon K.
Sent: Friday, August 18, 2023 2:50 PM
To: Smith, Tarlesha W <twsmith@AtlantaGa.Gov>
Subject: RE: personnel files

Good afternoon,

Following up on the below, if you have time early next week, can we meet about OIG direct access to personnel files? We have a new set of requests and they are sensitive in nature.

Thank you,

Shannon

From: Manigault, Shannon K.
Sent: Thursday, June 29, 2023 4:07 PM
To: Smith, Tarlesha W <twsmith@AtlantaGa.Gov>
Subject: personnel files

Good afternoon,

If you have time next week, can we touch base to work out a mechanism for my office to gain direct access to personnel files? Aside from issues of timeliness (we have some outstanding requests), direct access would better preserve the confidentiality and integrity of the office's investigations. Can you let me know your availability?

Thank you,

In seeking to obtain records, OIG should not have to disclose the existence or details of its investigations to individuals involved in those investigations. DHR's current records access protocol poses a threat to OIG investigations that is clear and significant.

CONCLUSION AND RECOMMENDATIONS

The DHR commissioner used her authority to create a City position for her daughter. B. Smith did not meet the qualifications for the created position. She was shepherded through the hiring and onboarding process, skipping steps in the City's protocol for such a position, including employment verification and interview. Once in the position, B. Smith's employment was marked by absenteeism, tardiness, disregard for rules, and eventually, a poor attitude. When Johnson—a 25+ year City employee with an unblemished record, who was managing an important technology system for OCS—tried to hold B. Smith to the same standards as other employees, DHR initiated an OLER investigation against Johnson, placed Johnson on administrative leave, and attempted to terminate Johnson. These actions were taken absent communication with and against the express wishes of Carter, the OCS department head.

According to OLER, Johnson violated the Policy. OIG requested Johnson's complete personnel file from DHR. OIG found no disciplinary records and no past documented complaints of bullying or otherwise. OIG also requested and reviewed Johnson's departmental personnel file

and found no disciplinary records and no past documented complaints of bullying or otherwise. The Policy defines Workplace Bullying as “aggressive behavior that is intentional and that involves an imbalance of power (whether actual or perceived).” The Policy states, “A person is bullied when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more other persons, and he or she has difficulty defending themselves.”

According to OLER, Johnson targeted B. Smith by deviating from the PTI-T training manual, constantly switching B. Smith’s trainer during the training process, and denying B. Smith’s request to telework. Through its review of OCS records and interviews with OCS staff, OIG identified no aggressive behavior in Johnson’s oversight of PTI-T training and found Johnson’s conduct conformed with the scope of duties of a director of administration. Several members of the PTI-T unit spoke to the fact that the PTI-T training process—a process that preceded B. Smith’s employment with OCS—involves multiple trainers. Additionally, OIG found that Johnson had not deviated from the PTI-T training manual or departmental training practices regarding teleworking.

The OIG investigation found that Smith abused her position and authority as the DHR commissioner in creating a position within the City for her daughter, B. Smith, and in exacting a reprisal against Johnson for raising work-related concerns about B. Smith. Based on City records, email communications between DHR staff, and the accounts of current and former City staff, OIG found that City employees acted in concert to ensure preferential treatment for B. Smith and termination for Johnson: Smith, Kollas, Jones, and Bryant.

In pursuing her own personal interests, Smith compromised the integrity of her department, undermining its mission, defying its core function, and disregarding its industry standards.

In the course of its investigations, OIG encountered delayed and obstructed access to the DHR records it required to complete its work. In this matter, DHR protocol forced OIG to seek personnel records from a records custodian who was involved in the investigation and who had a close relationship with the subjects of the investigation. OIG’s investigation was compromised in a manner that was both foreseeable and avoidable. Accordingly, pending broader discussion with the City regarding direct access to a spectrum of City records, to avoid the specific access problems that arose in this investigation, OIG has recommended the City:

1. Provide OIG with direct access to all DHR hard copy personnel records.
2. Provide OIG with direct access to all OLER investigative records, including those on electronic databases.
3. Provide OIG with superuser sensitive read only access to the DHR component of Oracle.

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OIG shared the findings of its investigation with the Office of the Mayor in advance of the release of this report. In response to OIG’s investigative findings, the Office of the Mayor placed Smith on administrative leave and assigned the matter to the Law Department for further investigation.