
EMPLOYMENT - GEORGIA

City of Albany v. Pait

Court of Appeals of Georgia - November 18, 2015 - S.E.2d - 2015 WL 7270546

Firefighter sought review of decision of city manager terminating firefighter's employment. Firefighter also asserted civil claims against city, fire chief and deputy fire chief. The trial court reversed termination but granted summary judgment to fire chief and deputy fire chief as to certain of firefighter's civil claims. City, fire chief, and deputy fire chief appealed and firefighter cross-appealed.

The Court of Appeals held that:

- Evidence was sufficient to support finding of city manager that firefighter committed theft, as could warrant termination of firefighter's employment;
- Termination notice sent to firefighter before termination of firefighter's employment was sufficient to comport with due process; and
- Remand was required for trial court to reconsider all issues relating to attorney fee award.

Evidence was sufficient to support finding of city manager that firefighter committed theft, as could warrant termination of firefighter's employment. Firefighter entered guilty pleas to theft in relevant criminal prosecutions, even though pleas, as first offender pleas, did not constitute convictions at time of termination hearing, and firefighter himself admitted at termination hearing that he had taken the items in question from the property of another.

Termination notice sent to firefighter before termination of firefighter's employment was sufficient to comport with due process, where notice was written, and notice expressly informed firefighter that he was being terminated for theft and that he had the right to appeal the termination decision to the city manager in writing within ten days.

Remand was required for trial court to reconsider all issues relating to attorney fee award, in case in which trial court awarded firefighter a lump sum in fees as sanctions, in firefighter's action seeking review of decision of city manager terminating firefighter's employment, where order awarding fees did not indicate how the court apportioned the award based on the supposedly improper conduct and failed to articulate why it awarded that amount as opposed to any other amount.

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