

**BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA  
IN THE MATTER OF THE APPEAL OF**

**TAKIYAH KUARANHA**

**ORDER**

**November 28, 2018**

This matter came before the Board upon the Employee filing a complaint of discrimination while she was employed with the Alabama Department of Youth Services (“DYS”). This matter was assigned to Administrative Law Judge James Jerry Wood, as Hearing Officer for the State Personnel Board and a hearing was held on September 18, 2018. The Administrative Law Judge’s Recommended Order is now before the Board for consideration.


The Employee charges that DYS violated State Personnel Board Rule 670-X-4-.01-.03, which prohibits discrimination against any person with regard to promotion, retention, or any other personnel action because of race, sex, national origin, age, handicap, or other non-merit factor.

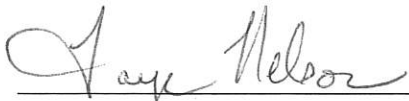
The Employee filed a complaint on July 13, 2018, alleging gender discrimination and harassment by her immediate supervisor. Specifically, the Employee alleged that her supervisor created a hostile work environment and has harassed, bullied, and retaliated against her. A review of the documentary evidence reflects that the Employee clearly views herself as an employee similarly situated to DYS security officers. In her complaint, the Employee stated, “I have been subjected to things that other male officers are not” and “Other

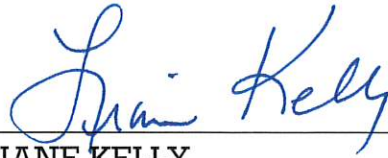
male officers still received their overtime.” DYS security officers have specialized training and provide security by guarding and patrolling the campus. They interact with youth as necessary including controlling physical altercations. Although the Employee works in close proximity with security officers at the Mt. Meigs Campus and shares the use of transport vehicles with them, her job duties as a Laborer are so vastly different that they cannot be considered comparators. From the beginning of her employment, the Employee has had difficulty with communication and interpersonal interactions with fellow employees. At the hearing, the Employee failed to establish a prima facie case. Moreover, DYS had legitimate, non-discriminatory reasons for its employment actions.

The Administrative Law Judge found that the Employee failed to state a claim to demonstrate that DYS engaged in discriminatory conduct against the Employee. Thus, the Employee failed to establish a claim of discrimination under State Personnel Board Rule 670-X-4-.01-.03 and the complaint should be dismissed.

The Board has carefully considered the Administrative Law Judge’s Recommended Order and it is therefore the Order of this Board that the decision to dismiss the complaint is hereby affirmed.

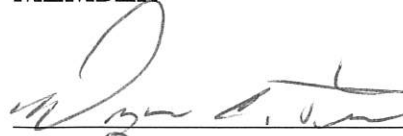
  
\_\_\_\_\_  
JACKIE GRAHAM  
SECRETARY

  
\_\_\_\_\_  
FAYE NELSON  
CHAIR



---

LIANE KELLY  
MEMBER



---

MYRON PENN  
MEMBER



---

EVAN M. THORNTON  
MEMBER



---

DAVID R. MELLON  
MEMBER