

BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA
IN THE MATTER OF THE APPEAL OF
ANITA BROWN

ORDER

August 19, 2020

This matter came before the Board based upon the dismissal of the Employee from her employment with the Alabama Department of Corrections (“DOC”). The Employee was dismissed from her employment on March 6, 2015, based upon charges contained in a letter February 27, 2015. This matter was assigned to Administrative Law Judge James Jerry Wood and a hearing was held on January 28, 2020. The Administrative Law Judge’s Recommended Order is now before the Board for consideration. The Board has also had the benefit of oral argument.

DOC charges that the Employee violated State Personnel Board Rules: 670-X-19-.01(1)(a)(7) – (Disruptive conduct of any sort); 670-X-19-.01(1)(b)(4) – (Fighting); and 670-X-19-.01(1)(b)(10) – (Serious violation of any other department rule).

A review of the Employee’s recent work history shows: eleven (11) Warnings in March 2005, April 2005, July 2005, September 2005, June 2006, December 2008, November 2010, June 2011, March 2012, July 2013, and October 2013 for failure to report to work, failure to follow proper call-in procedures, incorrect count, use of abusive or profane language, late for work

(4), non-compliance with policies (2), and failure to approve timecard; two (2) Memo for Record in April 2005 and June 2005 for being late for work and failure to report to work; one (1) Counseling Session in June 2006 for being late for work; seven (7) Written Reprimands in April 2009, August 2009 (2), August 2010, October 2010, December 2013 (2) for disagreeable behavior (3), failure to follow supervisor's instructions, and late for work (3); four (4) Suspensions in January 2006, January 2011, June 2014, and July 2014 for failure to report to work, failure to follow supervisor's instructions, late for work, and failure to report to work.

The Employee was employed by DOC as a Correctional Officer at the Birmingham Community Based Facility ("CBF") in Birmingham, Alabama. The Employee has a long disciplinary history of failing to report to work on time and in a condition to perform her job properly and displaying disruptive behavior and disgraceful conduct. The Employee also failed to observe all laws, rules, and regulations, and failed to uphold the public's trust involved in her position. The Employee was charged with serious violations of DOC rules, policies, procedures, and regulation. The Employee had been arrested numerous times and had negative contact with law enforcement.

Specifically, on October 31, 2014, the Employee contacted Birmingham CBF and stated she was not feeling well and would not be at work that day. It was later discovered, that the Employee had lied and was arrested for domestic

violence and could not post bail. On November 10, 2014, the Employee was again arrested on charges of harassment and domestic violence and was unable to report to work on November 11th and 12th. Additionally, on December 10, 2014, two (2) felony arrest warrants were issued for the Employee on the charges of attempted murder and shooting into an occupied vehicle. The Employee was eventually found not guilty of the two (2) felony charges on July 30, 2019. After reviewing the Warden's Notice of Intent to Recommend Dismissal, the DOC Commissioner dismissed the Employee for the good of the service on March 6, 2015. The Employee's employment history, including her disciplinary record, at DOC establishes a reason for concern because of the Employee's failure to observe laws, rules and regulations, and disruptive and disgraceful conduct, and therefore, her conduct warrants dismissal.

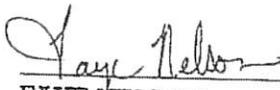
The Administrative Law Judge found the totality of the evidence does warrant dismissal in this cause and recommended that the Employee's dismissal be upheld. The Board hereby adopts by reference the findings of fact and conclusions of law as found by the Administrative Law Judge as a part of this Order as if fully set forth herein.

The Board has carefully considered the Administrative Law Judge's Recommended Order and the oral argument presented in this matter and is of the opinion that the decision of the appointing authority to dismiss the Employee is supported by the evidence and that the termination is warranted.

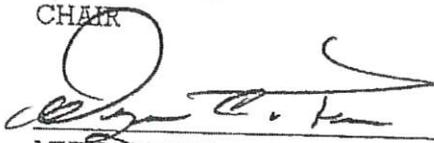
It is therefore the Order of this Board that the decision of the appointing authority to dismiss the Employee is hereby affirmed.



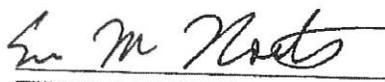
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