

BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA
IN THE MATTER OF THE APPEAL OF
JOSEPH CHAMPION

ORDER

August 19, 2020

This matter came before the Board based upon the dismissal of the Employee from his employment with the Alabama Law Enforcement Agency ("ALEA"). The Employee was dismissed from his employment on November 15, 2019, based upon charges contained in a letter dated November 15, 2019. This matter was assigned to Administrative Law Judge Randy C. Sallé and a hearing was held on June 10, 2020. The Administrative Law Judge's Recommended Order is now before the Board for consideration.

ALEA charges that the Employee violated State Personnel Board (SPB) Rules: 670-X-19-.01(1)(a)(1) – (Absenteeism); 670-X-19-.01(1)(a)(4) – (Failure to perform job properly); 670-X-19-.01(1)(a)(5) – (Abuse of equipment); 670-X-19-.01(1)(a)(8) – (Violation of specific department rules); 670-X-19-.01(1)(b)(2) – (Insubordination); 670-X-19-.01(1)(b)(10) – (Serious violation of any other agency rule); and 670-X-19-.01(1)(b)(11) – (Leaving job station without permission).

A review of the Employee's recent work history shows: one (1) Warning in June 2008 for appearance/dress code; six (6) Reprimands in November 2009, December 2012, May 2013, May 2015, July 2018, and June 2019 for employee

conduct/job performance, insubordination, disruptive conduct, unexcused absence, and conduct unbecoming of a state employee; five (5) Counseling Sessions in July 2008, September 2009, January 2013, February 2018, and June 2018 for employee conduct, insubordination, job performance, appearance/dress code, and leaving assigned territory; one (1) three-day Suspension in July 2016 for failure to perform job properly, absenteeism, insubordination, and disruptive conduct; and one (1) ten-day Suspension in November 2018 for failure to perform job properly – specifically, failure to turn on body camera pursuant to DPS Policy Order 6-9, Section V.

The Employee was employed by ALEA as an ALEA Trooper, Senior. The facts forming the basis of the Employee's dismissal derives from six (6) different occurrences.

1. On June 2, 2019, the Employee arrived on the scene of an accident between two tractor trailers. The accident occurred in the left lane with one of the tractor trailers remaining in the left lane while the right lane was still active with traffic. The Employee parked his vehicle in the emergency lane on the right side of the road. The Employee had the driver of the tractor trailer in the left lane walk across the active lane of traffic to present his information to the Employee who remained in his vehicle. Additionally, the Employee did not park his vehicle behind the tractor trailer in the left lane while it was getting towed, which caused an unsafe environment for motorist, the driver, and

wrecker driver. Lastly, the Employee did not notate an injury on the crash report and did not call a medical unit to the scene for the driver to be evaluated.

2. On June 12, 2019, the Employee responded to a two-vehicle accident where one of the drivers left the scene of the accident. The Employee attempted to convince the driver that remained at the scene to not submit a crash report and gave unsolicited advice to this driver. The driver reached out to the Employee regarding the crash report and after the driver was unable to obtain the crash report, he filed a complaint. After the complaint was filed the Employee's supervisor discovered the Employee never completed the crash report. Troopers have no discretion regarding this matter and must investigate the accident and complete a crash report.

3. On June 20, 2019, the Employee responded to a property crash that was deemed not an emergency. While responding the Employee drove on the wrong side of the road against the flow of traffic. Troopers are supposed to follow the rules of the road when responding to a non-emergency run.

4. The Employee failed to timely submit weekly reports and time and attendance records in eSTART. ALEA employees are responsible for timely submitting their time worked through the eSTART system. As of July 4, 2019, the Employee failed to update his eSTART since June 23, 2019. Also, Troopers are required to submit an AST-35 weekly report. The Employee failed to timely submit his weekly report covering one week in June. Lastly, ALEA employees

were to complete an Annual Department Inventory by July 12, 2019. The Employee was the only Trooper at the Montgomery Post to fail to complete the inventory timely.

5. On August 15, 2019, the Employee was assigned to work Montgomery and Lowndes County. Two hours prior to his shift ending the Employee went to his home in Elmore County and informed dispatch that he was out of service. The Employee did not request permission to leave his assigned area and return home.

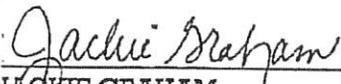
6. In August 2019, the Employee applied for leave pursuant to the Family and Medical Leave Act ("FMLA"), which was approved by ALEA. The Employee requested additional leave through FMLA but failed to submit his appropriate FMLA paperwork within fifteen calendar days pursuant to ALEA's FMLA policy. Because the Employee did not return the required paperwork, his additional FMLA leave was denied. When the Employee did not return to work after his approved FMLA leave, his absences were considered unexcused absences and a violation of ALEA rules. Lastly, when the Employee did not return to work the Employee's vehicle was retrieved. The vehicle was in an unacceptable state or disarray which is not compliant with ALEA policy.

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

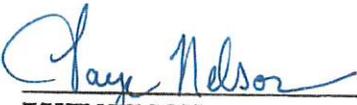
and conclusions of law as found by the Administrative Law Judge as a part of this Order as if fully set forth herein.

The Board has carefully considered the Administrative Law Judge's Recommended Order and 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.



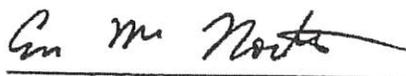
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