

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

**ORDER**

**August 19, 2020**

This matter came before the Board based upon the dismissal of the Employee from his employment with the Alabama Department of Corrections (“DOC”). The Employee was dismissed from his employment on March 5, 2020, based upon charges contained in a letter March 4, 2020. This matter was assigned to Administrative Law Judge James Jerry Wood and a hearing was held on May 14, 2020. The Administrative Law Judge’s Recommended Order is now before the Board for consideration.

DOC charges that the Employee violated State Personnel Board (SPB) Rules: 670-X-19-.01(1)(a)(8) – (Violation of specific department rules); 670-X-19-.01(1)(b)(10) – (Serious violation of any other department rule); and 670-X-19-.01(1)(b)(11) – (Conduct unbecoming a State employee). In addition to the SPB Rules that were violated, the Employee also violated DOC Administrative Regulation 208 V.A.2 (Employees shall render full, efficient, and industrious service); 208 V.A.4 (Employees shall exercise courtesy and tact); 208 V.A.7 (Employees shall observe all laws, rules, and regulations), 208 V.A.8 (Employees shall uphold, with integrity, the public’s trust involved in their

position); and 208 Annex H, Number 33 (Conduct that is disgraceful, on or off the job that does adversely affect an employee's effectiveness on the job).

A review of the Employee's recent work history shows: six (6) Warnings in July 2001, June 2005, December 2005, June 2006, May 2008, and October 2010 for failure to report to work, late for work (tardiness)/failure to follow proper call-in procedures, non-compliance with policies, procedures and regulations; six (6) Written Reprimands in October 2006, April 2009, November 2010, June 2011 (2), and December 2018 for late for work (tardiness)/failure to follow proper call-in procedures, leaving assigned post, and/or workstation before the end of the shift/workday without permission from proper authority and of inmates under his/her supervision, serious violations of rules, policies, procedures, regulations, laws or reasonable conduct expectations, and inattention to the job; one (1) one-day Suspension in July 2004 for refusal of a supervisor's instruction to remain on duty during a shortage of personnel situation and/or an emergency situation; six (6) two-day Suspension in April 2006, May 2006, January 2007, August 2007, March 2010, and April 2016 for late for work (tardiness)/failure to follow proper call-in procedures, failure to report to work (unexcused absence), and sleeping or giving the appearance of sleeping on duty; and seven (7) three-day Suspensions in August 2011, September 2011, December 2011, January 2012, December 2012, June 2013, and February 2019 for late for work (tardiness)/failure to follow proper call-in

procedures, failure to report to work (unexcused absence), and fighting, assault, physical violence or disruptive behavior, conduct that is disgraceful, on or off the job that does adversely affect an employee's effectiveness on the job.

The Employee was employed by DOC as a Correctional Officer at the Donaldson Correctional Facility ("Donaldson") in Bessemer, Alabama. On December 21, 2019, the Employee finished his shift at Donaldson and was on his way home when he became involved in a road rage incident with a civilian along Interstate 20/59 in Bessemer. The civilian captured a video of the Employee yelling at the civilian over a traffic dispute and political beliefs. The video also captured the Employee waving his personal weapon in the presence of and at the civilian. Additionally, the Employee's inappropriate behavior led to him physically kicking at the civilian and fighting with him on the side of the road. This incident occurred all while the Employee was in his DOC uniform.

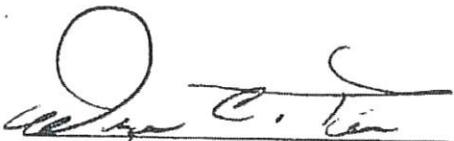
The Administrative Law Judge found the totality of the evidence does warrant dismissal in this cause and recommended that the Employee's dismissal was applicable. The Board hereby adopts by reference the findings of fact and conclusions of law as found by the Administrative Law Judge as a part of this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

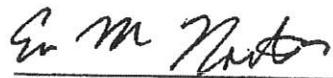
The Board has carefully considered the Administrative Law Judge's Recommended Order as well as the written exceptions in this case and is of the opinion that the decision of the appointing authority to dismiss the Employee was supported by the evidence and that the termination was warranted. However, due to the mitigating factors presented of the Employee's approximately twenty (20) year career and military career, as well as further recommendation of the Administrative Law Judge, the Employee will be returned conditionally as an employee of DOC in order to apply for medical disability retirement. Upon reinstatement, the Employee shall immediately be placed on leave without pay or benefits. The Employee has sixty (60) days from the date of reinstatement to qualify for medical disability retirement. At the end of the 60-day period, the condition of the Employee's reinstatement will expire, and he will be automatically separated from employment with DOC. There will be no appeal right from the Employee's separation as a conditional employee.

The Employee has ten (10) days to accept or reject this conditional reinstatement and must notify the State Personnel Department in writing as well as DOC of his decision.

  
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JACKIE GRAHAM  
SECRETARY

  
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