

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

JEKIA COLLINS,

)

Appellant,

)

)

v.

)

CASE NO. 18-17-RCS

)

)

**ALABAMA DEPARTMENT
OF HUMAN RESOURCES,**

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)

)

Appellee.

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RECOMMENDED ORDER TO THE STATE PERSONNEL BOARD

This Recommended Order arises from an employment termination action by the Alabama Department of Human Resources (hereinafter “DHR”). DHR terminated the employment of Jekia Collins (hereinafter “Collins” or “Employee”) after she failed to perform her job properly on multiple occasions; was absent or tardy on numerous occasions; violated specific departmental rules; was insubordinate, and engaged in disruptive conduct. The evidence presented by DHR during the hearing showed that more probably than not, Collins violated State Personnel Board Rules and its decision to dismiss Collins was within its authority.

A hearing was held on May 8, 2018, at the State Personnel Department in Montgomery, Alabama. Felecia Brooks, Esq., appeared as counsel on behalf of DHR. Collins proceeded *pro se*.

At the beginning of the hearing, DHR introduced into evidence exhibits consecutively marked as DHR Exhibits 1-15. Collins introduced two exhibits during the hearing, marked Appellant Exhibits 1-2. Collins's personnel file at the State Personnel Department was included as evidence in this cause.

DHR called as witnesses:

- (1) K.B., a DHR client;
- (2) Ingrid Blocker, Program Supervisor, Montgomery County DHR;
- (3) Melanie Wright, Program Manager, Montgomery County DHR;
- (4) Allison Bryars, Assistant Director, Montgomery County DHR; and
- (5) Sharonda Pettaway, Director, Montgomery County DHR.

Collins testified on her own behalf.

I. PROCEDURAL HISTORY AND CHARGES

Collins began State employment in September 2013 as a Financial Support Worker at DHR. Collins remained in that position until her dismissal on March 2, 2018. *See* March 2, 2018, dismissal letter ("dismissal letter") signed by DHR Montgomery County Director Sharonda Pettaway.¹

The dismissal letter read, in part:

This is to inform you that effective immediately today, March 2, 2018, your employment with the Montgomery County Department of Human Resources will be terminated. This action has been made necessary

¹ *See* DHR Exhibit 3.

because of your actions while employed as a Financial Support Worker with the Montgomery County Department of Human Resources.

An Administrative Hearing was held on February 22, 2018, at the offices of the Montgomery County Department of Human Resources in Montgomery, AL. You were charged with violating the Rules of the State Personnel Board, Chapter 670-X-19-.01 General Work Rules, (1)(a)1 Absenteeism – Unexcused absence, unreported absence, a pattern of absences, or excessive absences; (1)(a)2 Tardiness – Not on the job ready to work at the beginning of the shift; (1)(a)4 Failure to perform job properly; (1)(a)8 Violation of Specific Department Rules (DHR Personnel Policy and Procedures Manual Chapter 10 – Hours of Work/Punctuality/Tardiness/Absenteeism, Chapter 13.6 Treatment of Clientele, and Chapter 13.27 Confidentiality); (1)(b)2 Insubordination – Failure to follow an order; disobedience; failure to submit to authority as shown in demeanor or words[;] and (1)(b)12 Disruptive conduct of any sort. The Hearing Officer who heard the facts in this personnel matter has found that the evidence and testimony support all charges stated above. A copy of the recommendation to the appointing authority is attached.

For the reasons cited above and for the good of the service, I have decided to terminate your employment as a Financial Support Worker...

Collins timely appealed her dismissal to the Alabama State Personnel Board, pursuant to ALA. CODE § 36-26-27(a) (1975). On May 8, 2018, the undersigned conducted a *de novo* hearing (“the hearing”), at which *ore tenus* and documentary evidence was received.

II. FACTUAL BACKGROUND

Having reviewed the documentary evidence and having heard the testimony presented at the hearing and having observed the witnesses’ demeanor and assessed

their credibility, the undersigned finds the greater weight of the evidence supports the following findings of fact.²

A. Employee’s Personnel File³

Collins’s annual performance appraisals while at DHR reflect:

<u>Date Ending</u>	<u>Total Score</u>	<u>Category</u>
01/18	26.0	Meets Standards
01/17	20.0	Meets Standards
01/16	38.6	Consistently Exceeds Standards
01/15	27.8	Exceeds Standards
03/14	28.9	Exceeds Standards ⁴

Collins’s previous discipline while employed at DHR included:

- Written Reprimand served on February 2, 2016, for insubordination, use of abusive or threatening language, and disruptive conduct of any sort.

B. State Personnel Board Policies/Procedures Forming the Basis of the Charges

State Personnel Board General Work Rules, 670-X-19-.01 provides, in part:

(1) In addition to any special rules issued by the various appointing authorities for the guidance of their employees, the following standard general work rules shall apply to all classified employees:

² All references to exhibits and testimony are intended to assist the State Personnel Board in considering this Recommended Order and are not necessarily the exclusive sources for such factual findings.

³ See generally State Personnel Board Rule 670-X-18-.02(5) (employee’s work record, including performance and disciplinary history, considered in dismissing employee).

⁴ Final Probationary Period Evaluation.

(a) Violations that normally result in disciplinary actions of increasing severity:

1. Absenteeism – Unexcused absence, unreported absence, a pattern of absences, or excessive absences.
2. Tardiness – Not on the job ready to work at the beginning of the shift.
- ...
4. Failure to perform job properly.
- ...
8. Violation of specific department rules.

(b) More serious violations that may result in suspension or discharge on the first offense.

- ...
2. Insubordination – Failure to follow an order; disobedience; failure to submit to authority as shown by demeanor or words, with the one exception of not following an order which employee has good reason to believe is unsafe or illegal.
- ...
12. Disruptive conduct of any sort.

...

Punctuality/Tardiness, states:

Employees have a duty and an obligation to be at their respective place of work in accordance with their work schedule. An employee is expected to be at his/her work station at the assigned time and be ready for work. Punctuality is a condition of employment.

...

Tardiness is subject to disciplinary action in accordance with the Department's positive discipline procedures.

...

DHR Personnel Policy and Procedures Manual Chapter 13 – Treatment of

Clientele states, in pertinent part:

The Department of Human Resources is proud of its role in delivering services to residents of the State of Alabama. In view of the special services this department provides, it is imperative that every employee be courteous in dealing with clientele. Any employee who is rude or discourteous to any client of DHR shall be subject to disciplinary action.

DHR Confidentiality Agreement Certification states, in pertinent part:

1. I watched the Confidentiality in the Workplace presentation (Unit 1), and I understand how to protect confidential materials.

...

4. I certify that I understand my responsibility in maintaining the confidentiality of DHR client/personnel records and other client/personnel information, as well as what the consequences are for unauthorized disclosure/release of these confidential materials.

...

C. Facts Forming the Basis of Dismissal

November 1, 2017 Incident:

On November 1, 2017, Collins and a co-worker conducted training on the Uniform Interstate Family Support Act (“UIFSA”) for the Montgomery County DHR office which included a PowerPoint presentation for the employees and supervisors who were in attendance. Several new DHR employees attended the training session. The PowerPoint presentation included a slide referencing emails sent from the Montgomery County DHR Intake Unit to DHR UIFSA employees. In discussing the slide, Collins stated that Intake should not send emails to UIFSA workers. The Intake Unit Supervisor, Lewis Slayton (“Slayton”), interrupted the presentation and stated emails would continue to be sent.⁵ Slayton testified that Collins responded to his statement by asking, “Is that a question?” Collins’s supervisor, Ingrid Blocker (“Blocker”), was in attendance at the training. Blocker testified that after Slayton’s statement, Collins replied, “That’s not what I said, just do as I say.” DHR Program Manager Melanie Wright (“Wright”) testified she heard Collins say, “Was there a question in that?” The Assistant Director for Montgomery County DHR, Allison Bryars (“Bryars”), was also in attendance at the presentation. Bryars testified there was a short exchange between Slayton and Collins after

⁵ Blocker testified it was protocol for Intake workers to send emails to the UIFSA employees. Blocker stated, “It was policy.”

Slayton corrected Collins about the emails. Bryars heard Collins ask Slayton, “Was there a question in that?” Bryars testified Slayton replied by clarifying, “I just wanted you to know that you would still be getting emails from me.” Bryars then heard Collins ask, “Did I say anything about that?”

Bryars testified that Collins rolled her eyes as she addressed Slayton and her words and actions were very insubordinate. Bryars testified she met with all the new employees after the presentation and explained that sort of behavior would not be tolerated at Montgomery County DHR.⁶ Wright testified Collins’s statements to Slayton were insubordinate based upon the content and manner in which she spoke to him. According to Wright, a supervisor had spoken and clarified an issue. Nothing more needed to be said. Slayton testified Collins’s behavior during that part of the presentation was inappropriate. Blocker characterized Collins’s behavior as disrespectful. Blocker also testified she met with Collins the next morning to discuss the exchange as well as other matters. Blocker told Collins if she had an issue with process she should bring those concerns to Blocker. Blocker testified Collins denied she said anything inappropriate.

During her appeal, Collins claimed she could not recall what, if anything, she said to Slayton after he corrected her during the presentation. During her testimony, Collins characterized Slayton’s statements during her presentation as disruptive.

⁶ One of the employees had only began work the day before the presentation.

November 30, 2017 Incident:

On November 30, 2017, Collins was assisting with intake at the Montgomery DHR Office. DHR Client K.B. came to the office to discuss her case.⁷ After K.B. had waited almost two hours, Collins met K.B. in the waiting area and asked her what the nature of her visit entailed. Collins then explained the computer system was down and she might be limited in the assistance she could offer, but took K.B. back to her office. Once in her office, Collins attempted to address K.B.'s concerns.

K.B. testified Collins did not identify herself when she approached her in the waiting area. K.B. testified Collins asked her what she needed help with and K.B. began to discuss the details of her case while still in the waiting area, around other DHR clients. Collins and K.B. left the open area as K.B. talked and eventually ended up in Collins's office. According to K.B., she visited DHR because she had stopped receiving child support payments from her child's father.⁸ Collins told K.B. the father was paying and the payments were being allocated. K.B. did not understand Collins's explanation and was confused. K.B. testified she told Collins she did not understand and Collins instructed her to close her DHR case, but did not explain

⁷ To protect the confidentiality of the client she will be referred to as K.B. She attended the hearing and her identity was not in dispute.

⁸ The issue itself was not material to the case, but for purposes of clarification: K.B. obtained a court order for child support against her child's father. After she obtained the court order and his employer began paying her through family court, she opened a DHR case. Once she did that, K.B. stopped receiving payments directly from family court because the father's employer began sending payments to DHR where the money was allocated between K.B.'s child and another child supported by the father. If K.B. closed her case with DHR, she would resume receiving payments from family court.

how it would help K.B. K.B. asked Collins why she should close her DHR case and then K.B. testified Collins stood up and opened her door. K.B. asked Collins what she was doing and Collins told her she was going to escort her out of the office. K.B. became agitated and raised her voice asking for clarification. Collins sat back down, pulled K.B.'s file up on her computer, but continued to be unable to articulate a reason that satisfied K.B.'s inquiry. K.B. asked Collins if Blocker was present.⁹ During the exchange, Collins did not attempt to contact Blocker, nor did she request assistance from any other DHR employee to help ensure K.B. had a full understanding of the situation. Ultimately, Collins was unable to adequately explain K.B.'s situation to K.B.'s satisfaction and gave K.B. another case worker's name and phone number. K.B. testified she told Collins that Collins needed customer service etiquette. K.B. called Blocker on her way out of DHR and Blocker was able to explain the reason K.B. needed to close her DHR case. K.B. testified Blocker's explanation made sense and she understood why she needed to close her DHR case. K.B. also complained to Blocker about her interaction with Collins. Blocker told K.B. she could not address her concerns about Collins unless it was put in writing. On December 1, 2017, K.B. sent a written complaint about Collins to Blocker.¹⁰

⁹ Blocker was K.B.'s first case worker.

¹⁰ DHR Exhibit 12.

After K.B. left DHR on November 30, 2017, Collins went to Blocker to discuss the meeting. Collins told Blocker the information she gave K.B. was correct. Collins testified the client could be difficult and “nags.”

Blocker testified that the December 1, 2017 letter from K.B. was essentially what Collins told her the day before in terms of the underlying facts. However, Blocker testified that if a worker is having trouble communicating with a client, they are supposed to call in a supervisor to assist. Blocker testified that Collins had a similar issue before her issue with K.B. Blocker testified Collins did not call her during K.B.’s visit to help with communication. Blocker concluded her testimony about this event by stating that any time a DHR client is offended, it is an issue.

Collins testified K.B. was argumentative during the November 30, 2017 meeting and demanded her payment. Collins described K.B. as loud and rude when Collins first attempted to escort her from her office after she felt she adequately addressed K.B.’s concerns. Collins admitted she did not call a supervisor to assist with K.B.’s questions, even after K.B. became unruly. Collins testified she felt threatened by K.B. However, on cross-examination, Collins admitted this was the first time she mentioned she felt threatened by K.B. during the November 30 meeting. Collins also testified she asked K.B. about the nature of her visit as they were passing the stairwell and going through the secure doors, not while they were still in the waiting area with other clients present.

December 14, 2017 Incident:

On December 14, 2017, Wright saw Collins in the hallway and noticed her attire was not in compliance with DHR's dress code. Wright contacted Blocker and asked Blocker to send Collins home to change. Wright testified that Collins was wearing leggings and a shirt that was not long enough. Blocker sent Collins an email explaining she needed to go home and change clothes. Collins knew Blocker had not seen her that day so she walked to Blocker's office and asked her what was wrong with her outfit.¹¹ Blocker testified that Collins walked into her office and asked, "If you have not seen me how can you tell me I am dressed inappropriately?"¹² Blocker explained her attire was inappropriate, even for casual day, and she needed to go home and change clothes. Collins asked to take sick leave for the remainder of the day. Blocker denied her request via email. Blocker explained that Collins did not complain about being sick until after she was instructed to go home and change clothes. Collins went home, changed clothes and returned to the office. Collins submitted a leave form and did not mark "annual leave" or "sick leave," but instead wrote in "admin." Collins told Blocker she should not be charged "annual leave"

¹¹ Collins testified that when Blocker sent her an email telling her to go home and change, she referenced other times Collins showed up at work and was dressed inappropriately. Collins testified she went to Blocker's office to ask about the "other times" because Collins claimed this was the first time she was sent home for inappropriate attire. Wright testified Collins was sent home earlier during 2017 after supervisors saw that Collins wore fishnet stockings and a short skirt to court.

¹² Blocker characterized Collins's attitude in her office as insubordinate.

because she did not elect to go home and change, but rather she was ordered to go home and change. Blocker explained it was “annual leave” and Collins returned a short time later with a corrected leave slip.

On December 15, 2017, Collins submitted an excuse from a chiropractic office that showed she was excused from work until December 18, 2017. The date on the excuse was December 14, 2017.¹³ Blocker testified that if Collins had submitted the excuse the morning of December 14, 2017, she would have allowed Collins to use sick leave.

December 19, 2017 Incident:

On or about December 19, 2017, Bryars walked down a hallway and found a client file in a common area outside a bathroom. Bryars gave the file to Wright who checked the bathroom to see if a DHR employee was inside. After Wright determined no employee was in the bathroom, she took the file back to her office, typed the name on the file into her computer system and saw the file belonged to one of Collins’s UIFSA clients. Wright delivered the file to Blocker who then took the file to Collins. Collins received the file back without a word. Wright testified that employees are not permitted to leave files out in common areas because there is confidential information contained within each file and there are federal and state laws that protect that information. Blocker testified there was no reason anyone else

¹³ Appellant Exhibit 1. Collins attended the appointment after work on December 14, 2017.

would have that particular case file, except for Collins. Collins testified she keeps her files in her office, locked up at night, but pointed out anyone can take files out of an office during the day. Collins testified she did not recall who Z.W. references.¹⁴

Collins was tardy on multiple occasions. Collins acknowledged that beginning in January 2018, Montgomery County DHR amended her start time, at her request, and permitted her to arrive to work 15 minutes later than her previously scheduled work time and work 15 minutes longer each day. DHR accommodated Collins's request, in part, to help her arrive to work on time. Collins had arrived to work late approximately eight times in December 2017,¹⁵ and was late approximately eight times in January 2018, seven of those instances occurring *after* her schedule had been changed.¹⁶ Most of these instances Collins acknowledged in her testimony.

DHR amended its list of charges in the Short Statement of Facts it filed by including an additional charge of violating DHR's confidentiality policies and procedures, because Collins brought case documents from K.B.'s file and a copy of DHR's security log-in sheet to her pre-dismissal appeal hearing. Collins failed to

¹⁴ Z.W. were the initials of the client who was the subject of the file given to Collins by Blocker.

¹⁵ On two dates in December 2017, Collins was an hour late arriving to work.

¹⁶ Collins was approximately 45 minutes late on three of these occasions.

request the documents from DHR's legal counsel and obtained them in violation of DHR's Confidentiality Rules.

Collins argued she was treated unfairly by DHR. Collins believed she should have been disciplined more quickly for the separate infractions and they should not have been compiled into one large disciplinary action. Collins also argued that her due process was violated because she was never given a formal, written offer to take a 10-day suspension in lieu of a disciplinary hearing that could result in up to suspension or termination of employment. Collins stated she was given an offer for a 10-day suspension, but turned it down to have a hearing.¹⁷ Bryars testified that Collins's discipline was all presented at once because there are multiple channels for getting discipline approved, and Collins continued to violate rules while other discipline was being considered.

Collins also argued she was not subjected to progressive discipline and therefore, was not given an opportunity to correct her behavior. Collins asked for reinstatement with back-pay and benefits.

Sharonda Pettaway ("Pettaway"), Director for Montgomery County DHR, was the final witness called to testify on behalf of DHR. Pettaway testified the incidents were brought to her attention and after she discussed them with her

¹⁷ Collins failed to point to any authority, DHR or other, that states a settlement offer must be in writing.

management staff she drafted the charge letter. Pettaway acknowledged she did offer Collins a 10-day suspension in lieu of a disciplinary hearing, but Collins refused the offer. Pettaway testified that during the pre-dismissal conference she heard Collins accessed K.B.'s file and security log-in sheets. Pettaway testified that DHR employees are not privy to the security log. Pettaway testified Collins was aware of DHR's confidentiality protocols because she was trained on them repeatedly.¹⁸ Pettaway testified Collins knew not to leave client folders in the open and knew she should re-direct clients if they begin sharing confidential information in a public area of the building.

III. ISSUE

Did DHR produce sufficient evidence to warrant Collins's dismissal?

IV. DISCUSSION

The purpose of the administrative appeal is to determine if the termination of the employee's employment is warranted and supported by the evidence. *Kucera v. Ballard*, 485 So. 2d 345 (Ala. Civ. App. 1986); *Thompson v. Alabama Dept. of Mental Health*, 477 So. 2d 427 (Ala. Civ. App. 1985); *Roberson v. Personnel Bd. of the State of Alabama*, 390 So. 2d 658 (Ala. Civ. App. 1980). In *Earl v. State*

¹⁸ DHR Exhibit 14. Pettaway indicated all employees are trained on this PowerPoint presentation. She noted that slides 17 and 18 are instructive on confidentiality.

Personnel Board, 948 So. 2d 549 (Ala. Civ. App. 2006), the Alabama Court of Civil Appeals reiterated:

“[D]ismissal by an appointing authority ... is reviewable by the personnel board only to determine if the reasons stated for the dismissal are sustained by the evidence presented at the hearing.” *Id.* at 559, quoting *Johnston v. State Personnel Bd.*, 447 So. 2d 752, 755 (Ala. Civ. App. 1983).¹⁹

In determining whether an employee’s dismissal is warranted, the departmental agency bears the burden of proving the charges warrant termination by a “preponderance of the evidence.” The law is well settled that a “preponderance of the evidence” standard requires a showing of a *probability* that the employee is guilty of the acts as charged. Thus, there must be more than a mere possibility or one possibility among others that the facts support the disciplinary action at issue. The evidence must establish that *more probably than not*, the employee performed, or failed to properly perform, as charged. *See Metropolitan Stevedore Co. v. Rambo*, 521 U.S. 121, 117 S.Ct. 1953, 138 L.Ed. 2d 327 (1997), holding that a “significant possibility” falls far short of the Administrative Procedure Act’s preponderance of the evidence standard. *See also Wright v. State of Tex.*, 533 F.2d 185 (5th Cir. 1976).²⁰

¹⁹ The Alabama Court of Civil Appeals went further to hold: “both this court and the circuit court must take the administrative agency’s order as ‘prima facie just and reasonable’ and neither this court nor the circuit court may ‘substitute its judgment for that of the agency as to the weight of the evidence on questions of fact.’” *Id.* at 559, citing ALA. CODE § 41-22-20(k) (1975); *State Dept. of Human Res. v. Gilbert*, 681 So. 2d 560, 562 (Ala. Civ. App. 1995).

²⁰ In *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981), the Eleventh Circuit adopted as binding precedent all Fifth Circuit decisions handed down prior to the close of business on September 30, 1981.

An administrative agency must act within its constitutional or statutory powers, supporting its decision with substantial evidence. “Substantial evidence has been defined as such ‘relevant evidence as a reasonable mind might accept as adequate to support a conclusion,’ and it must be ‘more than a scintilla and must do more than create a suspicion of the existence of a fact to be established.’” *Alabama Alcoholic Beverage Control Bd. v. Tyson*, 500 So. 2d 1124, 1125 (Ala. Civ. App. 1986).

In the present case, DHR presented sufficient evidence warranting Collins’s dismissal. Collins had a string of incidents that occurred within the two-month window that led to her dismissal.

Collins violated State Personnel Board General Work Rule 670-X-19-.01(1)(a)2 – Tardiness – Not on the job ready to work at the beginning of the shift, by being tardy multiple times, even after DHR adjusted her work schedule. The record also reflects Collins was reminded of the need to arrive to work on time repeatedly during monthly individual conferences she had with her supervisor. She violated 670-X-19-.01(1)(a)(4) – Failure to perform job properly, by asking K.B. about her case before they were in a secure location and attempting to rush K.B. out of her office even though K.B. still needed clarification; and 670-X-19-.01(a)8 – Violation of specific department rules – DHR Personnel Policy and Procedures Manual Chapter 13.6 – Treatment of Clientele, and Chapter 13.27 – Confidentiality,

by talking with K.B. in an open area, leaving a client file in an unsecure location, and obtaining and using DHR case file information and sign-in log information in a hearing without prior approval. Collins also violated General Work Rule 670-X-19-.01(1)(b)2 – Insubordination, by being disrespectful in tone and attitude while a supervisor (Slayton) attempted to clarify DHR Policy/Procedure during Collins’s training presentation to the Montgomery County DHR staff. She was also insubordinate to her direct supervisor after she was directed to go home and change into more appropriate work attire. Collins questioned whether her supervisor had seen her that morning and, if not, how she could have determined her attire inappropriate. Further, she challenged her supervisor’s statement that the issue of inappropriate attire had previously been discussed with her. Collins also argued about what type of leave she had to take stating that she did not feel annual leave was appropriate as she did not ask to go home. Finally, after requesting, but being denied sick leave for the remainder of the day, Collins commented that when the supervisors decided why her sick leave was not approved, they needed to let her know. Collins also violated 670-X-19-.01(1)(b)12 – Disruptive conduct of any sort, when she argued with Slayton during her presentation to the Montgomery County DHR Office, in front of other supervisors and new employees.

Collins contended she was not subjected to progressive discipline and her employee dismissal should be overturned. The record reflects otherwise. Collins

was previously disciplined for insubordination on February 2, 2016. On that occasion, Collins asked a question during a meeting and was given a response by the Assistant Director for Montgomery County DHR. After the meeting concluded, Collins confronted the Assistant Director and asked her if there was a problem with the question she asked. The Assistant Director advised Collins that she had been given an answer and instructed her to leave. Collins continued to talk and the Assistant Director again instructed her to leave. Collins told her, "I am not done with this."²¹ Collins was issued a reprimand that warned, "Failure to perform your job properly or any violation of specific department rules in the future **may result in further disciplinary action, which may include Suspension or Dismissal** [emphasis added]." Collins was warned to change her behavior. Collins submitted a written rebuttal to the reprimand in which she stated that she felt that she had handled the situation appropriately. Collins referred to the Assistant Director's comments as "snide," her disposition as "unpleasant," and claimed that she had abused her authority. Collins did not accept any responsibility for the February 2, 2016 incident and did not learn from the reprimand. Not only did she engage in two more acts of insubordination a short time later, but she also was repeatedly tardy and failed to perform her job properly on multiple occasions. Collins's actions show she

²¹ DHR Exhibit 1, page 18.

has no respect for authority and repeatedly fails to own up to her mistakes. In 2016, Collins blamed the attitude and disposition of her Assistant Director for the incident that occurred, and in 2017, she accused Slayton of being disruptive during her presentation. Regarding the meeting with K.B., Collins sought to deflect her inappropriate behavior by claiming K.B. was difficult and that she “nags.” Following her last incident of showing up to work in inappropriate attire, Collins suggested it was because she had not felt well that morning. Upon being asked during her pre-dismissal hearing if she felt her excessive tardiness and absenteeism resulted in her clients being forced to wait and extra work for her peers, Collins offered that it was not a problem because her clients could talk to “the voicemail” when she was not present or call the intake line.

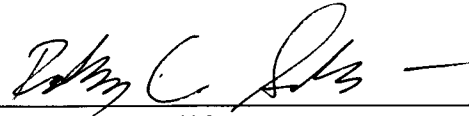
In addition to Collins having previously been reprimanded for an incident similar in nature to some of her latest charges, it is also important to note that both insubordination and disruptive conduct are violations that may result in discharge on the first offense pursuant to State Personnel Board General Work Rules. Although DHR initially proposed a two-week suspension for Collins, it was within the appointing authority’s purview to proceed with dismissal based on Collins’s refusal to accept the suspension and her demonstrated history of non-compliance with progressive discipline and lack of respect for authority.

Collins was dismissive in her treatment of K.B. Further, Blocker testified the incident with K.B. was not the first time Collins was ineffective in communicating with DHR clients. K.B. was a DHR client in need of direction to determine how best to financially help her family. Even though the advice Collins gave K.B. may have been sound, she failed to adequately explain the rationale which left K.B. confused and upset. Instead of finding someone who could assist K.B. and assuage her concerns, Collins attempted to get K.B. to leave DHR by giving her the name and phone number of another case worker she had written on a post-it note. This sort of conduct is not client-friendly and cannot be condoned by DHR for the good of the service. By the very nature of their work, DHR employees deal daily with clients in crisis who may present communication challenges. These clients must receive courteous, comprehensive services from DHR employees as contemplated by DHR Personnel Policy and Procedures Manual Chapter 13 – Treatment of Clientele.

The undersigned has carefully considered mitigation in this case, but finds no grounds exist justifying a lesser disciplinary action than dismissal. Accordingly, the undersigned finds the totality of the evidence warrants dismissal in this cause. Therefore, the undersigned recommends to the State Personnel Board that the dismissal be UPHELD.²²

²² Having found sufficient evidence to uphold the dismissal, any/all remaining issues are moot.

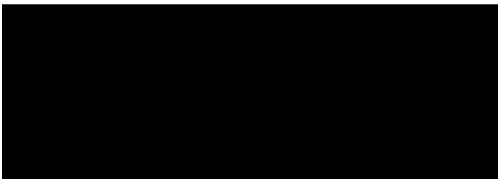
Done this the 27th day of June, 2018.



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