

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

**ORDER**

**September 14, 2016**

This matter came before the Board upon the dismissal of the Employee from her employment with the Alabama Department of Revenue ("DOR"). The Employee was dismissed from her employment on May 3, 2016, based on charges contained in a letter to the Employee dated the same. This matter was assigned to Administrative Law Judge Randy C. Sallé and a hearing was held on June 30, 2016. The Administrative Law Judge's Recommended Order is now before the Board for consideration.

DOR charges that the Employee violated DOR Policy (I)(d) – (Misunderstandings or disagreements will be discussed in a respectful manner. Supervisors will make the final decision to resolve the situation and employees will abide by the decision). DOR further charged the Employee violated State Personnel Board Rule 670-X-18-.02(1) – (An appointing authority may dismiss a classified employee whenever he considers the good of the service will be served thereby, for reasons which shall be stated in writing, served on the affected employee and a copy furnished to the Director, which action shall become a public record); 670-X-19-.01(1)(b)(5) – (Use of abusive or threatening language); 670-X-19-.01(1)(b)(10) – (Serious violation of any

other department rule); 670-X-19-.01(1)(b)(11) – (Leaving a job station without permission); 670-X-19-.01(1)(b)(12) – (Disruptive conduct of any sort); and 670-X-19-.01(1)(b)(13) – (Conduct unbecoming a state employee).

A review of the Employee's recent work history shows no prior discipline with DOR.

The Employee was employed with DOR as an Account Clerk since July 2014. On March 17, 2016, the Employee approached a co-worker's cubicle and falsely accused her of stealing a sweater and demanded for it to be returned. The co-worker did not steal the Employee's sweater and felt frightened by the incident. Another co-worker heard the Employee state, "I'll beat her a\*\* and still come back to work." The co-worker reported the incident to the Director of the Collections Services Division, and the Director sent both co-workers home. On March 18, 2016, the Employee met with DOR's EEO and EAP Coordinator and was placed on mandatory leave pending an investigation. The Coordinator also recommended that the Employee see a doctor concerning her disruptive and threatening outbursts at work.

On March 23, 2016, the Employee's husband went to DOR to discuss the Family and Medical Leave Act ("FMLA") and left with paperwork to fill out. On March 29, 2016, the Employee's husband had her involuntarily committed to a mental health facility because she was non-compliant with her medication and therapy. On April 1, 2016, DOR extended the Employee's mandatory leave for an additional ten (10) days to allow the Employee time to submit the paperwork.

On April 18, 2016, the Employee called the Personnel Manager; the Personnel Manager explained FMLA job protection to the Employee and sent her a letter further explaining that she needed to submit FMLA Certification from her health care provider by April 26, 2016, or she would be recommended for dismissal from State service. The Employee told the Personnel Manager that she did not want to fill out the FMLA paperwork and that she was being held against her will at the facility.

On April 19, 2016, the Employee's husband called the Personnel Manager and informed her that the Employee had escaped the mental health facility and that she was moved to a more secure facility, Crisis Unit. The husband retrieved a second copy of FMLA paperwork and was told that it needed to be returned to DOR by April 26, 2016. DOR did not receive FMLA paperwork from the Employee or her husband by April 26, 2016. On April 28, 2016, the Personnel Manager sent the Employee a notice of her proposed dismissal from DOR for failure to return FMLA paperwork in a timely fashion. A pre-dismissal conference was scheduled for May 2, 2016. The Employee failed to attend the conference and offer any documentation in her defense.

The Employee's husband testified that he did not return the FMLA paperwork because the doctors would not speak with him about the Employee's condition and would not accept FMLA paperwork from him since he was not included on her list of people they could speak with concerning her condition. The Employee was discharged from the Crisis Unit on or about May

13, 2016. Following her release, the Employee did not attempt to complete or file FMLA paperwork with DOR.

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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JACKIE GRAHAM  
SECRETARY

  
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JOE N. DICKSON  
CHAIRMAN

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FAYE NELSON  
MEMBER

*Liane Kelly*

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LIANE KELLY  
MEMBER

*Myron Penn*

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MYRON PENN  
MEMBER

*Recuse*

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CLINTON P. CARTER  
MEMBER

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