

**BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA
IN THE MATTER OF THE APPEAL OF
MASEQUA JOHNSON**

ORDER

October 17, 2018

This matter came before the Board upon the dismissal of the Employee from her employment with the Alabama Department of Corrections (“DOC”). The Employee was dismissed from employment on April 4, 2018, based upon charges contained in a letter dated April 3, 2018. This matter was assigned to Administrative Law Judge Randy C. Sallé and a hearing was held on June 21, 2018. 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 the following standards under Administrative Regulation 208, Employees Standards of Conduct and Discipline: V.A.2 – (Render full efficient, and industrious service); V.A.3 – (Respond promptly to directions and instructions of supervisor); V.A.7 – (Observe all laws, rules and regulations); V.C.6 – (Employees shall not trade, barter, or accept a gift from or give a gift to an inmate, an inmate’s family, or any other person on behalf of that inmate, or those on parole); V.C.8 – (Employees shall not show partiality toward or become emotionally involved with an Alabama State inmate or parolee); V.C.10 - (Employees shall not introduce into any institution or bring upon an ADOC state property any article

or property that is not authorized; Annex H, Number 33 – (Conduct that is disgraceful, on or off the job); Annex H, Number 34 – (Borrowing/receiving money, or other items from, giving money/items to inmate(s) or inmates family members); and Annex H, Number 36 – (Possession of any communication device or accessories that are not specifically authorized.)

A review of the Employee's recent work history shows: two (2) Warnings in August 2014 and December 2016 for non-compliance with policies, procedures, and regulations; two (2) Written Reprimands in November 2016 and August 2017 for taking an unauthorized article, item, or property into a DOC facility and for failing to follow a supervisor's instructions and non-compliance with policies and procedures; three (3) Suspensions in February 2015, January 2017, and January 2018 for sleeping on duty, borrowing/receiving money or other items to an inmate or their family, and for sleeping on duty; and one (1) Pending Suspension in February 2018 for sleeping on duty.

The Employee was employed by DOC as a Correctional Officer at Draper Correctional Facility in Elmore, Alabama. On February 18, 2018, the Employee was working third shift. Around 1:00 a.m., the Employee asked a Correctional Officer conducting a fence check along the inside of the facility to deliver some items to an inmate. The Employee tossed a pack of Newport cigarettes and a pack of Black & Mild Cigars to the Correctional Officer. The Correctional

Officer reported the incident to his supervisors and searches of the inmate and the Employee were conducted. The inmate and the Employee each had a cell phone.

The Employee violated rules by bringing in contraband including cigarettes, cigars, and a cell phone to an inmate. The Employee admitted she was involved with an inmate and was possibly in love with the inmate. In her statement, the Employee admitted she gave items to another Correctional Officer to deliver to an inmate. DOC cannot condone this behavior and the dismissal for the good of the service is warranted.

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.




JACKIE GRAHAM
SECRETARY

FAYE NELSON
MEMBER

LIANE KELLY
MEMBER



MYRON PENN
MEMBER



EVAN M. THORNTON
MEMBER



DAVID R. MELLON
MEMBER