

BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA
IN THE MATTER OF THE APPEAL OF
CEDRIC T. SPECKS

ORDER

October 17, 2018

This matter came before the Board upon the dismissal of the Employee from his employment with the Alabama Department of Corrections (“DOC”). The Employee was dismissed from employment on June 1, 2018, based upon charges contained in a letter dated May 31, 2018. This matter was assigned to Administrative Law Judge James Jerry Wood and a hearing was held on August 14, 2018. The Administrative Law Judge’s Recommended Order is now before the Board for consideration.

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 services); V.A.6 – (Protect and conserve funds, property, equipment and materials); V.A.7 – (Observe all laws, rules and regulations); V.A.8 – (Uphold, with integrity, the public’s trust involved in their position); V.A.13 – (Report all instances when the ability to supervise a subordinate employee is affected by a personal and/or no-working relationship with that employee) V.A.18 – (Shall not use ADOC owned property or other state-owned property of his/her personal use without the approval of the Commissioner); Annex H.2 – (Non-compliance with policies,

procedures, and regulations); Annex H.3 – (Abuse or misuse of equipment, not causing damages); Annex H.5 – (Unauthorized use of telephone, bulletin boards, or other state property); Annex H.6 – (Participation in an unauthorized activity of a minor nature at the work place); Annex H.18 – (Serious violations of rules, policies, procedures, regulations, laws, or reasonable conduct expectations); Annex H.25 – (Abuse or misuse of authority, including but not limited to departmental property and/or ADOC identification cards/items); Annex H.31 – (Harassment or discrimination as defined in Administrative Regulation 206); Annex H.33 – (Conduct that is disgraceful, on or off the job that does adversely affect an employee's effectiveness on the job). The Employee also violated the following DOC Administrative Regulations; 012 – (Use of the two-way radio equipment, cell phones and pagers); 105 – (Use of state motor vehicles); 206 – (Harassment and Discrimination); 228 – (Employee sexual misconduct and sexual harassment); 235 – (Fraternization Policy). Additionally the Employee is charged with violating State Personnel Rules: 670-X-19-0.1(1)(a)(5) – (Abuse of equipment); 670-X-19-0.1(1)(a)(8) – (Violation of specific department rules); 670-X-19-0.1(1)(b)(10) – (Serious violation of any other department rules); 670-X-19-0.1(1)(b)(13) – (Conduct unbecoming of a State employee).

A review of the Employee's recent work history shows: one (1) formal warning in December 2015 for making inappropriate comments regarding a correctional officer and responding inappropriately to a supervisor.

The Employee was employed by DOC as a Correctional Warden II at the St. Clair Correctional Facility ("St.Clair") in Springville, Alabama. On February 8, 2018, DOC Investigations and Intelligence Division ("I&I") received information that led them to believe the Employee had used his State cell phone to promote contraband into St. Clair. During the course of the investigation, the State cell phone issued to the Employee was confiscated and submitted for forensic examination. On February 14, 2018, I&I extracted data from the Employee's State issued cell phone that contained explicit images and text messages between the Employee and three (3) women who were assigned to work at St. Clair. Two (2) of the women were contract nurses and one (1) was a DOC Administrative Support Assistant II ("ASA II"). On April 5, 2018, the Employee admitted to I&I that he was involved in sexual relationships with the contract nurses and had utilized both his State issued cell phone and his State vehicle to facilitate these activities. The Employee admitted he had reached out on Facebook and in person to all three (3) women and had each of them send explicit, inappropriate photographs of them. The ASA II testified that she was afraid that if she did not send the Employee the inappropriate photographs

there would be some form of reprisal from him that would impact her employment.

The Employee abused his authority as a Correctional Warden II at DOC by engaging in predatory sexual exploitation of subordinates at St. Clair. The Employee also used his State issued cell phone to send and receive explicit, inappropriate images and messages.

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 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
CHAIR

LIANE KELLY
MEMBER



MYRON PENN
MEMBER



EVAN M. THORNTON
MEMBER



DAVID R. MELLON
MEMBER