

**BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA
IN THE MATTER OF THE APPEAL OF
ANTHONY FLOYD**

ORDER

November 28, 2018

This matter came before the Board upon the dismissal of the Employee from his employment with the Alabama Department of Finance (“DOF”). The Employee was dismissed from his employment on August 3, 2018, based upon charges contained in a letter dated August 2, 2018. This matter was assigned to the Administrative Law Judge Randy C. Sallé and a hearing was held on September 18, 2018. The Administrative Law Judge’s Recommended Order is now before the Board for consideration.

DOF charges that the Employee violated the following standards under State Personnel Board Work Rules 670-X-19-.01: (1)(b)(2) – (Insubordination); (1)(b)(5) – (Use of abusive or threatening language); and (1)(b)(13) – (Conduct unbecoming of a State Employee).

A review of the Employee’s recent work history shows: one (1) Written Warning in November 2006 for failing to appropriately supervise inmate workers in the Capitol Building; one (1) 10-day suspension (from October 21, 2008 through November 3, 2008) and demotion for misuse of a State vehicle, falsification of records, participation in unauthorized activity and leaving job station without permission; one (1) Verbal Counseling in January 2018 for rude

behavior; one (1) Written Warning in March 2018 for failure to perform job properly and disrespectful attitude toward supervision; and one (1) Written Reprimand in July 2018 for failure to perform job properly.

The Employee was employed by DOF as a Plant Maintenance Worker at the Gordon Persons Building. The Employee was responsible for daily checks of the HVAC units in the building but had failed to comply with the inspections. He also failed to properly change the air filters during June 2018. On July 13, 2018, the Employee was called into a meeting to receive a Written Reprimand for failing to perform his job properly. The meeting was called by his immediate supervisor. During the meeting, the Employee was very argumentative and disrespectful and repeatedly interrupted his supervisor. The Employee referred to the disciplinary action as “petty” and “childish” on at least three (3) occasions. The Employee then called his supervisor a “big baby” twice. Towards the end of the meeting, the Employee stated, “This won’t be the last of this, I can promise you that.” The Employee also told his supervisor, “You can go home and play with your grandkids, because I’m not one to play with.” The Employee ultimately signed the Written Reprimand and called the discipline “petty” again and the meeting concluded.


The Employee violated rules by being insubordinate for refusing to comply to his supervisor’s directions. The Employee then used abusive and threatening language in his disciplinary meeting. The Employee’s behavior

during the meeting was also unbecoming of a State Employee. DOF 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.



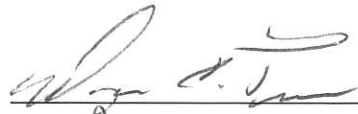
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