

BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA
IN THE MATTER OF THE APPEAL OF
MAMIE JACKSON

ORDER

November 16, 2016

This matter came before the Board upon the dismissal of the Employee from her employment with the Alabama Department of Human Resources (“DHR”). The Employee was dismissed from her employment on June 24, 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 August 11, 2016. The Administrative Law Judge’s Recommended Order is now before the Board for consideration.

DHR charges that the Employee violated State Personnel Board Rules: 670-X-19-.01(1)(a)(4) – (Failure to perform job properly); 670-X-19-.01(1)(a)(8) – (Violation of specific department rules); 670-X-19-.01(1)(b)(1) – (Violations of safety rules); and 670-X-19-.01(1)(b)(2) – (Insubordination). DHR also charged the Employee with violating DHR Policies/Rules relating to: Individualized Service Plans, Child Protective Services Policy, Family Services Case Record Policy, and Administrative Letters 7143, 7028, and 7051.

A review of the Employee’s recent work history shows one (1) Written Reprimand in May 2015 for failure to perform job properly, violation of safety rules, and insubordination.

The Employee was employed with DHR as a Senior Social Worker Supervisor. The Employee was recommended for dismissal because of her action and/or inaction in multiple Protective Services cases.

In one case, the Employee approved a Safety Plan that placed two (2) children in the home of their aunt and uncle, who had a lengthy criminal history. The Safety Plan was signed by the children's father, who was a non-custodial parent. A Form 2110(a), a criminal history check on the individuals who will care for the children, was not attached to the Safety Plan. The supervisor testified that the children's mother, who was the custodial parent, was concerned with the children's placement and contacted the Employee's supervisor directly. At the supervisor's direction, the Employee investigated the uncle's criminal history and created a new Safety Plan with the custodial parent, placing the children in a safer environment with different relatives. The Employee approved a Safety Plan that was incomplete, and as a result, the children were placed in a home that threatened their safety and well-being.

In another case, the Montgomery County DHR Child Abuse and Neglect Unit received an allegation of child abuse in May 2015. A Safety Plan was entered into on May 14, 2015, and the child was removed from his mother and her boyfriend's home and placed in a home with his grandparents. On June 16, 2015, an anonymous caller alleged he saw the child hit on the head with a belt buckle by one of his grandparents and that both grandparents were active drug users. Neither the Child Abuse and Neglect Worker nor the Employee ordered

a drug screen for the grandparents. After the Safety Plan expired, the child was sent back to the home with his mother and her boyfriend, although nothing in the case narrative detailed the steps the mother completed in order to be reunified. On October 26, 2015, the child suffered a broken nose while at home with his mother's boyfriend. The child was placed back in the home of his grandparents. At this point, the case was reviewed by the Employee's supervisor. The grandparents were then required to submit to drug screening, and both grandparents tested positive for illegal substances and the child was removed from their care. The Employee did not discipline the caseworker for placing the child back with his mother without proper steps and could not explain how DHR received a complaint of drug use by the grandparents and they were not tested.

In another case that involved a mother who had drug-induced psychosis, a child was placed with her father who had a history of sexual abuse. A new Safety Plan was not created when the child was moved to the home of a family friend. In December 2015, the family friend contacted the supervisor and expressed a desire to cease her custody arrangement. On December 20, 2015, the Employee instructed her team to prepare a petition for custody in the case by Monday, December 21, 2015. The petition was not filed until March 16, 2016.

On February 20, 2015, a child was born whose mother tested positive for illegal drugs. The child was placed in a foster home. DHR's petition for dependency custody was denied by the court, but the court kept the case open

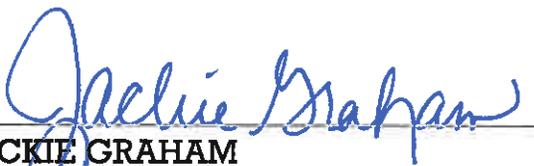
so that DHR could continue to monitor the child. On December 9, 2015, the court scheduled a status hearing on this case. A DHR attorney went to the status hearing; however, no one from the Employee's unit attended. Further, a court report was not completed on the case prior to the status hearing; therefore, the court did not have documentation or testimony that it could utilize when considering the status of the case and the case was closed.

Additionally, during a six-month period from September 2015 through February 2016, the Employee's unit failed to visit 73 children who required visits under DHR guidelines. The supervisor testified the Employee's unit had missed significantly more required visits than other units. The supervisor testified that from December 2015 through February 2016, the Employee's unit also had 41 overdue Individualized Service Plans. In April 2016, a report in DHR's F.A.C.T.S. database showed that approximately 19 Comprehensive Family Assessments approved by the Employee were mostly blank documents. The Employee also failed to use the correct checklist given to her by her supervisor for her case reviews.

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 written exceptions submitted on behalf of the Employee 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.

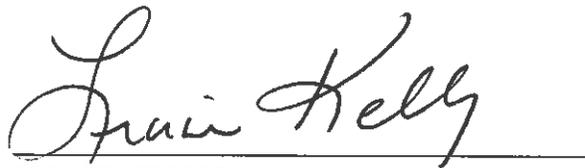


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