

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

ALANDRA HUDSON

ORDER

January 20, 2021

This matter came before the Board upon the Employee filing a complaint of discrimination while employed with the Alabama State Banking Department ("ASBD"). This matter was assigned to Administrative Law Judge James Jerry Wood, whose Recommended Order is now before the Board for consideration.

The Employee's complaint was filed on or about July 22, 2020 and it alleges that ASBD discriminated against her due to her race, sex, or national origin. The Employee asserts that she was discriminated against because she was not given adequate staff support and she was doing the same work as a supervisor but for less pay. The Employee further charges that ASBD violated State Personnel Board Rule 670-X-4-.01-.03, which prohibits discrimination against any person with regard to promotion, retention, or any other personnel action because of race, sex, national origin, age, handicap, or other non-merit factor.

The Employee was initially appointed by the ASBD as a State Professional Trainee (Bank Examiner) in 2001. The Employee was


officially promoted to Bank Examiner I in 2002. The Employee received another promotion in 2004 as a Bank Examiner II and, further promoted to Bank Examiner III in 2006. The Employee complains that in 2008, a co-worker was promoted to Bank Examinations Coordinator while the Employee was selected for promotion to Bank Examinations Specialist, Senior. The Employee complains she is doing the same work as the Bank Examinations Coordinator but for less pay. The Employee has suggested that she has not been given adequate staff support from the Bank Examinations Coordinator and when she is assigned examinations, he arranges to leave the examinations early leaving her to complete the project alone. She believes the staffing imbalances have adversely impacted her promotional opportunities.

The Employee claims the treatment she received from ASBD was discriminatory based upon her gender and race. The Employee has the burden of establishing a *prima facie* case of discrimination. The Employee is a member of a protected class, and she is qualified for her job, but she has not alleged any adverse employment action such that she could prove a *prima facie* case by a preponderance of the evidence. The Employee failed to allege an adverse employment action or to present any direct evidence of discrimination.

In the present action, the evidence in this case fell far short of establishing that the Employee's allegations amounted to an adverse employment action. It is very clear that the Employee was unhappy with the alleged inadequate staff support and not receiving a promotion; however, that is not actionable under the law. Additionally, the Employee is still employed at ASBD. Thus, the Employee has failed to establish a *prima facie* case of discrimination.

The Administrative Law Judge ruled in favor of the ASBD's Motion to Dismiss and found that the substantial weight of the evidence failed to demonstrate ASBD engaged in race-based or gender-based discriminatory conduct against the Employee. Moreover, the evidence established that the Employee did not suffer an adverse employment action and she failed to state a claim upon which relief can be granted. Thus, the Employee failed to establish a claim of discrimination under ALA. ADMIN. CODE r. 670-X-4-.01-.03.

The Board has carefully considered the Administrative Law Judge's Recommended Order and it is therefore the Order of this Board that the decision to dismiss the complaint is hereby affirmed.



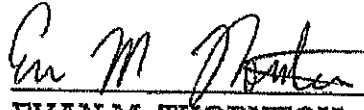
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SECRETARY



FAYE NELSON
CHAIR

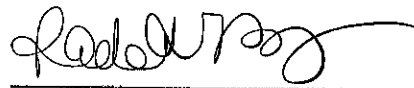


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