

BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA
IN THE MATTER OF THE APPEAL OF
ROSHUNDA I. STEWARD

ORDER

February 19, 2020

This matter came before the Board based upon the dismissal of the Employee from her employment with the Alabama Alcoholic Beverage Control Board ("ABC"). The Employee was dismissed from her employment on September 27, 2019, based upon charges contained in a letter dated the same. This matter was assigned to Administrative Law Judge James Jerry Wood and a hearing was held on December 17, 2019. The Administrative Law Judge's Recommended Order is now before the Board for consideration.

ABC charges that the Employee violated State Personnel Board Rules: 670-X-19-.01(1)(a)(3) – (Inattention to job – doing anything distracting while on the job); 670-X-19-.01(1)(a)(4) – (Failure to perform job properly); 670-X-19-.01(1)(a)(8) – (Violation of specific department rules); and 670-X-19-.01(1)(b)(10) – (Serious violation of any other department rules).

A review of the Employee's recent work history shows: two (2) Counseling Sessions in March 2016 and March 2017 for tardiness and for personal visitors and personal phone calls; two (2) Reprimands in January 2017 and November 2017 for tardiness, inattention to job, violation of dress code, failure to perform job properly, and failure to maintain good customer

relations; two (2) Warnings in August 2016 and November 2017 for tardiness and eating while working on the floor and failure to perform job properly; one (1) three-day Suspension in October 2018 for not locking the store safe and failure to perform job properly; and one (1) five-day Suspension in November 2018 for failure to safeguard monies and store receipts and failure to perform job properly.

The Employee was employed by ABC as a Sales Associate II. The Employee has a history of failing to properly secure and account for cash receipts. In October 2018, the Employee failed to lock the store safe, and in November 2018, she failed to make a bank deposit. On August 24, 2019, the Employee left two (2) deposit bags containing \$3,503.44 unsecured in an unlocked drawer from Saturday afternoon until Monday afternoon. The failure of the Employee to follow ABC's procedures regarding bank deposits is undisputed. The Employee was the person in charge but neglected her responsibilities. The Employee's history at ABC establishes a reason for concern about her handling of deposits and financial transactions, and therefore, her conduct warrants dismissal.

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



MYRON PENN
MEMBER



EVAN M. THORNTON
MEMBER

DAVID R. MELLON
MEMBER



RACHEL ADAMS
MEMBER