

BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA
IN THE MATTER OF THE APPEAL OF
NORA LEE GOFF

ORDER

March 11, 2020

This matter came before the Board based upon the dismissal of the Employee from her employment with the Alabama Department of Transportation ("DOT"). The Employee was dismissed from her employment on October 22, 2019, based upon charges contained in a letter dated the same. This matter was assigned to Administrative Law Judge Randy Sallé and a hearing was held on December 20, 2019. The Administrative Law Judge's Recommended Order is now before the Board for consideration.

DOT charges that the Employee violated State Personnel Board Rules: 670-X-19-.01(1)(b)(2) – (Insubordination – Failure to follow an order; disobedience; failure to submit to authority as shown by demeanor or words); and 670-X-19-.01(1)(b)(8) – (Sleeping on the job).

A review of the Employee's recent work history shows: three (3) Counseling Sessions in January 2010, December 2011, and May 2013 for absenteeism, failure to perform job properly, disruptive conduct, and tardiness; one (1) Warning/Corrective Action Plan in May 2014 for insubordination, falsification of records, violation of safety rules, and use of abusive or threatening language; and one (1) five-day Suspension in October 2019 for absenteeism, inattention to job, failure to perform job properly,

insubordination, falsification of records, and leaving job station without permission.

The Employee was employed by DOT as an Automatic Traffic System Operator, who has a history of sleeping on the job. The Employee was warned on June 26, 2019, not to sleep on the job anymore. She acknowledged the directive yet was recorded sleeping at her workstation twenty (20) times from June 2019 to September 2019. In October 2019, the Employee was caught asleep at her workstation twice. On both occasions, the Southwest Region Manager had to wake the Employee. The Southwest Region Manager reported the incidents to her immediate supervisor, the Southwest Region Transportation Systems Management and Operations Engineer. They discussed the Employee sleeping on the job with the Southwest Region Disciplinary Committee and determined the appropriate course of action was to dismiss the Employee from State service. The purpose of the Traffic Management Center is to monitor traffic flow and make sure that if an incident occurs on a roadway or in a tunnel, a service patrol driver assists as soon as possible to help maintain efficient flow of traffic. The Employee must stay awake and alert at her workstation to ensure that the flow of traffic is monitored. The Employee's history at DOT establishes a reason for concern about her handling her duties and staying alert at her workstation, 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

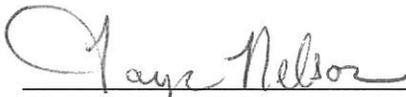
dismissal be upheld. The Board hereby adopts by reference the findings of fact and conclusions of law as found by the Administrative Law Judge as a part of this Order as if fully set forth herein.

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.

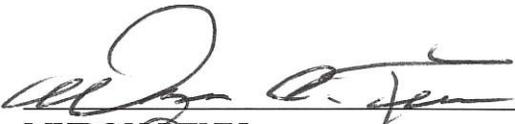
It is therefore the Order of this Board that the decision of the appointing authority to dismiss the Employee is hereby affirmed.



JACKIE GRAHAM
SECRETARY



FAYE NELSON
CHAIR



MYRON PENN
MEMBER

EVAN M. THORNTON
MEMBER



DAVID R. MELLON
MEMBER

RACHEL ADAMS
MEMBER