BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA

IN THE MATTER OF THE APPEAL OF

JOHN A. RODEN

ORDER

March 16, 2022

This matter came before the Board based upon the dismissal of the Employee from his employment with the Alabama Law Enforcement Agency ("ALEA"). The Employee was dismissed from his employment on September 24, 2021, based upon charges contained in a letter dated September 23, 2021. This matter was assigned to Administrative Law Judge Randy Sallé and a hearing was held on November 30, 2021. The Administrative Law Judge's Recommended Order is now before the Board for consideration.

ALEA charges that the Employee violated State Personnel Board (SPB) Rules: 670-X-19-.01(1)(a)(4) - (Failure to perform job properly); 670-X-19-.01(1)(b)(2) – (Insubordination); 670-X-19-.01(1)(b)(10) – (Serious violation of any other department rule); and 670-X-19-.01(1)(b)(13) – (Conduct unbecoming a state employee).

A review of the Employee's recent work history shows: five (5) Counseling's in August 2019, October 2019, and May 2021 for failure to perform job properly, appearance/dress code violation, court attendance, and conduct unbecoming of a state employee; and two (2) Written Reprimands in July 2020
and January 2021 for failure to perform the duties of a Trooper and failure to perform job properly.

The Employee was employed by ALEA as an ALEA Trooper Senior. There were several incidents that led to the Employee's dismissal. First, the Employee's ALEA Captain received a letter from a district judge in Marshall County complaining that the Employee failed to appear in court numerous times and also about the manner in which the Employee treated citizens he had pulled over. The district judge asked that the Employee be prohibited from making any more traffic stops, responding to accident scenes, or in any other way interacting with the public in Marshall County in a professional capacity. The ALEA Captain assigned an ALEA Corporal to investigate the allegations. The ALEA Corporal confirmed that the Employee failed to appear in court on the days he was subpoenaed. The investigation also confirmed that the Employee was writing tickets for going 2 or 3 miles an hour over the speed limit and that he had written 16 traffic citations to a single individual on one occasion. The Marshall County Sheriff had also received numerous complaints about the Employee that focused on his poor attitude when dealing with the public during traffic stops.

At this point, the ALEA Corporal reviewed the bodycam footage of the Employee. The Employee ticketed an individual for driving 68 miles per hour in a 65 mile per hour zone after the individual passed the Employee on the road.
He also issued the individual a warning for dark window tinting that he changed to a ticket after the individual questioned him. The Employee told the individual that passing a State Trooper was a guarantee to get you pulled over and that it was a "respect issue." The second traffic stop the ALEA Corporal reviewed was the Employee pulling over another individual for speeding. The individual was speeding, however, she was rushing to the hospital because her mother was having emergency heart surgery. The Employee gave the individual three tickets and proceeded to throw her license at her through the car window. The last incident on the Employee's body camera footage shows the Employee and another Trooper arresting an individual. The other Trooper was arresting the individual and while he was cooperative, he was not moving very quickly. Once the individual was outside of the car and being arrested, the Employee began yelling at the individual. The ALEA Corporal found the comments unnecessary considering the circumstances.

Lastly, after the investigation the Employee was recommended for suspension. The Employee asked for a fair hearing and indicated he would be represented by counsel. An Attorney from the ALEA Legal Division attempted to contact the Employee on several occasions to get the contact information for the Employee's attorney. The Employee failed to provide this information even after being directed to do so by the Employee's ALEA Captain and ALEA Lieutenant. The Employee's attorney eventually contacted the ALEA Legal
Division and provided the requested contact information. After this incident, the Employee's suspension was changed to a recommendation for termination. The Employee testified on his behalf to defend the allegations made against him, but ultimately the Employee brought discredit upon ALEA and failed to show the respect and integrity required of an ALEA Trooper. The Employee's interactions with the public were argumentative, condescending, shocking, disrespectful, and unprofessional. The Employee lost the trust of his command, lost the confidence of a local court, and lost public trust.

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.