BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA
IN THE MATTER OF THE APPEAL OF
CHASITY BAILEY

ORDER

May 18, 2022

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 January 18, 2022, 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 March 22, 2022. The Administrative Law Judge’s Recommended Order is now before the Board for consideration.

ABC 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)(a)(8) – (Violation of specific department rules); and 670-X-19-.01(1)(b)(10) – (Serious violation of any other department rules). Additionally, the Employee also violated ABC’s Personnel Policies and Procedures.

A review of the Employee’s recent work history shows: two (2) Counselings in November 2019 and January 2020 respectively for tardiness, failure to perform job properly, and accurate cash accountability; two (2) Warnings in March 2020 and August 2021 for accurate cash accountability; and
two (2) Written Reprimands in May 2021 and December 2021 for insubordination, tardiness, accurate cash accountability, and inattention to job.

The Employee was employed by ABC as an ABC Sales Associate II in Mobile County. On November 24, 2021, the Employee was working behind the register at an ABC store when a customer approached the counter with two bottles of liquor costing approximately $38.14. The customer placed three $20 bills on the counter, which totaled to $60. The Employee gave the customer $1.86 in change. As the customer was leaving the store, the Employee began to put the currency given to her by the customer in the register. At this point she noticed the overpayment. Instead of the Employee calling the customer back before he left the store, she placed two bills in the register, and placed the third bill under the keyboard. At no point was the Employee too busy to have handled the situation correctly. Instead, she chose to put the money that belonged in the register in the register and placed the money that did not belong in the register under the keyboard while the rightful owner of that money was either in the store or at most the threshold of the store entrance.

The Employee had been previously disciplined for accurate cash accountability. Her register had been off eight (8) of the last twelve (12) months and she had shortages each month (September 2019 through January 2020). The Employee received counseling to correct her discrepancies but her register till was not handled correctly resulting in a reprimand and a warning.
The Employee's history at ABC establishes a reason for concern about her handling of currency. The Employee was given the opportunity to comply with ABC's policies, rules, and regulations.

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

Chastity Bailey
Page 3 of 4