

BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA
IN THE MATTER OF THE APPEAL OF
MICHAEL KENNEDY

ORDER

July 24, 2024

This matter came before the Board based upon the dismissal of the Employee from his employment with the Alabama Department of Transportation ("ALDOT"). ALDOT dismissed the Employee on February 28, 2024, based upon charges contained in a letter dated the same. This matter was assigned to Administrative Law Judge Randy C. Sallé and a hearing was held on May 1, 2024. The Administrative Law Judge's Recommended Order is now before the Board for consideration.

ALDOT charges that the Employee violated State Personnel Board Work Rules 670-X-19-.01(1)(b)(12) – Disruptive Conduct; and 670-X-19-.01(1)(b)(13) – Conduct Unbecoming of a State employee.

The Employee's prior disciplinary actions with ALDOT include, in reverse chronological order: Written Reprimand on October 25, 2021, for Absenteeism, Tardiness, and Falsification of Records for recording incorrect hours on the sign-in sheet; Counseling Session on June 2, 2021, for Tardiness; Written Reprimand on April 25, 2019, for Abuse of Equipment; Written Warning on April 3, 2019, for violating ALDOT Policy 21 - Driving Policy, use of a cellular device while driving on official business and operating an ALDOT motorized

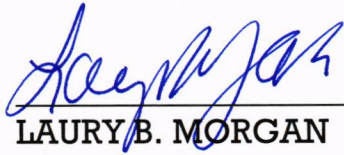
vehicle; and Written Reprimand on February 11, 2015, for unsafe operation of a state vehicle.

ALDOT provided substantial evidence the Employee violated State Personnel Board General Work Rules; Rule 670-X-19-.01(b)(12) Disruptive conduct of any sort; and Rule 670-X-19-.01(b)(13) Conduct unbecoming a state employee. The Employee's admission to an investigator that he watched porn in ALDOT's bathroom is sufficient grounds to uphold his dismissal. The disruption the Employee caused in the bathroom with behavior noticed by two separate employees only aggravates the severity of the matter. The Employee's actions cannot be condoned, and his dismissal is for the good of the service.

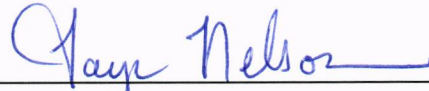
The Administrative Law Judge found the totality of the evidence warrants dismissal in this cause and recommended the Board uphold the dismissal. The Board hereby adopts by reference the findings of fact and conclusions of law as found by the Administrative Law Judge as a part of this Order as if fully 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.



LAURY B. MORGAN
SECRETARY



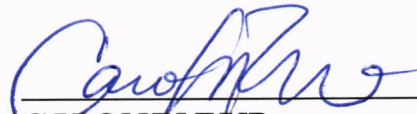
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