BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA
IN THE MATTER OF THE APPEAL OF
JENNIFER CROMARTIE

ORDER

August 17, 2022

This matter came before the Board based upon the dismissal of the Employee from her employment with the Alabama Department of Corrections ("DOC"). The Employee was dismissed from her employment on June 29, 2020, based upon charges contained in a letter dated June 26, 2020. This matter was assigned to Administrative Law Judge James Jerry Wood and a hearing was held on June 9, 2022. The Administrative Law Judge's Recommended Order is now before the Board for consideration.

DOC charges that the Employee violated State Personnel Board (SPB) Rules: 670-X-19-.01(a)(4) – (Failure to perform job properly); 670-X-19-.01(a)(8) – (Violation of specific department rules); 670-X-19-.01(1)(b)(1) – (Violations of safety rules); 670-X-19-.01(1)(b)(5) – (Use of abusive or threatening language); 670-X-19-.01(1)(b)(10) – (Serious violation of any other department rule); 670-X-19-.01(1)(b)(12) – (Disruptive conduct of any sort); and 670-X-19-.01(1)(b)(13) – (Conduct unbecoming a state employee). Additionally, the Employee violated DOC Administrative Regulation 208, Employee Standards of Conduct and Discipline.
A review of the Employee’s recent work history shows five (5) Warnings in July 2014, September 2014, October 2015, May 2017, and June 2019 for late for work, noncompliance with policies, and minor violation of departmental policies; three (3) Written Reprimands in November 2014, February 2019, and March 2019 for taking into any DOC facility any article, item, or property which is not authorized by regulation, disagreeable behavior, and non-compliance with policies; two (2) Two-Day Suspensions in March 2012 and February 2020 for sleeping or giving the appearance of sleeping on duty and disagreeable behavior; and one (1) Three-Day Suspension in November 2012 for sleeping or giving the appearance of sleeping on duty.

The Employee was employed as a Correctional Sergeant at the Tutwiler Prison for Women. The Employee filed EEOC complaints against DOC claiming retaliation and age discrimination. The Employee received a right to sue letter from the EEOC. She ultimately sued sixteen of her colleagues in federal court; the federal court dismissed her suit in October 2020.

On August 27, 2019, the Employee was called into a meeting with the Wardens and a Correctional Officer who was the subject of the Employee’s EEOC complaint. The Employee and the Correctional Officer were told they were expected to end the animosity and work together professionally. On April 27, 2020, the Employee was assigned as the Annex Supervisor at Tutwiler. A Sergeant asked the Employee to stay over and work a second shift to which she
agreed. When the Employee found out at the Correctional Officer that was the subject of her EEOC complaint was scheduled to work as the perimeter security rover in the same area, she became irate and declined to work with the Correctional Officer because the Correctional Officer would be in a truck containing a DOC firearm.

The Employee called the Sergeant who had asked the Employee to stay over and conveyed that the Correctional Officer had threatened the Employee before with a gun and that she was afraid of her. The Sergeant was unaware of the history between the two, but the Sergeant testified that the Employee was “irate, ready to leave and get off the clock, and that she did not feel safe with the Correctional Officer being in the truck with a gun and she didn’t have hers.” Additionally, the Employee told a Basic Correctional Officer, her subordinate, that if the Correctional Officer “is in the perimeter truck with a gun she should be able to go home and get her gun to make it even.” The Employee made unprofessional and inappropriate remarks to the Sergeant and displayed conduct that was disgraceful and threatening in the presence of her subordinate. The Employee’s comments were unsettling, inappropriate, offensive, and unbecoming of a supervisor who should lead by example.

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

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MEMBER

DAVID R. MELLON
MEMBER

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MEMBER