

**BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA
IN THE MATTER OF THE APPEAL OF
JENNIFER ROBERTS**

ORDER

December 20, 2023

This matter came before the Board upon the dismissal of the Employee from her employment with the Alabama Department of Public Health (“ADPH”). The Employee was dismissed from employment on August 29, 2023, 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 October 24, 2023. The Administrative Law Judge’s Recommended Order is now before the Board for consideration.

ADPH charges that the Employee violated State Personnel Board (SPB) Rules: 670-X-19-.01(b)(13) – (Conduct unbecoming a state employee). ADPH also charged the Employee for violating ADPH’s Professional Conduct Policy.

A review of the Employee’s work history shows no prior disciplinary action.

The Employee was employed by ADPH as a Public Health Environmentalist, Senior. On August 5, 2023, the Employee along with family and friends traveled by boat on the Alabama River from Selma to Montgomery. The boat on which they traveled had been tied up at the boat dock where the Harriott II Riverboat is normally docked. A dispute arose and escalated into an untoward incident that attracted social media attention and some notoriety.

ADPH became aware of the Employee's presence that day when she was identified by the local news media and in threatening social media post as being employed at the Dallas County Health Department. Allegedly, ADPH employee's developed concern for their safety and because of those concerns extra security was dispatched to several county health departments.

The video of the altercation did confirm the Employee's presence at the altercation and, hence, her involvement. An ADPH employee testified that the Employee did nothing to instigate the fight or escalate the fight, she simply was protecting herself and her daughter when they were attacked. The video also showed clearly that the Employee made a significant attempt to stop the altercation as it began. While there was ADPH testimony that there were safety concerns to the county health department, there were in fact no incidents that occurred at any health department and no extra security was needed based on this incident. ADPH failed to take into consideration the Employee's work performance or work history. The evidence failed to prove that the Employee engaged in any conduct or omission that was unbecoming of a state employee. It is a chilling thought that any state employee could be dismissed from employment, merely from being in a public access location where a fight breaks out.

The Administrative Law Judge found that the totality of the evidence does not warrant dismissal in this case and recommended that the Employee's dismissal be denied. The Board hereby adopts by reference the findings of fact

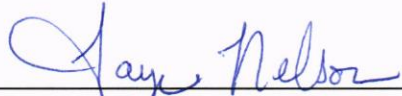
and conclusions of law as found by the Administrative Law Judge as a part of this Order as if fully set forth herein.

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 not supported by the evidence and that the termination is not warranted.

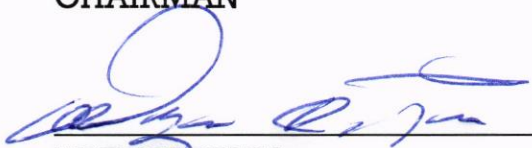
It is therefore the Order of this Board that the decision of the appointing authority to dismiss the Employee is hereby denied. The Employee should be reinstated with full backpay and benefits, less any interim earnings.



LAURY MORGAN
SECRETARY



FAYE NELSON
CHAIRMAN



MYRON PENN
MEMBER



EVAN M. THORNTON
MEMBER



DAVID R. MELLON
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