

BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA
IN THE MATTER OF THE APPEAL OF
JOHN R. "RANDY" JINKS

ORDER

January 20, 2016

This matter came before the Board upon the dismissal of the Employee from his employment with the Alabama Department of Conservation and Natural Resources ("DCNR"). The Employee was dismissed from his employment on August 31, 2015 based on charges contained in a letter to the Employee dated August 11, 2015. This matter was assigned to Administrative Law Judge James Jerry Wood and a hearing was held on November 16, 2015. The Administrative Law Judge's Recommended Order is now before the Board for consideration.

DCNR charges that the Employee violated State Personnel Board Rules 670-X-19-.01(1)(a)(3) – (Inattention to job – Doing anything distracting while on the job); 670-X-19-.01(b)(2) – (Insubordination – Failure to follow an order; disobedience; failure to submit to authority as shown by demeanor or words); and 670-X-19-.01(b)(12) – (Disruptive conduct of any sort).

A review of the Employee's recent work history shows: one (1) three-day suspension in March 2015 for failure to perform job duties in a proper manner, insubordination, disruptive behavior, and poor judgment; one (1) Counseling

Letter in April 2014 for cooperation with co-workers; and one (1) Reprimand in May 2013 for work performance bordering on "Does Not Meet Standards."

The Employee was hired as a Parks Advertising and Marketing Manager in July 2010. During his employment, the Employee's supervisor reprimanded him many times for his work performance. The supervisor pointed out specific areas that needed improvement, including cooperation with co-workers. The Employee was told that he needed to be more professional in his conduct with park staff and others, specifically that "Derogatory comments about park and non-park personnel, or other comments made that undermine an individual's authority or reputation have no place within our workforce." The Employee's conduct was a continuing concern. In February 2015, the Employee sent an e-mail to all parks staff. The supervisor viewed the communication as a demonstration of poor judgment, insubordinate, disruptive to the work of parks managers, and inattentive to the Employee's job. The Employee received a three-day suspension for this violation.

In July 2015, the Employee expressed his "extreme displeasure" to the Assistant Parks Director about a decision the Superintendent of Lake Guntersville State Park made regarding the termination of the Employee's former girlfriend. The Assistant Parks Director stated "... on this day he [the Employee] was the most angry as I have ever seen him. He criticized the managerial and leadership abilities of several key staff of Lake Guntersville State Park, including [the] District Superintendent." The Assistant Parks

Director told the Employee he would look into the matter, but instructed him to control his anger, refrain from interfering with this employment action which did not directly involve him, and to not talk about the matter to anyone. Despite this directive, the Employee discussed his disagreement of the termination with the Superintendent of Parks Northwest Alabama at a trade show in July 2015. This Superintendent stated that the Employee was negative toward the Superintendent of Lake Guntersville State Park and was “dogging” him to several people including numerous Mountain Lakes Tourism Association board members and a business associate employed by the Mayor of Guntersville. He stated the Employee was complaining about matters related to the State Parks and that the Superintendent at the Lake Guntersville State Park did not know how to properly manage his employees and should not be the Superintendent.

In this case, DCNR has followed progressive discipline. The Employee’s personnel file demonstrates counseling, a reprimand, and a suspension. The Employee was repeatedly told not to make critical and disparaging remarks about parks personnel and if he had issues to bring them to his supervisor. His conduct was disruptive to the orderly functioning of DCNR and he was directly insubordinate by violating instructions given to him.

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

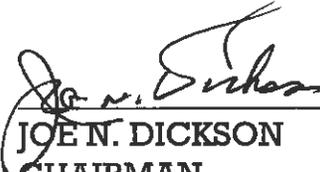
and conclusions of law as found by the Administrative Law Judge as a part of this Order as if fully set forth herein.

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.

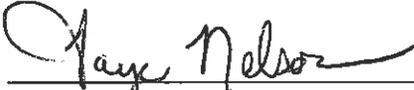
It is therefore the Order of this Board that the decision of the appointing authority to dismiss the Employee is hereby affirmed.



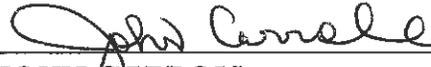
JACKIE GRAHAM
SECRETARY



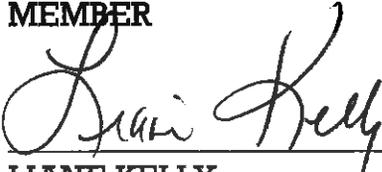
JOE N. DICKSON
CHAIRMAN



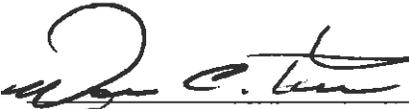
FAYE NELSON
MEMBER



JOHN CARROLL
MEMBER



LIANE KELLY
MEMBER



MYRON PENN
MEMBER

Donahey, Lynn

From: Donahey, Lynn
Sent: Wednesday, January 20, 2016 12:54 PM
To: 'Jeremiah Mosley'; 'rob@rileyjacksonlaw.com'; Gunter, William; Weber, Jennifer
Subject: State Personnel Board Order - John R. "Randy" Jinks v. DCNR
Attachments: BO - Jinks, Randy.pdf

Good afternoon Counsel,

The Board Order in connection with the dismissal appeal filed by John R. "Randy" Jinks is attached. Please do not hesitate to contact me if you experience any problems opening the attachment.

Sincerely,

Lynn M. Donahey

Legal Assistant to Alice Ann Byrne, Deputy Director

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