

BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA
IN THE MATTER OF THE APPEAL OF
HILDA MADDOX

ORDER

April 20, 2016

This matter came before the Board upon the dismissal of the Employee from her employment with the Alabama Department of Transportation ("DOT"). The Employee was dismissed from her employment on January 11, 2016, based on charges contained in a letter to the Employee dated the same. This matter was assigned to Administrative Law Judge Randy C. Sallé and a hearing was held on February 23, 2016. The Administrative Law Judge's Recommended Order is now before the Board for consideration.

DOT charges that the Employee violated State Personnel Board Rules 670-X-19-.01(1)(b)(5) - (Use of abusive or threatening language); 670-X-19-.01(1)(b)(13) - (Conduct unbecoming to a state employee); 670-X-19-.01(1)(a)(4) - (Failure to perform job properly); 670-X-19-.01(1)(b)(12) - (Disruptive conduct of any sort); 670-X-19-.01(1)(a)(8) - (Violation of specific department rules). DOT further charges the Employee violated DOT's Harassment and Discrimination Policy.

A review of the Employee's recent work history shows: one (1) Suspension for two days in August of 2006 for failure to perform job properly and sleeping.

The Employee was employed by DOT in October of 2005 as a Highway Maintenance Technician I, which was renamed Transportation Worker in 2008. The Employee remained in that classification until her dismissal in January 2016.

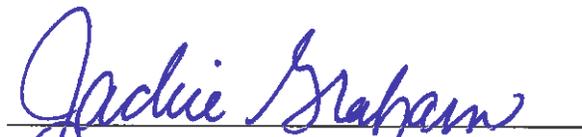
On or about November 12, 2015 a Harassment and Discrimination Report was filed with DOT's Central Office. In this complaint, it was reported that the Employee directed hostile comments towards several of workers at the northbound rest area in Clanton, Alabama. It was also reported that the Employee uttered racially divisive comments within earshot of the general public and her coworkers.

The complaint was referred to DOT's Equal Employment Officer for investigation. Through the course of the investigation several workers at the rest area, it was reported that the Employee would routinely interject herself into conversations and berate her coworkers. It was also reported that the Employee would regularly use racially charged language in regards to African-Americans who worked at the rest area or stopped to use the facility.

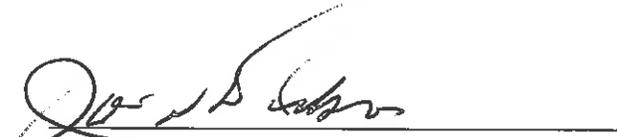
The Administrative Law Judge found the totality of the evidence does warrant dismissal in this cause and recommended that the Employee's dismissal be upheld. The Board hereby adopts by reference the findings of fact and conclusions of law as found by the Administrative Law Judge as a part of this Order 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.

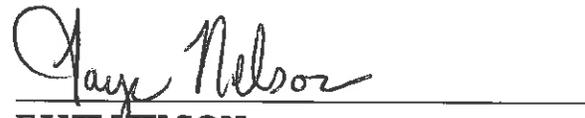
It is therefore the Order of this Board that the decision of the appointing authority to dismiss the Employee is hereby affirmed.



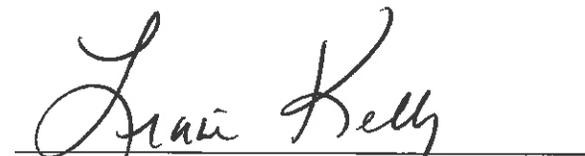
JACKIE GRAHAM
SECRETARY



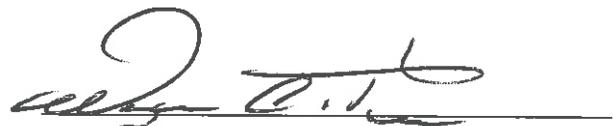
JOE N. DICKSON
CHAIRMAN



FAYE NELSON
MEMBER



LIANE KELLY
MEMBER



MYRON PENN
MEMBER



CLINTON P. CARTER
MEMBER