

BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA
IN THE MATTER OF THE APPEAL OF
JANORRIS BRADLEY

ORDER

July 20, 2016

This matter came before the Board upon the dismissal of the Employee from his employment with the Alabama Department of Corrections (“DOC”). The Employee was dismissed from his employment on May 9, 2016, based on charges contained in a letter to the Employee dated May 6, 2016. This matter was assigned to Administrative Law Judge James Jerry Wood and a hearing was held on June 13, 2016. The Administrative Law Judge's Recommended Order is now before the Board for consideration.

DOC charges that the Employee violated DOC Administrative Regulation 208, Employee Standards of Conduct and Discipline: V(A)(1) – ((Report to work on time and in a condition to perform job properly); V(A)(2) – (Render full, efficient, and industrious service); V(A)(7) – (Observe all laws, rules and regulations); V(A)(18) – (Obtain approval for any absence from work. Tardiness, failure to follow proper call-in procedures, and unexcused absence shall subject the employee to disciplinary action); and Annex H: Table of Infractions and Level of Discipline, Number 27 – (Failure to report to work (unexcused absence). First offense: 2 day suspension; Second offense: 3 day suspension; Third offense: 3 day suspension; Fourth offense: dismissal).

A review of the Employee's recent work history shows: two (2) Warnings in March and October 2015 for minor violations of Departmental or Institutional rules, policies, or procedures that do not result in serious consequences; and three (3) Pending Suspensions for failure to report/unexcused absence.

The Employee was employed as a Correctional Officer at the Easterling Correctional Facility in Clio, Alabama for only sixteen (16) months or less. During that time, the Employee failed to report for scheduled work on several occasions without being excused. He was suspended for failure to report to work on July 2, 2015; August 8, 2015; and August 22, 2015. He also did not report for his scheduled shifts September 25 – 27, 2015. The Employee claimed to have a back injury which kept him from working, but a social media entry indicated the Employee had participated in events preparing for a wedding on September 25 and attended the wedding on September 26. The Employee admitted he did not ask off for those dates and later tendered an excuse from an urgent care provider that purported to show he was under medical care on September 27, 2015, and was able to "return to work." The return to work document does not indicate what, if any injury, the Employee was treated for.

Shortly thereafter, because of the wedding activities, the absences were unexcused by his supervisor. On October 1, 2015, when questioned, the Employee acknowledged attending the events and accepted responsibility for his actions because he was aware of a staff shortage. The Employee stated that he was overworked and argued that he was caused to work mandatory

overtime on successive weekend days in violation of DOC policies. The Employee does not disagree that he failed to show up on days that he was scheduled to work. He also admits that he should have handled his attendance issues differently. The Employee believed his dismissal from DOC was too severe. However, this was the Employee's fourth (4th) offense for Failure to Report for Work in a twelve (12) month period and dismissal is warranted based on the guidelines set forth in Administrative Regulation 208.

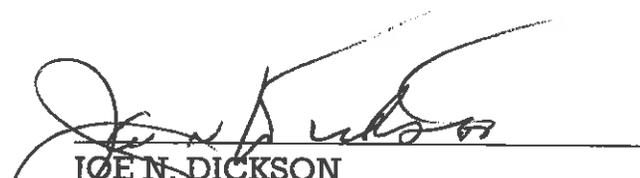
The Administrative Law Judge found the totality of the evidence does warrant dismissal in this cause and recommended that the Employee's dismissal be upheld. The Board hereby adopts by reference the findings of fact and conclusions of law as found by the Administrative Law Judge as a part of this Order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

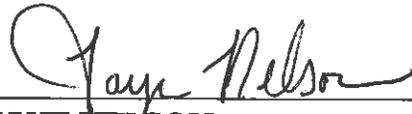
It is therefore the Order of this Board that the decision of the appointing authority to dismiss the Employee is hereby affirmed.



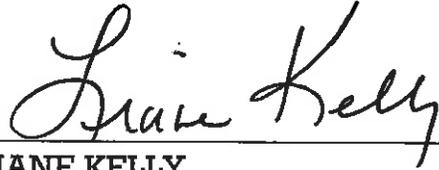
JACKIE GRAHAM
SECRETARY



JOE N. DICKSON
CHAIRMAN



FAYE NELSON
MEMBER



LIANE KELLY
MEMBER



MYRON PENN
MEMBER

CLINTON P. CARTER
MEMBER

91 7108 2133 3938 0211 5274