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Law

11-10-2010

DEPARTMENT OF CHILDREN'S SERVICES,
Petitioner, vs. COURTNEY WILLIAMS, Grievant

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driver's license. On December 1, 2008, the Grievant's driver's license was suspended by the Department of Safety as a result of an accident that occurred in 2007. On July 20, 2009, he was stopped by the police for a traffic violation. He was subsequently arrested for driving on a suspended license.

3. The Grievant admitted to transporting children in state custody during the period of time when his driver's license was suspended. He contended that he did not know his license was suspended.

4. On July 9 and 13, 2009, the Grievant met at a youth correctional facility with the mother of one of his clients. His supervisors mistakenly believed that the woman was the mother of a former rather than a current client.

5. The Grievant had a pattern of problems with the management of his cases. He was frequently untimely with his work and would occasionally miss appointments. He had been counseled about these problems on numerous occasions. As a result of his work habits the Grievant had an extensive disciplinary history. He received a written warning and was denied a salary increase on June 29, 2007. His supervisors gave him a job performance improvement plan on September 25, 2008. He received another written warning on February 17, 2009. He received a three (3) day suspension on May 18, 2009, and another job performance improvement plan on June 30, 2009. All of these disciplinary actions and corrective action plans addressed the Grievant's overall problems with case management and lack of documentation.

6. The Grievant contended that his ongoing health issues were the source of his case management problems. He stated that his superiors did not provide him with adequate support and assistance due to his health problems.

7. The Grievant was terminated for overall problems with his job performance, as well as transporting children when he did not have a valid driver's license. An additional ground for termination was the Department's mistaken belief that he had made contact with the mother of a child who was not part of his caseload.

RELEVANT LEGAL AUTHORITY

1. **Department of Human Resources Rule 1120-10-.06 Examples of Disciplinary Offenses**

- (1) Inefficiency or incompetence in the performance of duties ;
- (2) Negligence in the performance of duties;
- (3) Careless, negligent or improper use of State property or equipment;
- (7) Failure to obtain or maintain a current license or certificate or other qualification required law or rule as condition of employment;
- (8) Gross misconduct or conduct unbecoming an employee in State service;
- (18) Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination)

2. **Department of Children's Services Administrative Policies and Procedures**

- #4.9(D)** Employee Disciplinary Actions (prohibits non-work related contact with family members of children);
- #30.05(D)** Use, Maintenance and Responsibilities of Operating State Vehicles (employee must have valid driver's license);
- #31.15(A)** Transportation of Child/Youth by Regional and Field Services Employees (employee must have valid driver's license)

CONCLUSIONS OF LAW

1. The Department has carried its burden of proof by a preponderance of the evidence that the Grievant's conduct constituted violations of numerous provisions of rules and policies thus justifying his termination.

2. By his own admission the Grievant transported children in departmental custody in vehicles while not having a valid driver's license. His lack of knowledge of the suspension of his license, even if it is to be believed, is no excuse. This conduct constitutes violations of Department of Children's Services Policies 30.05(D) and 30.15(A), as well as Department of Human Resources Rule 1120-10-.06(2), (3), (7) and (8).

3. The Grievant had a pattern of problems with case management. This included lack of documentation in his case files, missing appointments and not being timely with his work. This behavior constitutes a violation of Rule 1120-10-.06(1).

4. The Department failed to carry its burden of proof that the Grievant made unauthorized contact with the mother of a child who was not his client. The woman the Grievant met with in July 2009 was in fact the mother of one of the children in his caseload. Therefore, there is no evidence the Grievant violated Rule 1120-10-.06(18) or departmental policy #4.9(D).

5. When the Grievant's conduct is viewed in conjunction with his past disciplinary history, the decision to terminate his employment was appropriate. Accordingly, the termination is hereby **UPHELD**.

This Initial Order entered and effective this 28th day of December, 2010.

Thomas G. Stovall
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this
28th day of December, 2010.

Thomas G. Stovall, Director
Administrative Procedures Division