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STATE OF TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES, Petitioner, v. Jennifer Arepalli, Grievant

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BEFORE THE CIVIL SERVICE COMMISSION
FOR THE STATE OF TENNESSEE

In the matter of:	)	
STATE OF TENNESSEE	)	
DEPARTMENT OF CHILDREN'S SERVICES,	)	
Petitioner,	)	
v.	)	**No. 26.43-111710J**
Jennifer Arepalli,	)	
Grievant	)	

INITIAL ORDER

This matter was heard on November 15, 2011 and November 16, 2011 before the Honorable Anthony Adgent.

The issues in this case are whether Jennifer Arepalli (hereinafter referred to as the "Grievant" or Ms. Arepalli), violated the Tennessee Department of Human Resources rule 1120-10-.06, articles 1) inefficiency or incompetency in the performance of duties; 2) Negligence in the performance of duties; 4) Failure to maintain satisfactory and harmonious working relationships with the public and fellow employees; 8) Conduct unbecoming an employee in the State service; 18) Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination) and DCS Employee Code of Conduct 1. Employees will conduct themselves in a manner that creates and maintains respect for their work sites, fellow employees, and visitors, the Tennessee Department of Children's Services, and the State of Tennessee.

FINDINGS OF FACT

1. Jennifer Arepalli has been employed as a Case Manager 4/Team Leader with the Department for six years. Prior to her promotion to Case Manager 4/Team Leader.

2. Ms. Arepalli received an oral warning on February 27, 2007 from her supervisor, Susan Woods for violating TDOHR Rule 1120-10-.06 (4) failure to maintain a satisfactory and harmonious working relationship with fellow employees as she was condescending and belittling towards staff.
3. On September 24, 2008 Ms. Arepalli received a written warning from her supervisor, Susan Woods, for violating TDOHR Rule 1120-10-.06 (1) for inefficiency and incompetence in the performance of her duties and (4) failure to maintain a satisfactory and harmonious working relationship with the public and fellow employees. The written warning going on to say that she was arrogant and argumentative with the juvenile court and that she was argumentative with a member of the CPIT Team.
4. Ms. Arepalli did not appeal this written warning issued on September 24, 2008 and the information needed to appeal it was contained in the body of the letter.
5. On March 9, 2009 Ms. Arepalli was issued a written warning by her supervisor, Pam Becker, for violating TDOHR 1120-10-.06 (4) for failing to maintain a satisfactory and harmonious working relationship with the public and fellow employees for undermining Ms. Becker's authority as a supervisor.
6. Ms. Arepalli did not appeal this written warning given on March 9, 2009 and the information needed to appeal was contained in the body of the letter.
7. Ms. Arepalli was issued a two-day suspension on March 8, 2010 for violations of TDOHR Rules 1) inefficiency and incompetence in the performance of duties; 2) negligence in the performance of duties 4) failure to maintain a satisfactory and harmonious working relationship with the public and fellow employees; and 18) refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination). The letter also states that Ms. Arepalli failed to follow COA Standard PA-TS 3.08 which states that supervisors of direct service

personnel assume the following administrative responsibilities as appropriate: a) tracking and monitoring the progress of families and individuals receiving services.

8. Ms. Arepalli did not appeal the suspension of March 8, 2010 and the information on how to do that was included in the body of the letter.
9. Ms. Arepalli was issued a termination from state service letter on September 15, 2010 for violating TDHOR rues 1) inefficiency or incompetence in the performance of duties; 2) negligence in the performance of duties; 4) failure to maintain a satisfactory and harmonious working relationship with the public and fellow employees; 8) conduct unbecoming an employee in state service and 18) refusal to accept a reasonable and proper assignment from an authorize supervisor (insubordination).
10. Ms. Arepalli had previously been disciplined for all of the violations contained in the termination letter of September 15, 2010 except for 8) conduct unbecoming an employee in state service.
11. Ms. Arepalli received supervisory training since becoming a supervisor six years prior to her termination.
12. Ms. Arepalli received a Professional Skills Assessment from Kerry Patterson on July 23, 2008 which indicated that she had the skills necessary to be a successful supervisor.

ANALYSIS AND CONCLUSIONS OF LAW

1. Ms. Arepalli received Job Performance Plans in January 2007 and in May 2007 which according to Ms. Arepalli's testimony detailed "……the expectations for your work performance for your job title."

2. Ms. Arepalli stipulated that she signed the Job Performance Plans that were admitted as Collective Exhibit 8 as job descriptions that were given to her outlining her job responsibilities.
3. Ms. Arepalli testified that she did not feel that these Job Performance Plans counted for much at the time they were given to her; however the tasks outlined in the plans were clear to her and she signed them.
4. Ms. Arepalli received her first performance evaluation six months after becoming a supervisor from her supervisor, Kathy Rowden, which says "Ms. Arepalli needs to continue working on fostering an atmosphere where potential problems can be identified and resolved. There have been a few situations that have occurred that proactive moves would have prevented the crisis…"
5. Ms. Arepelli's next performance evaluation on May 2, 2007 which reads in part "Ms. Arepalli attempts to work with staff in a positive manner; however, at times staff expressed that they believe she is not being positive with them. During this PE cycle, Ms. Arepalli did receive disciplinary action due to her issues that her staff had expressed. Ms. Arepalli is being given a three in this area as she has demonstrated improvement since the oral warning was given. Ms. Arepalli needs to carefully choose how she presents things to her staff so that they not get the impression that she is talking down to them or criticizing them unnecessarily. Ms. Arepalli also needs to be aware of the tone of voice that she is using……"
6. Ms. Arepalli stipulated that she did receive and sign Performance Improvement Plans given to her on November 25, 2009, February 16, 2010 and June 22, 2010.
7. The Performance Deficits identified in the Performance Improvement Plan dated November 24, 2009 were I) Jennifer has had difficulty in getting backlog review spreadsheets completed timely; II) Jennifer is having difficulty in getting her TL work completed such as responding to emails and email request, F2F (face-to-

face) reports, CPR's, case assignments, case reviews for QSR (Quality Service Review), etc.; III) Jennifer has been confrontational with Anderson County Juvenile Court. Jennifer has become involved in CPS and JJ cases for which she does not supervisor and has been confrontational with the Count. In some cases Jennifer has given misinformation to the court which is not helping to build a positive, trusting relationship with the Court; IV) Jennifer can at times overstep her boundary lines when it comes to her interactions with others.

8. Ms. Arepalli was given suggestions for improvement for each of the performance deficits identified in the Performance Improvement Plan dated November 24, 2009 as well dates for expected improvement.
9. Ms. Arepalli testified that she was not provided with any specific information on the performance deficits outlined in the Performance Improvement Plan dated November 24, 2009; however, the Monthly Performance Briefing dated November 25, 2009, that Ms. Arepalli signed, does indicate that the Performance Improvement Plan (PIP) was discussed with her and Ms. Arepalli did not indicate any concerns that she may have had regarding the PIP.
10. Ms. Arepalli was given another Performance Improvement Plan on February 16, 2010.
11. The Performance Improvement Plan dated February 16, 2010 contained one performance deficit which was as follows: "Ms. Arepalli had 2 case managers with 30 cases on their caseload. Cheryl Goehring currently has 33 cases assigned to her and Crystal Mitchell has 31 cases assigned. The caseload cap is maximum of 30 cases or less. We need to ensure that case managers are getting cases investigated, assessed, and either transitioned or closed so that they can better manage their caseloads."

12. Ms. Arepalli was given suggestions for improvement as well as a date for expected improvement for the performance deficit on the February 16, 2010 Performance Improvement Plan.
13. Ms. Arepalli testified that Performance Deficit I and II of the Performance Improvement Plan dated February 16, 2010 were ongoing issues she and her supervisor were working on. However, Ms. Arepalli seemed to stumble when asked about conversations with Ms. Becker regarding Performance Deficit III - either she could not recall a conversation with Ms. Becker regarding Performance Deficit III, or her only recollection was that it was presented to her with no specific instances, or she was sure that she let Ms. Becker know that she found it difficult to respond without knowing what the instances were.
14. A Performance Improvement Plan (PIP) was presented to Ms. Arepalli on June 22, 2010 in which the following performance deficits were noted: "I) in reviewing TnKids, many cases did not have the following entered into the proper icons in TnKids; FFA entered within 30 calendar days if still open; NCPP entered within 30 calendar days is still open; FSTMs. Also, case notes did not indicate that staff was using the framework for safety to assess safety, permanence, long-term view, strengths and barriers of families. Use of frame work for safety has been available since March of 2010 yet there is no indication in the majority of case notes where staff have begun to use this framework in their work; II) Lack of sufficient communication with supervisory staff and with the other TL in CPS. Ms. Arepalli and Ms. Seamon, both TL's in Anderson County CPS do not appear to communicate well, plan for absences, Court, etc. This creates some disfunction that impacts both teams. Ms. Arepelli also has problems with appropriate interactions with superiors as well as line staff. During the time that TC Becker was out on leave, Ms. Arepelli argued with RA Rotella and Attorney Schad on what

we could and could not do with the case. RA Rotella keeps telling Ms. Arepalli that it would and should be done. Ms. Arepalli continued to argue and it continued until RA Rotella had to issue her a directive to do as requested on the case in order to ensure the children's safety. Also, an employee filed a complaint with TC Becker over harassing behaviors from Ms. Arepalli and stating that she (employee) could no longer work with Ms. Arepalli due to what she perceived as a hostile environment. This employee stated that Ms. Arepalli made statement such as "You still work here?" "Haven't you been fired yet?" These statements were confirmed by a third part that overhead them. This is not creating a functioning team that works toward the safety of children. III) the lack of monthly administrative reviews in TNKids, and for those entered, a lack of substance in the review."

15. Ms. Arepalli testified that when she received the Performance Improvement Plan on June 22, 2010 that she either did not have a conversation with Ms. Becker Performance Deficit II, or there were intentions to address the issues in performance deficit two, or there was a discussion of a meeting to address the first issue and lots of discussion about the issue with the CM2 prior to receiving the Plan, or there was no discussion when she received the Plan.
16. The June 22, 2010 Monthly Performance Briefing between Pam Becker and Jennifer Arepalli which Ms. Arepalli signed indicates that the Performance Improvement Plan (PIP) was discussed and Ms. Arepalli did indicate the following under What can I or the Agency do to assist you and/or better meet your needs: Training in communication-see PIP. Take on mentoring C.M. until transfee to Campbell Co., get J.B. MSSW to facilitate mtg. between JA & MS.
17. Ms. Arepalli testified that Ms. Becker was looking in the wrong place in TNKids (Deficit III) and that she pointed that out to Ms. Becker; however, Deficit III also

indicates that Ms. Becker did find the entries prior to presenting the plan as she noted that for those entered there was a lack of substance.

18. Ms. Arepalli received an Interim Review on January 14, 2005 from her supervisor, Kathy Rowden which stated: "Ms. Arepalli has at times a perceived adversarial role with some of her case managers on her team. Potential problems need to identified and resolved before becoming of such magnitude case manages feel it necessary to leave the team. Some of these issues may be resolved by listening to case managers without becoming personally involved……..."
19. Ms. Arepalli received an Interim Review on January 25, 2010 from Pam Becker which stated under Permanency: "Jennifer's team is struggling in making sure that children are visiting with sibs and parents monthly. There has been some improvement over the last 12 months but needs more improvement. Jennifer's backlog cases have been very slowly diminishing over the last year. Jennifer currently has the highest number of cases on the backlog report at this time. Jennifer has a significant number of cases over 15 months that do not have TPR petitions filed as of yet. The majority of exits from custody are to a positive permanency outcome. Most of the cases under Jennifer's supervision have at least yearly updated permanency plans that are out of date and need to be taken care of immediately. Jennifer needs to organize her time so that she is able to review, monitor and staff cases to ensure that permanence is a high priority for all children."
20. The Interim Review dated January 25, 2010 under the category Well Being states as follows: "Jennifer's team has been averaging around 75 to 80 percent in meeting face-to-face visits over the last few months. Jennifer's team also struggles to make sure that non-custodial cases have the correct number of face-to-face contacts as indicated by polity. Jennifer needs to work on ensuring that staff meets

policy requirements. Meeting required CFT's has also been a struggle for Jennifer's team, especially in the area of making sure they are properly recorded in TNKids. This is another area that Jennifer needs to work on with staff. EPSD&T medicals are generally done timely; however, her team still struggles but is improving in dental compliance."

21. The Interim Review dated January 25, 2010, under the category Personnel Management/Leadership, states as follows: Jennifer struggles somewhat at ensuring that all staff has current JPPs, interim reviews and PEs. Jennifer needs to improve in holding staff accountable for their work and the quality of their work. Jennifer encourages her staff to have CQIs to resolve problems and issues. They CQI quarterly."

22. The Interim Review dated January 25, 2010, under the category Self Management" states as follows: "Jennifer really struggles with self management. In the last four to six months, Jennifer has begun to decrease in holding herself and her staff accountable for the work that is to be done. Jennifer is often late on getting reports completed. Jennifer needs to be more focused and keep track of reports and what is due when. Jennifer has team members who are very behind in cases notes and one that has not seen some of his cases in two to three months. Jennifer needs to make time to review cases, repots and the quality of work her staff is producing. In the past, Jennifer has been able to do this and has ensured quality work from her staff. The ability and skills for Jennifer to improve are definitely there. She just needs to refocus to get back to quality work."

23. Ms. Arepalli received an Interim Work Review on July 27, 2010 which states, under the category of safety, the following: Ms. Arepalli's team works more assessment cases than investigative. On the few investigative cases that have been under Ms. Arepalli's team, the investigative cases did not reach higher than 10% overdue. In

the MRS program, Ms. Arepalli's team has had cases that go over the 120 day time frame, and the majority of which did not have sufficient reason to go beyond the 120 days. This is an area that Ms. Arepalli needs to work on with her staff. Response times are not always recorded timely to show if they were met within timeframes. Response times are generally met; however, the documentation piece is in need of improvement. Ms. Agrepelli is currently rated a level three "good" in this area."

24. Under the category of Well Being on the July 27, 2010 Interim Review it states: Ms. Arepalli and her team are very aware of the face-to-face mandate for children to be seen even where CPS MRS cases are concerned. Ms. Arepalli has had more than one case manager who has had difficulty in getting case notes entered timely. Sometimes they may go 2 or 3 months without case notes being entered. Ma. Arepalli's team is not consistent with making sure the children are seen at least 2 times per month. This is an area that needs some attention and intervention. Ms. Arepalli's team has also been lax in making sure that NCPPs are completed within the 30-day time frame and developed during an FSTM. It has only been in the last month that NCPPs are being entered into TNKids. NCPPs are a very necessary part of working with families. It is their road map and if they are not given a good road map then they struggle in getting to where they need to be for their family. Ms. Arepalli is currently rated a level 3, good, in this area due to recent improvements."

25. The July 27, 2010 Interim Review states under the category Practice Wheel as follows: Ms. Arepalli is very familiar in all areas of the practice wheel. Ms. Arepalli needs to ensure that she is always following and using the practice wheel in all cases. Ms. Arepalli needs to mentor, teach and model the practice wheel and all of it components to her team. At this time Ms. Arepalli is not appropriately mentoring

or modeling to all of her staff on the practice wheel as she does not always utilize the practice wheel when dealing with staff and staff issues. Ms. Arepalli continues to alienate some staff. This in an ongoing issue that must be resolved. The majority of Ms. Arepalli's team members are familiar in the use of and practice of the wheel. To improve Ms. Arepalli needs more time to get all of her staff comfortable and better at using the practice wheel to help drive best practice. Ms. Arepalli also needs to mentor and model appropriate use of the practice will all of her staff equally. Ms. Arepalli is current rated a level 2, marginal, in this area."

26. The Interim Review from July 27, 2010 states under personnel Management/Leadership as follows: All employees under Ms. Arepalli's team have a current job plan except her new employees. Ms. Arepalli makes sure that she gives feedback to her staff. Unfortunately, there are still times when her staff feels that the feedback in not constructive and is not done face to face during case reviews. Ms. Arepalli needs to meet with her staff as a team and individually each month. Ms. Arepalli should be reviewing 100% of all cases under her supervision with case managers and working with staff on areas needing improvement. This has not been occurring with all staff every month. Ms. Arepalli needs to review all areas of case work including best practice, physical issues, training needs, strengths and weaknesses of herself and her staff and seek assistance, if needed, to improve any area that is deficit. Ms. Arepalli needs to continue to work on her communication skills and learn to allow that her opinion is not always the only right opinion and learn to listen more than argue. Ms. Arepalli has also had issues with at least one staff member who was significantly behind in her case work. Ms. Arepalli had significant difficulty in dealing appropriately with this staff member. The staff member felt that instead of getting support and supervision form Ms. Arepalli, that Ms. Arepalli was creating a hostile work place. This employee and

was granted a transfer due to this issue. This is an issue that over the last 2 years has been discussed with Ms. Arepalli. This is an area that Ms. Arepalli needs to make immediate and long lasting changes in if she wishes to improve her score in this area. Ms. Arepalli is current a level 2, marginal in this area.

27. Self Management on the July 27, 2010 Interim Review states: Ms. Arepalli has some very good self-management skills. Ms. Arepalli does not always use these skills, as evidences by things being completed at the very last minue. Ms. Arepalli has the ability to handle pressure, decision making and multiple tasks efficiently. Ms. Arepalli needs to work on learning that sometimes there is more than one right answer to an issue, and she should be more open to others and their ability. Learning and accepting this would improve Ms. Arepalli's communications skill and make her a better manager. Also, there seems to be tension between Ms. Arepalli and the other CPS TL. This is a relationship that needs to be worked on and improvements made help with self management, team work and help staff for each team. Ms. Arepalli is sometimes asked to participate in other projects and as assisted with these projects. Ms. Arepall is currently rated a level 2, marginal, due to Ms. Arepalli's tendency to become argumentative at times. Her difficulty accepting feedback and her difficulty in maintaining a harmonious working relationship with her staff and peers.

28. Ms. Arepalli testified at one point that she did discuss this Interim Review with Ms. Becker and at another point that she didn't recall a discussion about this Review.

29. Ms. Arepalli was able to articulate in detail that she was well versed in many of the areas covered in these Interim Reviews; particularly, what permanency meant, the importance of face-to-face visits between the case worker and the child and family, what safety meant in DCS terms, the reason for the 120-day time frame in

assessment cases, the importance of non-custodial permanency plans, and the significance of the DCS practice wheel as it related to the work of DCS.

30. Ms. Arepelli did sign the Employee Code of Conduct on September 20, 2009 and she did testify that she signed one or two others.
31. The Employee Code of Conduct that Ms. Arepalli signed outlines some of the actions that could result in disciplinary action, including, inefficiency or incompetence in the performance of duties, negligence in the performance of duties, failure to maintain satisfactory and harmonious working relationships with the public and fellow employees and conduct unbecoming an employee in the State service.
32. Ms. Arepalli testified that she was transferred several times due to administrative changes; however, Julie Rotella, the Regional Administrator testified that Ms. Arepalli had told her "……. that there had been issues in the past ……..that had been dealt with by moving her and transferring her from one position to another, and she felt that that was not effective management."
33. Monthly Performance Briefings dated October 17, 2008, January 27, 2009, February 27, 2009, March 26, 2009, April 29, 2009, May 22, 2009, June 24, 2009, August 31, 2009, September 30, 2009 (not signed by Ms. Arepalli), October 21, 2009, November 25, 2009, December 30, 2009, January 15, 2010, February 25, 2010, March 30, 2010, May 21, 2010, June 22, 2010 and July 27, 2010 between Pam Becker, Ms. Arepelli's supervisor, and Ms. Arapell were introduced as exhibits and all that were signed by Ms. Arepalli were stipulated to by Ms. Arepalli.
34. Ms. Arepalli did not know how to answer the question of how she would support her testimony that she felt like she had made significant and long-last changes on the performance issues that she and Ms. Becker discussed during her monthly performance briefings.

35. Ms. Arepalli testified that she did not have any indication that she might be terminated and did not know why she was terminated even thought she had received prior disciplinary actions since 2005 that addressed the issues for which she was terminated.
36. On cross examination on the second day of the hearing Ms. Arepalli testified that when she was made Team Leader of the Adoption Unit in 2007 the 15 county East Region was being divided into 2 separate regions.
37. Ms. Arepalli testified that she was transferred from Union County to Anderson County because she could not appear in the Union County court again because the juvenile court judge had complained about her. However, the written warning she received on September 24, 2008 says she was "arrogant and argumentative" with the juvenile court.
38. Ms. Arepalli testified that she was "stunned" by the accusation that she was "arrogant and argumentative" with the court: however, she did not appeal this written warning; and, Beth Miracle and Monica Warwick both testified that she had witnessed Ms. Arepalli being argumentative with the Union County Juvenile Court Judge. Had she appealed she would have been given the opportunity to present her side of this accusation.
39. Ms. Arepalli testified that when she became CPS Team Leader on February 1, 2010, the CPS Team was in disarray; however, Julie Rotella the Regional Administrator, testified that on February 1, 2010 all overdue cases had been closed out, only 2 case managers had over 30 cases, and the case work was "pretty much" up to date.
40. Ms. Arepalli testified that "……..to her, disciplinary action was a way to help people improve in their job."

41. Ms. Arepalli testified that she was not reprimanded by the Juvenile Court Judge in Anderson County from the bench; however, her Performance Improvement Plan dated November 24, 2009 points out that there were complaints from the Anderson County Juvenile Court.
42. Ms. Arepalli testified that it was her job as a supervisor to be prepared for case conference calls with the Commissioner. Ms. Arepalli's two-day suspension letter dated March 8, 2010 states that she was not prepared for the conference call on January 12, 2010. Ms. Arepalli did not appeal this suspension
43. Ms. Arapelli testified that she knew from at least March 28, 2005, the date of her first evaluation as a supervisor that there were problems with her management style/communications.
44. Ms. Arepalli testified that when she began supervising the Anderson County Team on February 1, 2010 that Crystal Mitchell was 60-90 behind on her overdue face-to-face contacts; however, Julie Rotella the Regional Administrator, testified that when Ms. Arepalli took over as the Team Leader the case work was "…….pretty much up to date."
45. Ms. Arepalli testified that the purpose of Performance Improvement Plans was "to identify deficits and make actions steps to improve."
46. Ms. Arepalli testified that she went over Performance Improvement Plans with her supervisor, Pam Becker, in November, 2009, February 2010 and June 2010.
47. Ms. Arepalli testified that the purpose of Monthly Performance Briefing was a method used to discuss areas for improvement.
48. Ms. Arepalli had Monthly Performance Briefings with her supervisor, Pam Becker, almost every month.

49. Ms. Arepalli testified that she had meetings with both Julie Rotella, the Regional Administrator, and Pam Becker, giving her and her supervisors an opportunity to identify performance issues.

50. Ms. Jennifer Schaefer, who knew Ms. Arepalli as a co-worker but was never supervised by her and was only in the same office as Ms. Arepalli for six months testified that she did not know what Ms. Arepalli was like as a supervisor.

51. LaTelma Parker who was supervised by Ms. Arepalli from when she started with DCS in June 2010 until Ms. Arepalli's termination in September 2010 testified that Ms. Arepalli belittled her and would not always give clear directions.

52. Ms. Parker testified that her present supervisor does give her input and assistance and talks to her adult to adult while Ms. Arepalli did not provide assistance and talked to her like she was a child.

53. Ms. Parker testified that she had to seek assistance from other CPS workers rather than Ms. Arepalli.

54. Ms. Parker testified that Ms. Arepalli was inefficient or incompetent in her duties by not properly training her, talking down to her when she asked questions and not returning telephone calls.

55. Shana Champion, another new employee in June of 2010 and supervised by Ms. Arepalli, testified that Ms. Arepalli was condescending towards her and did not provide her with the supervision she needed as a new employee.

56. Ms. Champion testified that, while Ms. Arepalli did know policy very, very well, Ms. Arepalli did not assist her in knowing how to handle difficult situations.

57. Ms. Champion testified that, when she asked Ms. Arepalli for assistance, Ms. Arepalli acted like it was a bother.

58. Ms. Champion testified that she found Ms. Arepalli to be inefficient in the performance of her duties in her supervision and failed to maintain a harmonious working relationship with employees.
59. Bill Draney, who was supervised by Ms. Arepalli in 2006 or 2007 for approximately six months in the Adoption Unit, testified that he and the others in the unit took their concerns regarding Ms. Arepalli's supervision to the Team Coordinator, Susan Woods, because he felt that Ms. Arepalli was condescending to the staff and did not listen to their concerns or take advantage of their experience in the Adoption field.
60. Mr. Draney testified that Ms. Arepalli failed to maintain a harmonious working relationship with employees.
61. Carmen Hill, who was supervised by Ms. Arepalli in 2006 or 2007 for approximately six months in the Adoption Unit, testified Ms. Arepalli was condescending to her in that Ms. Arepalli would not allow her to complete sentences before assuming what she was going to say, and that she and the other members of the Adoption Unit took their concerns to the Team Coordinator, Susan Woods.
62. Ms. Hill testified to Ms. Arepalli failing to maintain a harmonious working relationship with DCS employees and the public. She testified to Ms. Arepalli standing in a chair in her cube and yelling over the cube walls at the Adoption Unit members, and yelling at her in front of adoptive parents.
63. Rachel Delauder testified that Ms. Arepalli supervised her in Anderson County and that she considered herself to be assertive and a self-starter and that she did not have many problems with Ms. Arepalli's supervision.
64. Ms. Delauder testified that she did participate in a meeting involving the entire team and Ms. Arepalli's supervisors in which problems with Ms. Arepalli were addressed.

65. Ms. Delauder testified that she did staff cases with Ms. Arepalli, but not every month.
66. Sara Powell, who was not supervised by Ms. Arepalli, testified that she did have an occasion to ask Ms. Arepalli for assistance and Ms. Arepalli was condescending.
67. Ms. Powell testified that Ms. Arepalli did apologize to her saying that she should not have talked with way to her because she was not on her team.
68. Renick Colson who supervised Ms. Arepalli in Union County in 2008 or 2009 testified that Vickie Harrell, a court worker in the Juvenile Court, told him that the Court and the Judge felt that Ms. Arapelli was being argumentative with the Judge and that her behavior was not professional.
69. Mr. Colson also testified that Ms. Arepalli would get argumentative with people and he would talk with her about it and asked her to "….back off a little bit."
70. Crystal Mitchell testified that testified that Ms. Arepalli would "…….blow and roll her eyes……" when she asked her a question.
71. Ms. Mitchell testified that Ms. Arapelli was condescending and created a hostile work environment. Examples of statements made to her during the five months Ms. Arepalli's supervision were: "We'd better hurry up and get you fired" and "Do you still work here?"
72. Ms. Mitchell testified that she may have a couple of children that she had only seen one time a month, but was not 90 days behind in her face-to-face contacts during the time Ms. Arepalli supervised her.
73. Ms. Mitchell testified that she had seen Ms. Arepalli being incompetent in the performance of her duties as she created a hostile work environment for her and others by "screaming" at people and not using a professional tone; that she failed to maintain a harmonious working relationship with employees; and that Ms. Arepalli did engage in inappropriate conduct.

74. Ms. Mitchell testified that she had observed Ms. Arepalli being insubordinate by arguing with the Regional Administrator, Julie Rotella.
75. Carissa Margie testified that she worked under Ms. Arepalli's supervision from September 2008 through September 2009 and, because of Ms. Arepalli, there were days when she felt like she could not come in to work another day.
76. Ms. Margy testified that she and her team met with Ms. Arepalli's supervisor, Pam Becker, regarding issues they were having with Ms. Arepalli.
77. Ms. Margy then testified that she, her team, Ms. Arepalli, and Julie Rotella met to discuss the issues regarding Ms. Arepalli's supervision.
78. Ms. Margy testified that Ms. Arepalli called her to apologize for not allowing an employee who was leaving the Department and transferring cases to Ms. Margy to talk with her about the cases that were being transferred.
79. Ms. Margy testified that supervisors she has had since Ms. Arepalli have been very supportive and helpful and communications have been much better.
80. Ms. Margy testified that she felt that Ms. Arepalli was inefficient or incompetent in the performance of her duties by not providing with assistance and making her job more difficult; that she failed to maintain a harmonious working relationship with her and families; and she saw her being insubordinate with her supervisor.
81. Jennifer Bule, Social Work Practice Specialist who works for MTSU and is contracted through DCS to provide coaching services to supervisors, testified that after discussing some information regarding actions in a Child and Family Team Meeting (CFTM) with Ms. Arepalli, she heard Ms. Arepalli discussing this with the Family Service Worker (FSW) in front of the Guardian ad litem which was inappropriate.
82. Beth Miracle, Case Manager (CM) 3, who was supervised by Ms. Arepalli in Union County approximately three years ago testified that she had observed Ms. Arepalli

being disruptive in a Child Protective Investigations Team (CPIT). Members of the team included law enforcement, the medical examiner and the therapist from the Child Advocacy Center (CAC).

83. Ms. Miracle testified that she had observed Ms. Miracle being argumentative with the Union County Juvenile Court Judge during court by standing up from the gallery and arguing with the judge over a ruling with the attorneys, including the DCS attorney, at the bar.
84. Ms. Miracle testified that she had observed Ms. Arepalli failing to maintain a harmonious working relationship with the public.
85. Susan Woods who supervised Ms. Arepalli when she was with the Adoption Union in 2007 and again in 2008 when Ms. Arepalli supervised CPS and Social Services.
86. Ms. Woods issued an oral warning to Ms. Arepalli in February 2007 "…….because of the interactions that she was having with the team members," and Ms. Arepalli did not dispute the statements made in that oral warning.
87. Ms. Woods issued Ms. Arepallis a written warning in September 2008 "…. due to the interactions that she was having with team members in the Union County office as well as the court."
88. Ms. Arepalli did not request a due process hearing to dispute this written warning.
89. Ms. Woods testified that Ms. Arepalli left Union County and her supervision due to "… the problems with the court in Union County and the staff in Union County" and was transferred to Anderson county.
90. Pam Becker, Ms. Arepalli's supervisor from September 28, 2008 until she was terminated in September 2010, testified that she gave Ms. Arepalli a written warning on March 9, 2009 for insubordination because Ms. Arepalli was being argumentative about an issue involving overtime for an employee who was present when the discussion was occurring.

91. Ms. Becker testified that she gave Ms. Arepalli the opportunity to discuss the insubordination issue with her, and Ms. Arepalli stated that she did not feel that she was insubordinate but did not ask for a review from Central Office.
92. Ms. Becker testified that Ms. Arepalli "…….usually did not like to discuss anything that was a criticism, or to discuss issues."
93. Ms. Becker testified that she issued Ms. Arepalli a two-day suspension in March 2010 for not being prepared for a backlog review with the Commissioner in January 2010, by not updating her backlog and talking with her case managers about their cases that were to be reviewed.
94. Ms. Becker testified that it was Ms. Arapelli's responsibility in preparing for the backlog review "To review the cases with the case managers, to discuss strengths, barriers and action steps to move that child to permanence….."
95. Ms. Becker's responsibility in preparing for the backlog review was to make sure that the team leaders were prepared and that she did this by sending e-mails with spreadsheets detailing the categories that were going to be discussed in the backlog review-strengths, barriers and next steps-and giving time frames for getting this information to Ms. Becker and that it was very clear to all of the team leader that they were to be prepared for this review.
96. Ms. Becker testified that she also discussed Ms. Arepalli not being prepared for the backlog reviews in some of the Monthly Performance Briefings with Ms. Arepalli and in other conversations prior to the January 2010 review with the Commissioner.
97. Ms. Becker testified that Ms. Arapelli was not able to answer the most basic questions about cases under her supervision during the backlog review.

98. Ms. Becker testified that one of the case managers under Ms. Arapelli's supervision, Winter Ford, asked her to go over the cases on the backlog review as Ms. Arapelli had not done this.

99. Ms. Becker testified that she did not tell Ms. Arapelli that she would cover the cases of Faraday in the backlog review as Ms. Arepalli testified.

100. Ms. Becker testified that she pulled a recommendation she had submitted for another suspension for Ms. Arepalli because of her staff missing face-to-face contact with children and parents and not entering their case notes into the computer system in February 2010 as she felt like Ms. Arepalli was doing better. "She seemed to have a good attitude and was accepting constructive criticism."

101. Ms. Becker testified that between the time she asked to pull the suspension and Ms. Arepalli's termination she transferred her to CPS because it seemed to be a better fit. Ms. Becker "…thought this would be a good time to really give Ms. Arepalli a clean slate, put her into an area that she seemed to have more comfort with and to see how things were going."

102. Ms. Becker testified that after Ms. Arepalli's transfer to CPS she began getting complaints from some of Ms. Arepalli's staff members. Ms. Becker set up a CQI for the staff member to address their issues with Ms. Arepalli. Based on the information Ms. Becker received from the CQI meeting, termination was recommended.

103. Ms. Becker testified that she discussed area of Ms. Arepalli's performance that needed improvement during interim reviews and that sometime they would have "really good discussions;" however, "Other times she would get upset, angry and not want to discuss it because she did not see the issue."

104. Ms. Becker testified that the Performance Improvement Plans that she developed for Ms. Arepalli were plans developed when there is a performance issue that needs to be addressed. Actions steps are identified and completion dates are set.

105. Ms. Becker testified that the Performance Improvement Plans were a tool to assist an employee without imposing disciplinary action.

106. Ms. Becker testified that she attempted to discuss these Performance Improvement Plans with Ms. Arepalli but "Most of the time she didn't want to discuss it. She would just sign it and just get up and leave."

107. Ms. Becker testified that these plans appeared to work for a short period of time.

108. Ms. Becker testified that a key traits of a case manager with the Department of Children's Services was "The ability to engage people and to develop a trusting relationship" and that Ms. Arepalli could at times be very engaging but when she wasn't the outcomes were detrimental for the Department.

109. Ms. Becker testified that Ms. Arepalli had "…….some very good qualities and abilities, but unfortunately her inability to engage people and her inability to take constructive criticism and discuss it and move forward and learn from it never occurred. She continued to slide back into the same behaviors and not change for the positive. That's why she was terminated."

110. Julie Rotella, Regional Administrator, testified that Ms. Arepalli was terminated for a pattern of behavior that began when Ms. Arepalli was a Team Leader in Union County over a combined CPS and Social Services team in 2008 when complaints were made by the CAC Director in Union County concerning Ms. Arepalli being disruptive during CPIT and complaints from the Juvenile Court judge.

111. Ms. Rotella testified that she met with Ms. Arepalli's team where she learned that Ms. Arepalli would target one or two workers who were not as strong or assertive

as other team members and did not have as much interaction with Ms. Arepalli as the less strong and assertive team members.

112. The decision was made in September 2008 to transfer Ms. Arepalli to Anderson County because she could not return to the court in Union County.

113. Ms. Rotella described the on-going issue of Ms. Arapelli's behavior of being constantly condescending, argumentative and combative which disrupts and prevents essential work from being done.

114. Ms. Rotella testified that on May 13, 2009 the issue of conflict on Ms. Arepalli's team was again brought to her attention. At that time it was Carissa Bargy and Valerie who were being targeted and belittled. Ms. Rotella met with Ms. Arapelli and the Team Coordinator to discuss the situation and Ms. Arapelli "…..vacillated between blaming and defensive to tearful, to angry and argumentative."

115. Ms. Rotella testified that after that meeting Ms. Arapelli showed some improvement and was transferred to CPS in Anderson County and again showed some improvement.

116. Ms. Rotella testified that again it was brought to her attention that there was conflict on Ms. Arepalli's team with Crystal Mitchell, LaToya Parker and Shana Champion.

117. Ms. Rotella testified she read the CQI notes and the statement that Ms. Arapelli was creating a toxic environment clicked and that is when she recommended that Ms. Arapelli be terminated.

118. Ms. Rotella testified that while Ms. Arepelli "possesses the skills she continues to choose not to utilize those skills," and that so much time was being dedicated to attempting to salvage her it was not good for the region.

119. Ms. Rotella testified that she had an "open door policy." Also, she and Ms. Becker met with Ms. Arepalli on several occasions for case conferences and there

were times when they met to discuss Ms. Arepalli's performance issues. In addition Ms. Rotella had monthly team leader meetings giving Ms. Arepalli ample opportunities to discuss any problems or issues she may have been having.

120. Ms. Rotella testified that she set up mentoring for Ms. Arepalli with Sherrie Haynes from the TCCW; however, it was reported to her that Ms. Arepalli "….was not receptive to the mentoring and created barriers and basically felt that the mentoring would not be productive." In addition during a meeting she had with her Anderson County Social Services team she discussed the five dysfunctions of a time and offered to give that material to her at which time Ms. Arepalli became defensive.

121. Ms. Rotella testified that she was reluctant to have Ms. Arepalli back in any capacity in her region because, despite her strengths, Ms. Arepalli's deficits were to overwhelming and to detrimental. "The time and energy that it took to deal with those issues around Jennifer, and around her team, distracted from the work that needed to be done for children and families."

122. Brooke Craig, who was never supervised by Ms. Arepalli, testified that while she did not have any complaints about Ms. Arepalli she did hear other people complain.

123. Rule 1120-10-.06 of the Tennessee Department of Human Resources provides examples of disciplinary offenses, which include:

(1) Inefficiency or incompetence in the performance of duties;

(2) Negligence in the performance of duties;

(8) Conduct unbecoming an employee in State service;

(18) Refusal to accept a reasonable and proper assignment from a authorized supervisor (insubordination).

124. The Tennessee Department of Children's Services also uses the DCS Employee Code of Conduct that states:

a. Employees will conduct themselves in a manner that creates and maintains respect for their work sites, fellow employees and visitors, the Tennessee Department of Children's Services, and the State of Tennessee.

125. The question before this Court is whether the Grievant's termination was the appropriate action for her infraction. T.C.A. § 8-30-330(c). In determining whether the disciplinary action taken was appropriate, there must be an analysis of whether the Department acted reasonably. Some instances of misconduct require an elevated level of discipline, even if the employee had no history of prior disciplinary action. *Berning v. State*, 996 S.W.2d 828, 830 (Tenn. App. 1999) (explaining that the supervisor has discretion to determine the appropriate punishment).

126. The Civil Service Commission reviews Level Five (5) employment cases *de novo*. *Big Fork Mining Co. v. Tennessee Water Quality Control Bd.*, 620 S.W.2d 515, 521 (Tenn. App. 1981). Furthermore, as the Petitioner, the Department bears the burden of proof, which is a preponderance of the evidence standard. Preponderance of the evidence means "the greater weight of the evidence or that, according to the evidence, the conclusion sought by the party with the burden of proof is the more probable conclusion." Uniform Rules of Procedures for Hearing Contested Cases 1360-4-1-.02(7).

127. In determining which disciplinary action is appropriate, the Department takes into consideration the totality of the circumstances, including (1) the accused' length of employment; (2) job responsibilities; (3) disciplinary history; (4) the conduct that occurred; and (5) any other relevant factors.

128. The Department has shown by a preponderance of the evidence that the Grievant violated the Tennessee Department of Human Resources Rules and the Department's Policies.

129. The Department has not shown by a preponderance of the evidence that termination was the appropriate step to the infractions committed by the Grievant given the facts of his case. Therefore, the Department is ORDERED to impose a suspension from the date of termination to the date this order is entered and to reinstate the Grievant in the position held prior to her promotion to Case Manager 4 Team Leader.

It is so **ORDERED** this the _____ day of _____, 2012.

_____
Anthony Adgent
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State this 25 day of January, 2012