

Mar. 24. 2008 1:29PM Area 6 Office

No. 1749 P. 2



COMMISSION FOR HUMAN SERVICES

State of Oklahoma  
DEPARTMENT OF HUMAN SERVICES

Office of Field Operations  
6128 E. 38th, Suite 300  
Tulsa, Oklahoma 74135



DEPARTMENT OF HUMAN SERVICE

March 24, 2008

Rochelle Knight  
Direct Care Specialist II, Z12B  
U60204, Pay Band F  
Classified Service/Permanent  
Laura Dester Shelter  
FCSD/FO

Certified Mail

Notice of Final Disciplinary Action

(Discharge)

Dear Ms. Knight:

This is to inform you of my final decision in the matter of your proposed discharge from your position of Direct Care Specialist II, located at the Laura Dester Shelter.

In arriving at this decision I have carefully considered the reasons for this action as specified in the Notice of Proposed Formal Disciplinary Action which you received February 13, 2008. I have also considered the attached pretermination hearing decision, your performance evaluation and your response to me dated February 25, 2008. Your prior disciplinary actions as summarized below were also considered.

As stated in the Notice, this action is based on the following incidents: On January 22, 2008 you told several employees that you were going to have to hurt someone on the job if they keep making things difficult for you. You spoke in a loud voice and pointed your hand like a gun. During the same conversation, you used curse words. On January 29, 2008 at the Little House with both [redacted] and [redacted] present, you made the statement that you can't carry a small purse because your "38" won't fit in it. On another occasion you told several employees that you might drive by and shoot an acquaintance's truck full of holes. On several occasions you have made derogatory remarks about your supervisors and certain coworkers and often used curse words such as "those bastards" to describe them. You have also made statements stating you would "knock the children in their necks and put them in the closet". In your conversations, you have spoken loudly and within hearing distance of the residents at the shelter.

HRMD 03/24/08 PM 2:25

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Knight, Rochelle

## FINAL NOTICE OF DISCIPLINARY ACTION -- DISCHARGE

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Your actions are in violation of Agency manual section OKDHS: 2-1-7 (i) (2) (H) Discourteous treatment of clients, other employees, or the general public, 2-1-7 (i) (5) Conduct unbecoming a public employee, and OKDHS 2-15-52 Workplace violence.

Previously, you received the following discipline: Oral Reprimand for violation of OKDHS: 2-1-7 (g) (2) (H) Discourteous treatment of clients, other employees, or the general public dated April 8, 2004. On August 24, 2004, you received a Written Reprimand for violation of OKDHS: 2-1-7 (g) (2) (H) Discourteous treatment of clients, other employees, or the general public and OKDHS: 2-1-7 (g) (2) (6) Abuse, neglect or other mistreatment of Department clients. On August 8, 2006, you received a Notice of Final Formal Disciplinary Action Suspension Without Pay for violation of OKDHS policy 2-1-7 (i) (2) (C) violation of time and leave policy and OKDHS 2-1-7 (i) (2) (H) Discourteous treatment of clients, other employees, or the general public.

Accordingly, it is my decision to discharge you from your employment with the Department of Human Services effective at the end of your shift on March 25, 2008. This action is taken in accordance with 74 O.S. 840-6.5(C), Agency policy DHS:2-1-11, Discharge and pretermination hearing, and Merit Rule 455:10-11-17, Discharge. Copies of these policies are attached.

You may appeal this action in writing to the Merit Protection Commission, 3545 NW 58th Street, Suite 360, Oklahoma City, OK 73112 (405) 525-9144 within twenty (20) calendar days from your receipt of this Notice. Enclosed is an MPC Form 200, Petition for Appeal Form for your use. You may also utilize the DHS grievance procedure as authorized in the attached Agency policy DHS:2-1-150 through DHS:2-1-166.

Sincerely,



Stephen Scott, Director  
Area VI Field Operations

c: HRMD-Personnel File  
HRMD-Corrective Discipline Manager  
OKDHS Office of General Counsel  
Finance Division-Payroll Unit  
Scott File  
Tyner File

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**STATE OF OKLAHOMA**  
**Department of Human Services**

**Pre-Termination Hearing for Rochelle Knight**

**March 12, 2008 at 9:30 A.M.**

**Third Floor Conference Room, 444 S. Houston  
 Tulsa, Oklahoma**

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**Summary of the Case**

Rochelle Knight serves as a Direct Care Specialist II at the Laura Dester Shelter in the Family and Child Services Division, Field Operations for the Department of Human Services in Tulsa, Oklahoma. She was notified by Area VI Field Operations Director Stephen Scott of a pre-termination hearing to consider her proposed discharge based upon violation of agency policy:

DHS:2-1-7(i)(2)(H) – Discourteous treatment of clients, other employees, or the general public

DHS: 2-1-7(i)(5) – Conduct unbecoming a public employee

DHS:2-15-52 – Workplace Violence

Ms. Knight is alleged to have violated these policies as follows:

A. On January 22, 2008, outside the resident bedrooms in Building #3 telling Janice Holmes and Valery Ayers that she was going to have to hurt someone if they kept making things difficult for her, and being upset and angry. Pointing her hand like a gun (per Ms. Holmes)

EVIDENCE: written statement by Janice Holmes dated 1/30/08  
 Written statement by Valery Ayers dated 2/8/08

B. On January 29, 2008 at the Little house stating to Virgie Wiggins with Anthony Bailey present that she can't carry a small purse because her "38" wouldn't fit in it, and after Mr. Bailey left, saying she would kill "Mr. Anthony" if she had to.

EVIDENCE: testimony by Anthony Bailey and Virgie Wiggins  
 Written statement by Valery Ayers dated 1/30/08

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C. Stating on an unknown date that she would drive by and shoot an acquaintance's truck full of holes.

EVIDENCE: testimony and written statement by Bruce Kame

D. On unknown dates making derogatory remarks about her supervisors and co-workers loudly and within hearing distance of the residents of the shelter.

EVIDENCE: testimony by Meredith McMahon  
 Testimony by Bruce Kame (2 times in 12 years)  
 Written statement by Meredith McMahon dated 1/25/08  
 Written Statement by Katherine Turner dated 1/30/08  
 Written statements by Valery Ayers dated 2/8/08; 1/23/08

E. On 1/24/08 dancing provocatively and saying she is sexy.

EVIDENCE: Written statement by Valery Ayers dated 2/8/08 and 1/23/08

F. On or about 1/24/08 stating she would "knock" the children in their necks and put them in the closet.

EVIDENCE: testimony by Karen Felix  
 Statement by Karen Felix written 1/30/08

#### Evidence Considered

The Hearing Officer considered the referenced Notice of Proposed Disciplinary Action, attachments to the Notice, Exhibits submitted by the Department, and pre-termination hearing testimony. The attachments and exhibits include:

Certificate of Prior Disciplinary Action which noted the following prior disciplinary action:

Oral Reprimand	4/8/04
Written Reprimand	8/24/04
Suspension without pay	8/8/06

Notice of Suspension With Pay 1/29/08

PMP (OPM 111) with a start date of 7/1/06 and an end date of 6/30/07

USPS return receipt signed by Ms. Knight

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**Written Statements by:**

Meredith McMahon  
 Janice Holmes  
 Kara Felix  
 Katherine Turner  
 Anthony Bailey  
 Bruce Kame  
 Valery Ayers

**Ms. Knight's written response with written statements by:**

Vergle Wiggins  
 Paula Mason  
 Jane Serwanga  
 JoAnn Dean

Affidavit of Paula Mason

Certificate of Perfect Attendance 2/15/07 and 8/30/07

St. John Medical Center discharge record with medication list 2/9/08

Photo Copy of Ms. Knight's name and address with date stamp "Feb 18, 2008"

Relevance, and Decision dated 3/10/08

Letter dated 3/11/08 by psychiatrist Bradley McClure, M.D.

Marshall Tyner, Director of the Laura Dester Shelter presented the Agency's case and presented the following witnesses:

Ms. Knight appeared in person and through counsel, Catherine Gatchell Cooper.

**Findings**

Ms. Knight admits that when she is stressed she says things she "shouldn't say". At issue in this case is whether saying those things she shouldn't say warrants her discharge. All of the cited incidents appear to have arisen when Ms. Knight

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was stressed or angry. The agency bears the burden of proof to show that reasonable grounds exist to believe the stated charges are true.

Findings as to each alleged incident cited to support discharge are as follows:

A. On January 22, 2008, outside the resident bedrooms in Building #3 telling Janice Holmes and Valery Ayers that she was going to have to hurt someone if they kept making things difficult for her, and being upset and angry. Pointing her hand like a gun (per Ms. Holmes)

EVIDENCE: written statement by Janice Holmes dated 1/30/08  
Written statement by Valery Ayers dated 2/8/08

FINDING: reasonable grounds exist to believe this charge is true

B. On January 29, 2008 at the Little House stating to Virgie Wiggins with Anthony Bailey present that she can't carry a small purse because her "38" wouldn't fit in it, and after Mr. Bailey left, saying she would kill Mr. Anthony if she had to.

EVIDENCE: testimony by Anthony Bailey and Virgie Wiggins  
Written statement by Valery Ayers dated 1/30/08

FINDING: Reasonable grounds exist to believe this charge is true. Reasonable grounds do not exist to believe Ms. Knight would in fact commit the act. Reasonable grounds exist to find this was, however, made as a threat to Mr. Bailey/

C. Stating on an unknown date that she would drive by and shoot an acquaintance's truck full of holes.

EVIDENCE: testimony and written statement by Bruce Kame

FINDING: Reasonable grounds exist to believe this charge is true. Reasonable grounds do not exist to believe Ms. Knight would in fact commit the act.

D. On unknown dates making derogatory remarks about her supervisors and co-workers loudly and within hearing distance of the residents of the shelter.

EVIDENCE: testimony by Meredith McMahon  
Testimony by Bruce Kame (2 times in '12 years)  
Written statement by Meredith McMahon written 1/25/08  
Written Statement by Katherine Turner written 1/30/08  
Written statement by Valery Ayers written 2/8/08 and 1/23/08

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**FINDING:** Reasonable grounds exist to believe Ms. Knight made these statements, including calling co-workers "bastarda", and her supervisors "retarded" and "stupid". Reasonable grounds exist to believe Ms. Knight challenged the authority of her supervisors to supervise her.

E. On 1/24/08 daholing provocatively and saying she is sexy.

**EVIDENCE:** Written statement by Valery Ayers dated 2/8/08 and 1/23/08

**FINDING:** Reasonable grounds exist to believe this is true, however, reasonable grounds do not exist to find this is a violation of policy.

F. On or about 1/24/08 stating she would "knock" the children in their necks and put them in the closet.

**EVIDENCE:** testimony by Karen Felix  
Statement by Karen Felix written 1/30/08

**FINDING:** Reasonable grounds exist to believe Ms. Knight made these statements. Reasonable grounds exist to believe other employees make equally inappropriate statements when stressed by babies who cannot be comforted. Reasonable grounds exist to believe that Ms. Knight used a tone of voice which caused Ms. Felix to feel concerned and fearful.

### Conclusion

The evidence supporting the charges against Ms. Knight is overwhelming. Ms. Knight has engaged in a pattern of threatening verbal and non-verbal communication which amounts to a violation of the following policies:

The agency met its burden of proof to show that reasonable grounds exist to believe the following charges are true:

DHS:2-1-7(1)(2)(H) -- Discourteous treatment of clients, other employees, or the general public

DHS: 2-1-7(1)(5) -- Conduct unbecoming a public employee

DHS:2-15-52 -- Workplace Violence

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These policy violations support the proposed discharge.



Gail L. Wettstein, Hearing Officer