

THE SCHOOL BOARD OF LEE COUNTY, FLORIDA

NANCY J. GRAHAM, Ed.D,
SUPERINTENDENT OF SCHOOLS
FOR LEE COUNTY,

Petitioner,

v.

Case No. 15-0001
DOAH Case No. 14-3685

CLESHA STEVENSON,

Respondent.

FINAL ORDER

THIS CAUSE came to be heard on this the 27th day of January, 2015, before the School Board of Lee County, Florida, and said School Board finds as follows:

1. Respondent is employed by the School Board as a Bus Operator in the Transportation Department. Respondent is an "educational support employee," as defined by § 1012.40(1)(a), Florida Statutes, and is a member of the Support Personnel Association of Lee County ("SPALC"). Her employment is governed by the collective bargaining agreement between SPALC and the School Board of Lee County.

2. On or about April 25, 2014, Respondent walked into the Leonard Transportation Compound office and verbally berated and cursed at multiple employees. Respondent also made threats

toward an Assistant Supervisor. Additionally, after exiting the dispatch office, Respondent knocked a cell phone from another driver's hand, causing the phone to fall to the ground.

3. Previously, on February 13, 2014, Respondent met with Assistant Director, Robert Codie, regarding a complaint lodged by a parent. The parent alleged that Respondent had yelled and screamed at her children while on Respondent's bus. The bus camera footage and audio recording verified the parent's allegations. Respondent was directed to follow directives in a courteous and cooperative manner and to refrain from making inappropriate comments and/or gestures.

4. In addition, Respondent was disciplined for using her personal cell phone while driving a District school bus.

5. As a result of the foregoing, Respondent was provided an opportunity to discuss the allegations at a predetermination conference conducted on June 16, 2014. Respondent attended the conference with her union representative, Suzan Rudd.

6. Following the predetermination conference, a determination was made regarding Respondent's employment. On July 1, 2014, Respondent was notified via letter that she was being recommended for termination and suspended without pay pursuant to School Board Policy 1.16.

7. On August 12, 2014, the School Board considered the Petition for Termination and took action to suspend the Respondent without pay. The Petition was then forwarded to the Division of Administrative Hearings and a Final Hearing was set.

8. The Final Hearing took place on October 30, 2014, before Administrative Law Judge (ALJ) Thomas P. Crapps.

9. The ALJ issued his Recommended Order on December 29, 2014.

10. The ALJ found in his Recommended Order that the School Board established "just cause" for disciplining Respondent based on the finding that she is guilty of "misconduct in office," for violating article 7.13, and School Board Policies 2.02, 4.09, and 5.02.

11. The ALJ recommended that Respondent be suspended without pay from July 1, 2014 until the beginning of the January 2015 term; and that as a condition of continued employment, Respondent successfully complete an Employee Assistance Program concerning anger and stress management, and successfully complete training concerning effective communication.


ACCORDINGLY, the Board adopts the ALJ's findings of fact, conclusions of law and the recommended penalty and incorporates them into this Final Order by reference.

It is ORDERED as follows:

12. Respondent be returned from suspension without pay retroactive to beginning of day, January 5, 2015, and that Respondent successfully complete an Employee Assistance Program concerning anger and stress management, and successfully complete training concerning effective communication.

13. This Order may be appealed to the District Court of Appeal of Florida, Second District, P.O. Box 327, 1005 E. Memorial Boulevard, Lakeland, Florida 33802, telephone number (863) 499-2290. The appeal must be filed within thirty (30) days of the date of this Order by filing a Notice of Appeal with the School Board and a second copy with the District Court of Appeals. For further information, contact Robert Dodig, Jr., Staff Attorney, 2855 Colonial Boulevard, Fort Myers, Florida 33966, telephone number (239) 335-1447.

ENTERED on this the 27th day of January, 2015.



Cathleen O'Daniel Morgan, Chairman

Copies to:

Robert Dodig, Jr., Staff Attorney
Robert J. Coleman, Esq., Attorney for Respondent
Division of Administrative Hearings
Personnel File