

BEFORE THE MERIT EMPLOYEE RELATIONS BOARD
OF THE STATE OF DELAWARE

GWENDOLYN SCOTT-JONES,)	
)	
Employee/Grievant,)	
)	DOCKET No. 11-11-529
v.)	
)	PUBLIC DECISION AND ORDER
DEPARTMENT OF HEALTH AND)	
AND SOCIAL SERVICES,)	
)	
Employer/Respondent.)	

After due notice of time and place, this matter came to a hearing before the Merit Employee Relations Board (the Board) at 9:00 a.m. on August 2, 2012 at the Public Service Commission, Cannon Building, 861 Silver Lake Boulevard, Dover, DE19904.

BEFORE Martha K. Austin, Chair, Dr. Jacqueline Jenkins, and John F. Schmutz, Members, a quorum of the Board under 29 *Del. C.* §5908(a).

APPEARANCES

W. Michael Tupman
Deputy Attorney General
Legal Counsel to the Board

Deborah L. Murray-Sheppard
Board Administrator

B. Brian Brittingham, Esquire
on behalf of Employee/Grievant
Gwendolyn Scott-Jones

Laura L. Gerard
Deputy Attorney General
on behalf of the Department of Health
and Social Services

BRIEF SUMMARY OF THE EVIDENCE

The Board incorporates by reference the Brief Summary of the Evidence in the Board's Non-Public Decision and Order.

FINDINGS OF FACT

The Board incorporates by reference the Findings of Fact in the Board's Non-Public Decision and Order.

CONCLUSIONS OF LAW

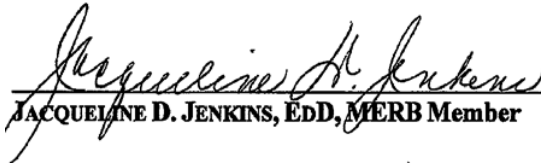
The Board incorporates by reference the Conclusions of Law in the Board's Non-Public Decision and Order.

DECISION AND ORDER

It is this **13th** day of August, 2012, by a unanimous vote of 3-0, the Decision and Order of the Board is to grant Scott-Jones' appeal in part. DHSS is ordered to reduce her three-day suspension to a written reprimand; to pay Scott-Jones three days of back pay within thirty (30) days of the date of this Order; and remove any evidence of the three-day suspension from her personnel file within thirty (30) days of the date of this Order.


MARTHA K. AUSTIN, MERB Chairwoman


JOHN F. SCHMUTZ, MERB Member


JACQUELINE D. JENKINS, EDD, MERB Member