

**BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA**  
**IN THE MATTER OF THE APPEAL OF**  
**DONNIE WARREN**

**ORDER**

September 26, 2018

This matter came before the Board upon dismissal of the Employee from his employment with the Alabama Department of Mental Health ("DMH"). The Employee was dismissed from employment on February 27, 2018, based on charges contained in a letter dated February 26, 2018. This matter was assigned to Administrative Law Judge Randy C. Sallé and a hearing was held on July 20, 2018. The Administrative Law Judge's Recommended Order is now before the Board for consideration.

DMH charges that the Employee violated DMH Policy 70-5, Employee Conduct and Accountability: II.1(a) - (Client abuse, mistreatment, neglect or exploitation); II.1(t) - (Inattention to job duties); and II.1x(bb) - (Failure to perform job properly). The Employee is also charged with violating DMH Policy 19-10, III.2(f) - (Mistreatment) and DMH's Incident Management Plan Relating to mistreatment.

A review of the Employee's recent work history shows: one (1) Written Warning for a dress code violation in February 2018; and one (1) Written Warning for neglect, inattention to job duties, failure to perform job properly, and using a cell phone in the patient area in December 2017.

The Employee was employed by DMH as a Mental Health Worker I at Taylor Hardin Secure Medical Facility ("Taylor Hardin"). The Employee was assigned, along with another DMH worker, to care for patient T.F. on February 21, 2018. The Facility Director explained that since T.F. is intellectually disabled, he becomes agitated quickly and becomes aggressive if he believes he may be harmed. The Facility Director testified that she discussed T.F.'s unique disposition with her staff. She also testified that T.F. had received unusual, suspicious injuries. The Facility Director assigned one of Taylor Hardin's police captains to review video surveillance of T.F.'s room and treatment. On February 22, 2018, the Facility Director was told by the police captain that an incident occurred with T.F. Video evidence showed the Employee confronting T.F. on February 21, 2018, in an aggressive manner and then turning and picking up papers T.F. had torn from a magazine and shoving them between T.F.'s jacket and shirt. The Facility Director testified that the Employee did not respond as he was trained and described the actions as aggressive and escalating.

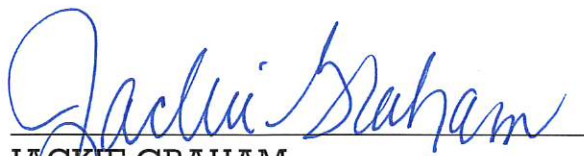
The Employee violated rules by aggressively confronting and escalating a situation with an intellectually disabled patient. The Employee stated he and T.F. were just playing. However, the Facility Director stated that she saw no playful act in the video and the purpose of Taylor Hardin is to treat patients with dignity and respect. She further testified that if she cannot trust staff, they cannot

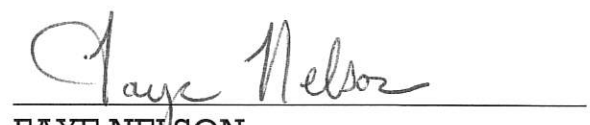
work at Taylor Hardin. DMH cannot condone this behavior and the dismissal for the good of the service is warranted.

The Administrative Law Judge found the totality of the evidence does warrant dismissal in this cause and recommended that the Employee's dismissal be upheld. The Board hereby adopts by reference the findings of fact and conclusions of law as found by the Administrative Law Judge as a part of this Order as if fully set forth herein.

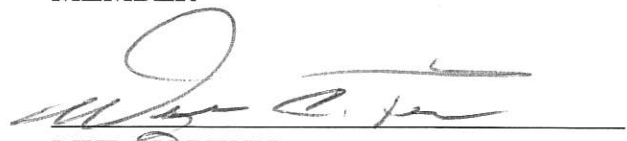
The Board has carefully considered the Administrative Law Judge's Recommended Order and is of the opinion that the decision of the appointing authority to dismiss the Employee is supported by the evidence and that the termination is warranted.

It is therefore the Order of this Board that the decision of the appointing authority to dismiss the Employee is hereby affirmed.

  
\_\_\_\_\_  
JACKIE GRAHAM  
SECRETARY

  
\_\_\_\_\_  
FAYE NELSON  
CHAIR

  
\_\_\_\_\_  
LIANE KELLY  
MEMBER

  
\_\_\_\_\_  
MYRON PENN  
MEMBER

---

EVAN M. THORNTON  
MEMBER

---

DAVID R. MELLON  
MEMBER