

BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA
IN THE MATTER OF THE APPEAL OF
TIMOTHY WILLIAMS

ORDER

January 20, 2021

This matter came before the Board based upon the dismissal of the Employee from his employment with the Alabama Department of Mental Health (“DMH”). The Employee was dismissed from his employment on August 25, 2020, based upon charges contained in a letter dated the same. This matter was assigned to Administrative Law Judge Randy Sallé and a hearing was held on October 23, 2020. The Administrative Law Judge’s Recommended Order is now before the Board for consideration.

DMH charges that the Employee violated DMH Policy:19-10 – (Abuse, neglect, mistreatment, and exploitation, physical abuse as defined in the DMH Incident Management Plan); and 70-5(1)(a) – (Client abuse, mistreatment, neglect or exploitation).

A review of the Employee’s recent work history shows: two (2) Written Reprimands in June 2018 and October 2019 for refusing to work mandatory overtime and insubordination.

The Employee was employed by DMH as a Mental Health Worker I at Bryce Hospital in Tuscaloosa. On July 26, 2020, the Employee brought a rolling cart to a group therapy room for a hydration break. One patient began cutting in line and attempting to block other patients from receiving anything from the cart. The patient then began walking toward the Employee and getting very close to him. The Employee grabbed the patients arm and shirt and pinned him against the wall. The patient then swung at the Employee and the Employee then grabbed the patient and lifted him off the ground against the wall, slung him down on the ground, and landed on top of him. After other staff intervened, the patient was escorted to his room where he then reported that he was assaulted by the Employee.

The Bryce Facility Director investigated the incident and the Bryce Clinical Investigator reviewed the video footage and recommended the Employee's dismissal for patient abuse to the Incident Review Panel ("IRP"). The IRP concurred with the Clinical Investigator's recommendation to dismiss the Employee. The Employee stated he reacted because the patient invaded his personal space which concerned him due to COVID-19. The Employee also believed he was in imminent

danger of being hit by the patient and that he had asked the patient several times to sit down.

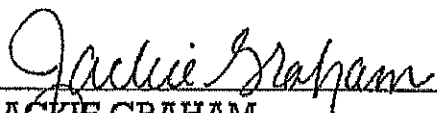
The Staff Development Manager testified that staff is trained in physical intervention skills and nonviolent crisis intervention. He states that even if the Employee decided to intervene physically with the patient, the Employee did not use any appropriate techniques taught by DMH. Additionally, several co-workers testified that the patient was antagonizing the Employee prior to the incident. The patient did not attack the Employee first, rather the Employee engaged the patient physically without using any of the techniques taught by DMH's staff development classes. The Employee did not de-escalate, rather he continued to escalate, the events until the patient was on the ground.

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




MYRON PENN
MEMBER



EVAN M. THORNTON
MEMBER

DAVID R. MELLON
MEMBER



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MEMBER