BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA

IN THE MATTER OF THE APPEAL OF
WILLIE D. JONES, JR.

ORDER

April 20, 2022

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 October 18, 2021, based upon charges contained in a letter dated October 14, 2021. The Employee timely appealed his dismissal to the State Personnel Board. This matter was assigned to Administrative Law Judge Randy Sallé and a hearing was held on February 4, 2022. The Administrative Law Judge’s Recommended Order is now before the Board for consideration.

DMH charges that the Employee violated DMH Policy 19-10(III)(2)(a) – (Physical abuse); 70-5(II)(1)(a) – (Client abuse, mistreatment, neglect or exploitation); 70-5(II)(1)(r) – (Disruptive conduct of any sort); 70-5(II)(1)(aa) – (Failure to perform job properly); 70-5(II)(1)(dd) – (Violation of specific department/division/facility rules, regulations and policies); and 70-5(II)(1)(ff) – (Violation of department policies on investigations and/or employee cooperation in investigations).

A review of the Employee’s recent work history shows one (1) Information Education Session in January 2021 for leaving the bathroom
unattended; one (1) Written Warning in April 2021 for sleeping on the job; and one (1) Three-day Suspension in August 2021 for failure to perform routine checks/neglect.

The Employee was employed by DMH as a Mental Health Worker I at Taylor Hardin Security Medical Facility. On September 2, 2021, the Employee was assigned one on one with a patient. After the Employee’s shift ended another Mental Health Worker was assigned to the patient, she noticed the patient was in pain and was hurt on his right side. Eventually, the incident was reported to Taylor Hardin’s Director of Nursing. The next day, Taylor Hardin’s Medical Nurse Practitioner was made aware of the allegation of abuse and was assigned to assess the patient’s injuries. The X-ray of the patient revealed he had a fractured rib. The incident was then reported to the Director of Risk Management.

The Director of Risk Management sent the details of the alleged abuse to the Facility Director, and she ordered an investigation. The Director of Risk Management interviewed the Employee about the incident. The Employee testified that the patient urinated on himself and was not being compliant and that he had to ask another Mental Health Worker to assist him with the patient. The Director of Risk Management then asked the Employee to submit an Investigation Statement. The Employee complied, but the Director of Risk Management asked him to elaborate as his verbal answers were much more
detailed than his written statement. The Employee declined to revise his statement. Some of the information that was missing from the written statement included: what the patient did that was uncooperative, why the Employee had to change him, the patient’s comments to the Employee, and how the other Mental Health Worker assisted him during the interaction with the patient.

After completing the investigation, it was sent to the Investigation Review Committee. The Committee determined the evidence supported the allegation of abuse and recommended formal charges against the Employee. The Facility Director reviewed the information provided by the Director of Risk Management and recommended the Employee’s dismissal. While there is no video evidence of the abuse by the Employee, the circumstantial evidence is compelling as the patient suffered an actual injury and the worker replacing the Employee was the first staff member to notice the patient was injured. Additionally, there is substantial evidence that the Employee failed to cooperate during the investigation and interfered with DMH's efforts to properly ascertain the truth.

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.

[Signatures]

JACKIE GRAHAM
SECRETARY

FAYE NELSON
CHAIR

MYRON PENN
MEMBER

Evan M. Thornton
MEMBER

DAVID R. MELLON
MEMBER

RACHEL BUNNING
MEMBER