

Documentation regarding Jo Bates – Macon County Jail Nurse

August 17, 2015

Writer received call from Debbie Acciavatti, Director, Corporate Health Services who explained that her employee, Jo Bates, was currently working at Macon County Jail and had a non-work related injury that would put her off the job for 6-8 weeks. Employee had a fractured elbow and would not be able to work as an LPN. Debbie also stated that the jail did not want her back due to the investigation regarding the recent death of an inmate. DMH has a contract to provide medical services to the jail and Jo was working the day the incident took place.

Debbie asked if we could go ahead and terminate her as she did not qualify for FMLA, had only been her since May, and she did not have any work for her. I explained to Debbie that I would like to discuss the situation with Kevin and Paige, due to the incident at the jail, and I would be back in touch with her. I told her that at minimum, we would need documentation from the jail as why they did not feel comfortable having her come back before we could move forward. I asked Debbie what the employee was doing now if she could not work and she stated that she had been accommodating her in a light duty position at CHS but, was no longer doing so. I inquired if she had any openings this employee could transfer too and she told me no, I was hoping to term her due to her no qualifying for FMLA.

I spoke to Kevin regarding the situation and he agreed, along with Paige who happened to be in his office, that we need to have documentation from the jail as to why they did not want her to return.

August 18, 2015

Writer sent email to Debbie stating that we needed to have a formal request in writing from the jail before we could make a decision about her employment at DMH.

Debbie called writer and said that she did not want to ask the administration at the jail for the documentation and she did not understand why we could not terminate the employee. The contract stated that the jail could ask a replacement at any time and they were exercising that right to do so. I explained to Debbie that we could provide them with another employee but, that since Jo was an employee of Decatur Memorial Hospital, I needed to ensure from an HR perspective that we were ok to terminate her employee all together. She stated that she really did not have a position for her and didn't want to create one. I explained that she did not have to do that but, she could give the employee a non-FMLA leave and I had sent the form to her in the above referenced email.

Debbie said that she would contact the administration and see what she could get from them. They had previously indicated that the employee made some unprofessional comments during the investigation and they did not feel comfortable having her return. Again, I stressed to Debbie that we needed to determine what the issues were and move forward from there. I also stated that I would not move forward without approval from Administration and that she needed to clear any action with John Ridley.

August 26, 2015

Debbie contact me stating that she had met with the sheriff and the lieutenant in charge of the facility and they had provided her with additional information. Due to the pending investigation of the death, they did not want to put anything in writing but, did go through the issues with her. She stated that she asked if HR could be present during the meeting and they indicated no.

During the course of the investigation, they claim that the employee made several statements, in front of other Correctional Officers or investigators that were unprofessional. Debbie relayed that she told them "if you need anything, I am going to the boat and will be drinking." They felt this statement was not appropriate due to the fact that an inmate had died during her shift. They allege that she made the following statement during the course of the investigation "this was Gods' way of natural selection, weeding out the rif, raf" in regards to the inmates death.

They also had some concerns regarding her clinical judgment during the incident and indicated that she had told several CO officers that she believed the inmate was faking the illness and just being uncooperative. Based on this direction, they approached the inmate as combative and used additional force. I asked Debbie if she believed that the employee's actions required reporting to the IDPF and said no, I don't believe so.

Debbie said that she wanted to meet with the employee and let her know that she was terminated. Employee had told Debbie that she would be off work for the next few weeks and she did not have any work for her. She asked if she could transfer to another department and I explained that she had to meet the physical requirements for a new job and she would be unable to do so at this time with a fractured employee. Debbie was insistent on terminating the employee's employment at this time. I asked if she had spoken with John Ridley about the situation and did agree with the plan moving forward. She indicated yes, that she had spoken with him after meeting with the jail and he was in agreement.

We agreed to meet with the employee on Friday, August 28 at 10:00.

August 28, 2015

I went to CHS to meet with employee and Debbie, upon arrival she told me that the employee had called stating she would be 30-45 late as she had to go to a physician appointment. I explained to Debbie that I had to leave in about 45 minutes as I had a unemployment hearing that I had to facilitate.

While waiting, I outlined the two options that we had for meeting with the employee. I told Debbie that we could schedule another time to meet for that afternoon or Monday or she could meet with the employee along with Becca Bentley, CHS Manager. Debbie said that she felt comfortable meeting with the employee and going through the issues. I outlined for her what needed to be discussed and that we needed to be honest about the issue brought up by jail management. We cannot offer her another position at this time due to her inability to work and she is free to reapply once she is cleared to return to work full duty.

While at lunch, I received a call from Debbie stating that she had met with the employee and she had some questions regarding unemployment, rehire, ect. I told Debbie that the employee could schedule a time to meet with me later that afternoon or I could give her a call to answer her questions. She indicated that the employee wanted me to give her a call and said she would email me her number.

Monday, August 31 2015

I spoke with Jo Bates via telephone regarding her exit from the organization. The employee did not understand why I could not place her in another position as she could use her right arm. I explained that she would need to be full duty and meet the physical requirements of a new position in order to do so. I inquired if she was currently released to return to work and she said, no, I am off work for another 2-4 weeks right now. I told employee that she was free to apply to any open position once her physician cleared her to return to work full duty, no restrictions. Employee stated that she did not make those comments that Debbie said she did. I asked why she thought jail administration might be stating that she did and she replied "they want to cover their own butts, you know how law enforcement works."

Employee inquired if she would be a no rehire as she really wanted to work at DMH. I explained our policy was to verify dates of employment and position held only and that we do not comment on rehirability.

A handwritten signature in black ink, appearing to read "J. Bates", with a long horizontal line extending to the right.