

party responsible in the initial complaint as Staff 1. Ellen stated that Staff 1 was working at that time, and Staff 2 would be in later that morning.

Ellen stated that both staff members identified the other as making inappropriate comments, and engaging in appropriate activities. Ellen stated Staff 1 denied having picked up a child in the manner reported, or having done anything to any child. Ellen stated that Staff 1 then reported that Staff 2 had raised her voice, made inappropriate comments, and documented changing diapers and administering medications when she had not.

I spoke with Staff 1 and informed her of the complaint and asked if she could tell me about the situation. Staff 1 stated that Staff 2 was upset with her child and saying she needed to “get a handle” on her child then tried to grab her child. Staff 1 stated that Staff 2 did not actually grab her child as she was able to pick her child up herself. When asked how she had picked the child up Staff 1 stated that it was with her hands under the arms around the chest. Staff 1 stated that there were no other children involved. Staff 1 was asked about the concerns involving the medications and diapers. Staff 1 stated that on two occasions Staff 2 had forgotten to give a child a medication and in response would pour the medication down the drain and write down that it had been given. Staff 1 stated that Staff 2 would also forget to change children’s diapers before nap time but then go back and say that she had checked them but the child was dry and so would make up a time and mark that the child was dry. Staff 1 was asked if these issues had been reported and she stated they had not. Staff 1 was asked if there were any other concerns or information that had not been shared. Staff 1 stated there was not.

I next spoke with Staff 2 who was informed of the complaint and asked if she could tell me what had occurred on the prior Tuesday. Staff 2 stated that there is a tunnel structure in the infant room and there were three children playing in it. The children were trying to move past each other to get out and Staff 1 grabbed one of the children by the back of the child’s hoodie and said, “I’ll be damned if he’s going to hit my son”. When asked how the child was picked up Staff 2 stated that Staff 1 grabbed the cloth of the child’s hoodie in the area between the shoulder blades, lifted the child up, and set the child down away from the other children. Staff 2 stated that later in the day Staff 1’s child was climbing on some furniture and she told the child “no no”, at which point Staff 1 became upset, started yelling, gathered her things, and left slamming the door and swearing as she did so. Staff 2 stated that another staff member did hear Staff 1 swearing, and also admit to picking up the child by the shirt. When asked about the concerns regarding the medications and diaper changes Staff 2 stated that there was one occasion in which she had forgotten to administer a medication and that she and Staff 2 had agreed that she should just write down that it had been given. Staff 2 did note that she had not yet taken the Medication Administration Training and questioned if she should have even been giving any medications. Staff 2 was told that while the Medication Administration course is beneficial it is not required and it is assumed that staff are able to read and follow prescription medication label directions for the administration and storage of medications. Staff 2 stated that with regard to diaper changes there were times she would forget to write down the change when it was done and so would go back and estimate the time on the log. Staff 2 stated that there was never a time when a diaper was not changed or checked as required but only that it had not been logged at the time.

When asked if there were any other concerns or issues that had not been identified Staff 2 stated that she had talked to another individual that used to work at the center and told her about a situation with another staff member. Staff 2 stated that she was told that another staff member (Staff 4) had held a child down on a cot until the child became so upset that the child urinated and vomited. The same staff member had also placed a child in a closet and would not let the child out, and slapped another child on the hand. Staff 2 stated that she did ask the ex-employee if it had been reported and the ex-employee stated that she had not, but two other employees had reported it to Ellen. Staff 2 did provide the names of the staff that were said to have reported it to Ellen. When asked if she knew of the outcome Staff 2 stated that it was her understanding that nothing was done.

I next spoke with Staff 3 who was reported to have heard the exchange between Staff 1 & Staff 2. Staff 3 stated that she had entered the infant room to replace Staff 2 whose shift had ended. Staff 3 stated that both were arguing and Staff 1 said she would pick up her son and for Staff 2 not to touch him. Staff 3 stated that the other two staff were making comments that each other was not a good caregiver. During the exchange Staff 2 said, “well you picked (the identified child) up by the shirt and that’s abuse”. Staff 3 stated that Staff 1 responded by saying, “well you don’t even like (the identified child)”. Staff 3 stated that the exchange continued with both Staff 1 and Staff 2 yelling and using foul language. Staff 3 stated that she was not aware of any other concerns.

I next spoke with Ellen and informed her of the additional concerns identified regarding Staff 4 having held a child down on the cot, putting a child in the closet, and slapping a child’s hands. Ellen stated that she has never received any complaints or be told of any concerns regarding Staff 4. Ellen stated that of the two staff identified as having been witness or reporting the concerns one was still with the center, and the other had left and was with another program but Jackie may have contact information for that staff member.

I next spoke with Staff 4 and informed her of the complaint and the additional concerns that had been raised. Staff 4 denied ever

having held a child down on a cot, placing a child in a closet, or striking a child in any fashion.

I next spoke with Melissa who was one of the staff members identified as having been aware of the concerns of Staff4 having held a child down, placing a child in the closet, and slapping a child's hands. Melissa was informed that a complaint was being followed up on and the concerns but not the identity of the staff involved. Melissa stated she was not aware of anyone ever doing any of those things. When asked if she had reported any concerns to Ellen, or Jackie in the past she stated she had not as she never had anything she was concerned about. Melissa stated she would not hesitate to report any concern if she did have one as she is also an employee of the school and failure to follow through on caring for children in the daycare would also impact her school employment. Melissa stated that she felt that Ellen and/or Jackie would follow through with taking action if ever she did have a concern.

Based on the information obtained this complaint is substantiated with regard to several of the concerns identified but not others. While both Staff 1 and Staff 2 provide an account of the situation that resulted in the original complaint of Staff 1 picking a child up by the clothing and yelling at the child both identify the other as being the individual responsible for the inappropriate actions. The information provided by Staff 3 is credible and identifies a situation that appears to consolidate the versions of Staff 1 and Staff 2. Staff 3 acknowledged not having witnessed the event in which Staff was reported to have picked up a child, but stated that both Staff 1 and Staff 2 were engaged in an argument. During that argument both Staff 1 & 2 were yelling, swearing, and accusing each other of various acts. Staff 3 identified that neither Staff 1 nor 2 denied the accusations of the other but rather responded with a follow-up accusation of their own. Given this there is a preponderance of the evidence that Staff 1 likely did pick a child up in a manner that would be in violation of licensing standards regarding discipline, and both Staff 1 and Staff 2 engaged in using derogatory comments and inappropriate language in violation of licensing standards.

Staff 2 did acknowledge that there was at least one occasion in which she had falsified documentation of medication administration logging that it was administered when it was. Staff 2 stated that she had back dated diaper change information to log a diaper change or check that was conducted earlier in the day on several occasions when forgetting to log it at the time of the change. Staff 2 that the changes and checks were always completed and that she was only documenting the estimated time of the diaper change. Staff 1 acknowledged that despite being aware of the concerns regarding the issues with falsely documenting medication administration, and diaper changes in the past she did not report the concerns at that time. Given this Staff 2 violated licensing standards regarding medication and infant report documentation, and both Staff 1 and Staff 2 violated licensing standards regarding incident reporting.

There is a preponderance of the evidence that Staff 4 did not engage in any inappropriate discipline. Staff 4 denied ever having held a child down, placing a child in a closet, or striking a child. Ellen denied ever being informed of any such concern. The staff identified as being aware of and witnessing the actions denied ever seeing any staff engage in any behavior of that nature or in any behavior that would have resulted in a complaint being made.

Special Notes and Action Required:

Based on the information obtained this complaint was substantiated for violations of licensing standards. Corrective actions were reviewed with Ellen and Jackie and include the following.

1. The center will retrain all staff regarding Licensing Standards, and center policies regarding discipline, incident reporting, medication administration, and infant daily sheets. The center will complete a sign-in sheet showing the content, date, and staff attending the training.
2. The center will develop a New Staff Review form to document on-going contact between new employees and the on-site supervisor and/or center director. It is recommended that this be included as part of the new staff orientation process with weekly review during the first 2-3 months of employment.
3. A referral will be made by the DHS Licensing Consultant to community agencies including Child Care Resource and Referral, and Public Health Nursing.

Consultant's Signature:



Date:

03/10/2014