

Elder Abuse: Court Protects Supervisor For Discipline Of Nurses Aides.

A charge nurse in a nursing home was fired for an incident in which she allegedly became loud and argumentative with the CNA's over the way they were making up the patients' beds.

The charge nurse had a specific way she wanted the chux pads positioned to direct wetness away from patients' skin.

Common-Law Employee at Will Rule Must Bend for Public Policy Against Elder Abuse

The Court of Appeals of Iowa noted that the charge nurse did not have an employment contract and was not working under a collective bargaining agreement.

A common-law employee at will, as a general rule, can be let go by the employer at any time for any reason.

However, the employee-at-will rule does not justify disciplinary action by an employer that goes against public policy.

The court upheld the basic premises

An employee cannot be fired for a reason that vio- lates public policy.

COURT OF APPEALS OF IOWA
March 26, 2009

behind the fired charge nurse's wrongful-discharge lawsuit against her former employer.

The charge nurse was in the act of trying to prevent elder abuse when she got into the verbal altercation with the CNA's that resulted in her firing; prevention of elder abuse is a public policy that deserves validation by the courts.

Although her legal status at the time was only an employee at will, the charge nurse has grounds to sue her former employer over her firing, the court ruled. **Tuttle v. Keystone Nursing Ctr., 2009 WL 779538 (Iowa App., March 26, 2009).**