

OK to Reject Fire Fighter Applicant for Failed Polygraph



A fire department excluded one of the 6 final applicants for a firefighting job based on how he answered questions about drug use on his polygraph test. The applicant claimed he had made an honest mistake because he was rushed to fill out the test booklet and that not letting him get to the final round of the application process was a violation of the fire department's duty to show "procedural fairness" in making administrative decisions affecting private citizens. Procedural fairness didn't apply to a hiring decision, said the court. Besides, the department had acted fairly in the hiring process [Burke v. Cape Breton (Reg. Municipality), [2011] N.S.J. No. 685, Dec. 12, 2011].