Poor Productivity, Not Disability, Was Cause of Termination



Worker was out of work for illness on more than one occasion and claimed he was improperly terminated due to an absence for pneumonia. The employer countered that it was really due to the worker's lack of productivity during the entire employment relationship. It indicated that one month after the worker returned from a surgery-related absence, it told the worker his production was below expectations and that he earned only $7,000 in commissions yet incurred $20,000 in expenses entertaining clients. He was told he had to "fulfill a number of measurable steps" to improve productivity. Finding the employer provided evidence regarding the productivity issues but the worker didn't provide any evidence of discrimination, the court dismissed the case