

Termination for Lying About Sick Day was Excessive



An ambulance company terminated one of its medics and the medic claimed it was a response to his support for certification of a union. The employer argued the termination was because the medic falsely alleged he was sick to get a day off when his vacation request was denied. He had requested the day off to take his children's nanny to the airport so she could return to the US. He called in the morning of that day claiming he had a cold. The supervisor told him he couldn't take a sick day but never asked him for a doctor's note to verify he was sick. He was gone all day taking the nanny to the airport and taking his kids to and from school. Citing the fact that emergency workers had access to people's homes and personal belongings, the employer said trust was essential the employer could no longer trust the medic after he lied about being sick. The arbitrator found the medic's claim he was sick didn't fit with the evidence, showing he was well enough to drive the nanny to the airport and drive his children to and from school. Thus, the failure to work that day justified discipline. But because the employer's policy didn't indicate immediate termination was possible for a violation of the sick leave policy, the arbitrator found termination excessive and imposed a one-day unpaid suspension instead