

Employee Misconduct: Aide Refuse To Participate In Corrective Interview.

An aide working in a nursing home was reprimanded in writing for improper phone usage, failure to record her patients' weights and for a disrespectful response to a supervisor's instructions to manager her time better.

The aide was asked to meet with the human relations director and director of nursing to discuss their concerns over these incidents and with the aide's overall attitude and behavior.

The aide attended the meeting but refused to address their concerns. She used the meeting instead as a forum to sound off about working conditions at the facility.

Employee misconduct justifying termination is intentional, negligent or indifferent conduct that is a serious violation of the standards the employer has a right to expect or which shows a substantial lack of concern for the job.

COURT OF APPEALS OF MINNESOTA
September 13, 2005

The Court of Appeals of Minnesota upheld the nursing home's right to terminate the aide for misconduct.

Refusal to participate in a meaningful way in a corrective interview is, in and of itself, misconduct justifying termination.

The seriousness of the employee's underlying deficiencies is not the relevant issue when an employee balks outright at corrective action. **Carter v. Lyngblomsten Care Center, Inc.**, 2005 WL 2208051 (Minn. App., September 13, 2005).