

Sleeping On Duty: Employee Excused Of Misconduct.

An aide working in a group home serving physically and mentally disabled adults was seen sleeping on the job.

The home's personnel policies listed a number of offenses, including sleeping on the job, which could result in immediate dismissal.

The Court of Appeal of Louisiana, however, took into account the fact the man was taking blood pressure medication every morning and evening. He took an additional dose when he got a headache on the job, as opposed to asking to be relieved of duty and go home. Then he nodded off to sleep.

Under the circumstances there was no intentional disregard of his employer's standards of conduct and no justification to terminate him for cause, the court ruled. **Delta American Healthcare, Inc. v. Burgess,** ___ So. 2d ___, 2006 WL 1329692 (La. App., May 17, 2006).