

## Misconduct: Too Many Absences Are Grounds For Firing.

A CNA worked for a staffing agency which supplied personnel to nursing homes.

She was terminated after calling and canceling her assigned shifts more often than agency policy allowed. Then she applied for unemployment compensation, was turned down and filed an appeal. Her appeal hinged on the question whether or not she was fired for misconduct.

The Court of Appeals of Minnesota went through the record of the aide's excuses such as a sick child, car would not start, no money until payday for car repairs, etc., only to rule that it was all fundamentally irrelevant.

A healthcare employer has the right to expect a direct-care employee to be present on the job. If the employer has set realistic attendance standards ahead of time the employer can hold an employee to those standards regardless of how compelling the employee's excuses may be. **Parsons v. Minnesota Care Staffing, Inc., 2007 WL 1247797 (Minn. App., May 1, 2007).**