

Misconduct: Aide Refused Patient-Care Assignments, Termination Is Permitted.

An aide was fired from her job in a nursing home after she repeatedly refused to accept patient-care assignments she did not want to take.

Aide Refused to Accept Heavy-Care Patients

The aide complained, then flat-out refused to work with a patient who required assistance to transfer and another patient who needed to be walked daily with assistance. She was reprimanded for refusing to bathe other patients who needed full assistance with personal hygiene.

The aide also refused to fill in on the Alzheimer's dementia unit as needed, insisting that she only worked on the one floor where she usually was assigned and did not work for the facility at large.

An employer is justified in terminating an employee for misconduct.

Misconduct means an act which shows willful disregard of the standards of behavior that an employer has the right to expect.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
February 18, 2010

The Superior Court of New Jersey, Appellate Division, ruled that her employer was justified in terminating her for misconduct after repeatedly making it clear to her through verbal and written warnings that her actions violated the facility's work rules and would not be tolerated.

The Court ruled she was ineligible to receive unemployment benefits after her employment was terminated. Lewis v. Board of Review, 2010 WL 546583 (N.J. App., February 18, 2010).