

DECISION DIGEST

Actual cases and rulings from Princeton Claims Management

NJHA
HEALTHCARE
BUSINESS SOLUTIONS

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A PARKING COVER UP LEADS TO TERMINATION

Background

A lead laboratory technician (employee) was terminated for lying about parking her car in a restricted area. The lot was reserved as an employee drop-off at an onsite day care center. The employee parked in the restricted area because she was running late for work. This was a violation of the employer's parking regulations and caused an inconvenience to the child care center's clients. When initially questioned by the employer, the employee contended she was dropping off a friend's child at the center. Upon further questioning, she was unable to provide the last name of the child and acknowledged that she did not drop off a child. The employee also apologized for lying to the employer. The employee was terminated for not being truthful during an investigation.

Process

The former employee (claimant) filed an unemployment claim and was held disqualified for simple misconduct for lying to the employer about a parking violation. She disagreed with the determination and appealed contending she had a lapse in judgment and lied to cover it up since this was not her first parking offense.

The claimant, the employer's witness and agent, Princeton Claims Management (PCM), appeared for the hearing. The claimant agreed that she parked in a restricted area and had been previously warned for other parking violations. She testified that she did not think it was a "big deal" and the infraction should not have warranted termination. The employer testified that parking is an uncompromising issue because space is limited and rules ensure the safety and security of the hospital's patients, visitors and employees. Moreover, the employer argued that it was not the parking violation that caused her discharge, but rather her dishonesty about why she parked there in the first place.

Judgment

The examiner agreed with the employer's argument that the "reason for the separation was the claimant's untruthful response to the employer and not the actual parking violation." Since lying to an employer is considered a "willful disregard of the standards of behavior which the employer has the right to expect of its employee," the claimant was held disqualified for simple misconduct under N.J.S.A. 43:21-5(b).

While a parking violation may seem inconsequential, hospitals take enforcement seriously and do not tolerate lying to cover up abuses . . . and the DOL agrees!

For more information about Princeton Claims Management, contact *LuAnne Rooney Frascella* at 609.936.2207 or lfrascella@njha.com.