

## ***WORKSHOP CASE #1***

### **I. BACKGROUND.**

An SSA was employed by Any County Board of DD (“ACBDD”) on January 2, 2004. The SSA has carried a case load of 25-35 consumers, some of whom may have been on waivers.

The ACBDD has a written rule that “case notes” are due on the 15<sup>th</sup> and 30<sup>th</sup> of each month. The 15<sup>th</sup> case notes cover the last two weeks of the prior month and the 30<sup>th</sup> case notes cover the first two weeks of the current month.

Over the period of time from March 2006 to September, 2007, the SSA was late on submission of case notes by as much as two weeks. The Director of the SSA had sent several emails over the period as “reminders” of the rule regarding submission of case notes.

In September, 2007, the SSA was given a verbal warning regarding the timeliness of the case notes. The SSA was then timely for two months. In December, 2007, the SSA once again became untimely. In January of 2008, the SSA was given a written warning regarding timely submission of case notes. The SSA stated that she was sorry but there was difficulty at home and would get “caught up” within the next 30 days. She requested overtime, which was denied.

By March 1, 2008, the SSA was not “caught up” and was given a three day suspension for untimeliness. The SSA was “off work” for the three days and fell further behind.

The first week of May, her doctor put her on a medical leave for two months. Her case load was picked up by her fellow SSAs, but her case notes for the prior periods of time could not be done because she was the single point of service and only she could provide the case notes.

Upon her return from medical leave, the SSA Director met with her and gave her 30 days to get caught up. (She was three plus weeks behind).

At the end of the 30 day period, she requested an extension of one week, which was granted. She also requested overtime, which was denied.

By December of 2008, she was once again three weeks in arrears on her case notes. The SSA Director asked what she as Director could do to help. The SSA stated, “Nothing,” but the SSA Director assigned most of her case load to other SSAs so that she could devote time to “catching up.”

The SSA caught up by mid-January and resumed her case load. By April 1, 2009, she was once again delinquent in case notes at which time she was suspended for ten days. The SSA went to Aruba for one week “to get her mind in order.”

Upon her return from suspension, she was given 30 days to become current on her case notes. She once again “caught up”.

By September, 2009, she was again delinquent. She cited home problems and that her fellow employees were not friendly to her. She requested overtime to catch up and maintain her normal case load. The Director once again removed some of her case load in order to facilitate the catch up and gave her 30 days to become timely.

At the end of the 30 day period, she was not timely and requested more time. She was denied more time, given a ten day working suspension and put on a Last Chance Agreement.

At the end of 30 days, she was still not timely and was terminated.

Pertinent information.

1. Non Union employer.
2. Verbals/Writtens remain “active” for 12 months.
3. Suspensions remain “active” for 24 months.

Note Page #3 – Any CBDD.

Who would you interview?

Seven tests for Just Cause met? Missed.

What might employee argue?

How might Employer counter?

Who would be employee’s witnesses?

What might Employer argue?

Potential response by employee.