

Unjust to Fire Corrections Officer for Failing to Promptly Report Arrest



A corrections officer was arrested for impaired driving while operating her own car off-duty. She failed to report her arrest promptly to her employer as required and didn't do so until two years later when she pleaded guilty to those charges. The employer fired her. The union filed a grievance. The Board concluded that the officer's dismissal was a disproportionate response to her admitted misconduct. The officer was dishonest in not reporting her arrest to her employer when it happened. Had she promptly reported it, she likely would've been treated like other officers who'd been arrested for the same charges and permitted to continue work with accommodations for her not being allowed to drive. However, she did eventually come forward on her own. In short, the officer made an understandable error in judgment but one that didn't break the bond of trust with the employer. So firing her was disproportionately harsh, said the Board, which substituted a 20-day unpaid suspension [*Ontario Public Service Employees Union v. Ontario (Ministry of Community Safety and Correctional Services) (Lunario Grievance)*, [2015] O.G.S.B.A. No. 130, Aug. 31, 2015].