

Using City Equipment Without Permission Violated Last Chance Agreement



After a city worker walked off the job and admitted having a drug problem, he completed a rehab program but later failed a drug test. He and the city then signed a 'last chance agreement.' In the middle of the night, the worker took city equipment home without permission and used it to pile snow into a hill on which his girlfriend's child could play. In doing so, he disturbed neighbours and damaged a fence. Although he wasn't impaired at the time, the city fired him. An arbitrator dismissed the union's grievance. The worker engaged in serious misconduct, which violated the last chance agreement. The city had excused prior poor judgment by the worker. But given the nature of this misconduct, it wasn't unreasonable for the city to fire him [*Canadian Union of Public Employees, Local 133 v. Corporation of the City of Niagara Falls*, [2014] CanLII 6917 (ON LA), Feb. 6, 2014].