

# Bad attitude, rude behavior bars unemployment

Employees who have been fired generally qualify for unemployment benefits unless they were terminated for misconduct. But “misconduct” is broadly defined. It can even include rude or snippy behavior that shows an employee doesn’t really care.

**Recent case:** Henry Helgerson worked as a cashier at a Walgreens drug store for 2½ years until he was fired for accumulating three reprimands.

First, a customer complained about him. Then he missed work without calling in first. Walgreens warned him he would lose his job if he was reprimanded again.

The third strike happened when his manager observed him reading a magazine at the checkout—which is against company rules. When he was told to get busy, Helgerson said, “Let me finish this paragraph.” Later that day, Helgerson refused to end a personal call on the store phone.

Unsurprisingly, Walgreens fired him. His initial application for unemployment benefits was approved, but Walgreens appealed.

The Court of Appeals of Minnesota held that Helgerson wasn’t eligible because his conduct amounted to misconduct and showed he wasn’t interested in doing his job. He had been warned his conduct was unacceptable, but simply escalated his poor behavior. (*Helgerson v. Walgreen, et al.*, No. A10-1592, Court of Appeals of Minnesota, 2011)

**Final note:** The key to winning unemployment compensation cases is to document misbehavior. Show that your employees know what the rules are and that they deliberately ignored those rules. That’s easy with a progressive discipline program such as the one Walgreens has, which gives employees two chances to improve their behavior and attitude before being fired.