Case 9-2 Off-Duty Misconduct

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**Answer 1**

Firefighter are obliged to provide social safety to the citizens. However, it is hard to hold them legally responsible if they failed to do so when they are off-duty. It is considered a moral duty for workers to maintain discipline in any situation and be prepared for any unpredictable situations whether they are on-duty or not. However, most employees believe that off-duty behavior is not related to their work and they are allowed to enjoy their freedom. Not all employees are the same, some show high courage by providing extra performance and voluntarism to society. Yet, if any employee is found guilty of illegal off-duty misconduct, he/she is presented with legal actions. Mostly, it is not considered obligatory for any employee unless there is serious damage done. The authorities can take action if the terms are clearly defined in the agreement. If the agreement states that they should be responsible for providing off-duty services as well, then the authorities can take actions by imposing fine, rational suspensions or any other warning. However, it does not fare to completely dismiss the employee, because it further impacts the personality of the individual as well as minimize the morale of overall union (McMillan LLP, 2016).

**Answer 2**

The employee has the right to challenge the decision of the organization. He can prove himself eligible to perform his job until the final verdict. He can also claim his salary for his contribution to the organization. also, witnesses may be presented in his favor to restrict any serious decisions against him. Furthermore, he has the right to challenge organizational rules in terms of his time and off-duty routine. The union also has the right to request reinstatement with punishment such as upholding pay or imposing a certain amount of fine on the employee instead of removal from the organization. They also can appeal to the internal committee for solutions to solve the issue instead of taking the problem to the court (Moore, Zhou, McDonald, Goldstein, & Slocum, 2008). It is beneficial for both the employee and the organization; the employee performance and morale are not disturbed and the issue is saved from spreading on the social media platforms.

**Answer 3**

The management has the right to punish the employee. However, how strict actions are taken depends on the authority holders. In case of misconduct, the management can suspend the employee until the case is resolved. The management can also charge the employee a defined amount under the law for that particular act and the amount should be paid for the damage. In serious circumstances, the employee can be terminated. The authorities also have the right to take notice of whether the employee reputation and performance are disturbed by the act whether he/she still performs the duties. The frequency of crime is also taken into account to evaluate whether the employee will be able to perform in the same way as before or not. It is also decided whether the union or team member still wants to work with him or not. The disciplinary action that includes the suspension of their jobs at times is done in the benefit of employees so that they can easily seek out the issue. The verdict should be based on evidence and witnesses and then any considerable legal action is taken. The management can impose appropriate sanctions in light of laws against the employee (Simon & Scheepers, 2019).

**Answer 4**

The investigator should first consider the rules for employee misconduct during off-duty. The management is responsible for taking notice whether the convict is eligible for any disciplinary action or not. Firstly, documentation should be developed and maintained for the evaluation of misconduct. It is necessary to monitor the negative impact on an employee in case of any legal action, looking into the pros and cons of particular actions. Also, it is required to take the whole union in trust while deciding any final verdict because it influences the work performance of the overall organization. On the other hand, it is necessary to keep a record of the damage being done, and the intensity of crime and misconduct (Martinelli, 2007). All the evidence should be kept in supervision while giving any final verdict. It is very critical to deal with employee misconduct off-duty, thus, it is essential to maintain a balance between the damage and the legal action against the employee.

**Answer 5**

Social capital is the most important asset to fight for your rights. During any unfavorable condition, it is necessary that the employees possess strong relations with coworkers. Communication and network with team members play a high role in maintaining and safeguarding the performance and ultimately the job of an individual. Similarly, labor unions play a significant role in job satisfaction of all employees. They make joint decisions that hold a high probability of acceptance by the management. Mostly, in critical circumstances, the union plays a significant role in protecting the job of its team members. They work as a team member and support the team in good or bad circumstances. The union labor can jointly file legal disciplinary actions against the organization which may not hold the same value if filed by the employee alone. The union represents a strong team that can challenge the rules and regulations of organizations, they strongly monitor organization activities and laws whether they are in favor of employees or not. Also, the union actively represent their notion and condemn the discriminatory decisions, so that the organization cannot repeat the same conduct with any other employee in the future.

**References**

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