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FW: Used Vehicles -Absence Raymond Jedlicka

John Austin

Sent: Friday, 24 April 2020 11:27 AM

To: [Lena Muscat](#)

Cc: [David Berlusconi](#)

Lena,

Can you please send me Ray's personal email so I can send him the roster for the next 4 weeks.

Regards

John Austin
Dealer Principal Brad Garlick Ford/Ryde Hyundai/Ryde Isuzu Ute
Australian Automotive Group Pty. Limited
Phone (02) 9807 2933
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-----Original Message-----
From: David Berlusconi
Sent: Wednesday, 22 April 2020 4:01 PM
To: John Austin
Subject: RE: Used Vehicles -Absence Raymond Jedlicka

Hi John,

Lena mentioned we have to sign everyone up for Job Keeper and can't exclude anyone. It's an "all or nothing package" so from that perspective, we don't have any wiggle room to really assess his claim.

My initial thoughts were given the FW Act indicates a person is entitled to be off on unpaid sick leave for up to 3 months in a 12 month period, we should let that run its course. After that, we can terminate even if he is sick because it would be unpaid leave. That is because it's a protected entitlement which I know, that he knows.

So I thought we should either rostered him on and pay sick leave in advance (by way of the job keeper payments which we are allowed to do) or, he should be on unpaid leave and not get the Job Keeper payments for him because we would be simply prolonging the issue of him being on 3 months of unpaid leave.

Me calling him would not be a good idea at this stage. The last time I called him he asked many questions and put in complaints. He appeared to be getting advice from someone and knew exactly what he was doing. I think calling him again will just inflame this situation and achieve nothing as I think we both know, he is not coming back to work while he has certificates. If we query him on discrepancies, he is likely to call it a constructive dismissal or take up a general protection claim.

Is there anyway the business can restructure to get rid of his role?

Regards.

David Berlusconi
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From: John Austin
Sent: Tuesday, 21 April 2020 2:51 PM

To: David Berlusconi
Subject: FW: Used Vehicles -Absence Raymond Jedlicka

David,

Further to today's email, please find attached a new Sick Leave certificate form Ray.

I really think you need to make contact with him as I think he has a plan but not sure this has been made clear yet.

The original letter you received has a number of mistakes. Below is the story I know around his injuries and what I know to be true.

I don't know when I was made aware that Ray had injured himself, but I can confirm that as per my roster he had 21/2 and 22/2 off sick. He was back at work 23/2 (because this was a Sunday and Ray wouldn't want to miss Sunday Load) and then 24/2 and 25/2. RDO 26/2 and at work 27/2 and 28/2.

At some point I had been shown his swollen ankle and told he fell down some stairs. While the ankle was swollen, I was never made aware by Ray as to the extent of the injury or that he was finding it difficult to perform his work duties. Having broken my own ankle before I could understand his situation but recalled that I had no time off work for my injury.

On the morning of 29/2 I was contacted by the Used Car staff asking if I had heard from Ray as he wasn't in. I sent him a text and he replied with a photo of his badly cut foot and the comment that he had been in Ryde Hospital the night before. Again, he came into work 1/3 (as it was a Sunday) I have seen a Hospital Certificate that said he was unfit for work 29/2 but fit 30/2 (assuming 1/3). He also worked 2/3 and had an RDO 3/3.

On the 4/3 I was at a Ford meeting in Parramatta, when I got a call from John Sultana suggesting that Ray may have been exposed to Corona Virus (and was in the office). I also asked John to call you and I also spoke to you about this development. I advised John to tell Ray to go home. That afternoon he went to his doctors and got a Sick Certificate for 4/3 and 5/3. Considering what we knew about Covid 19 back then, 2 days seemed odd, so I assumed it was for his foot.

On the 5/3 I had a phone conversation with Ray. In this call he explained that he had been at Ryde Hospital for his foot (28/2) and a doctor at the hospital had tested positive for CV. He had contacted the hospital and asked if he should be worried or tested. Again, early days but they suggested if he was concerned he should be tested. He was on 5/3 and told it would take 3 days to get the results. It was during this time that I experienced some pressure exerted to Ray, not so much to come back to work, but to keep us informed of the results. Plenty of other staff were concerned and wanted to know Ray's condition asap. Eventually he called his manager to advise that he was clear and he returned to work 11/3 having in total had 7 days off. Assuming that the doctors certificate for 4/3 and 5/3 was supposedly adequate for him to get over his foot injury and he had now had 7 days off, we were again completely unaware of any ongoing issues with his foot injuries.

He had an RDO 16/3, called in sick 17/3 and when it was suggested that he was going to be sick 18/3, we asked him to swap his 19/3 RDO to 18/3 and come back to work 19/3. He worked for 4 days before having Sunday 22/3 off (as we had now moved to closing the dealership on Sundays).

On 23/3 Ray's brother had contacted Chris Markham and advised him that Ray had sent you a letter explaining why he wouldn't be at work that day. I sent you an email asking if you had received this correspondence and you shared with me his letter. As mentioned above there are a number of inaccuracies in the letter. Also apart from what I have written above, the letter is actually the first time a lot of this information was shared. We had a doctors certificate that excused him from work for a day (29/2) and 2 days (4 & 5/3). Based on these two certificates how were we to know he was struggling with the injuries. He claims he needed two weeks off to let the stitches heal, but at no time did a doctor provide him a certificate for this. And he had 7 days off anyway.

As we know with this letter was included a doctors certificate for 23/3 to 29/3. As requested in his letter we have left him alone to recuperate.

We then received a further doctors certificate for 29/3 to 19/4. During this period we have contacted him to advise him that based on his situation we have stood him down to 28/4 and did he want to take Leave without Pay for the 5 days he was stood down or Annual Leave. He had replied that he wanted Annual Leave for this period. However as per attached we now have a doctors certificate for 20/4 to 4/5.

None of the certificates actually state what is wrong with him. Based on what he mentioned in the letter, I had assumed it was to do with his foot, but I now suspect there is something else at play.

David, as he has reached out to you once already, maybe you should contact him to see how things are going, as you have just been made aware of the latest doctors certificate and you are just concerned how he is going.

Regards

John Austin
Dealer Principal Brad Garlick Ford/Ryde Hyundai/Ryde Isuzu Ute Australian Automotive Group

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jaustin@austautogroup.com.au<mailto:jaustin@austautogroup.com.au>

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From: Jason Bozzi
Sent: Tuesday, 21 April 2020 12:05 PM
To: John Austin
Subject: FW: Used Vehicles -Absence Raymond Jedlicka

From: raymond jedlicka [mailto:raymond_jedlicka@hotmail.com]
Sent: Tuesday, 21 April 2020 11:55 AM
To: Jason Bozzi
Subject: Used Vehicles -Absence Raymond Jedlicka

Hi Jason

Sorry for the delay regarding my Medical Certificate.

Regards
Raymond Jedlicka

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