

HR STORIES FROM THE FRONT LINES



My Disability Made Me Do It!

Dale is a recovering alcoholic (sober 6 months). He's been a chef at The Cabana Grill for four months.

Dale uses profanity in the kitchen and many employees have complained to Gina, the HR manager. But, Dale blames his outbursts on stress related to his recovery from alcoholism and just needs time to adjust. So far, Gina has not disciplined Dale for his misconduct.

The problem is, Dale's outbursts have increased and it's affecting morale. Gina doesn't know what to do, fearing disciplinary action may be discriminatory. Gina just got a call from Chip, a meat vendor. Chip says that Dale demanded free steaks. Chip refused, and Dale cursed and threatened to "kick his ass".

Dale admits he "lost his temper" with Chip and blames his alcoholism. Gina says Dale's conduct is unacceptable, and if it were any other employee, they would be terminated. Company policy prohibits threats of violence, and the restaurant has consistently terminated employees who have made threats of violence at work.

Before firing Dale, Gina called us. We advised that termination is appropriate in this situation. The EEOC states "an employer may hold the individual to the same conduct standards that it applies to all other employees."

Federal and state law provide protections to disabled employees, but don't protect deliberate employee misconduct.

Caveat: Before terminating a disabled employee, always talk with us or your employment attorney.

(*This incident really happened; but names and other details have been changed.)