

BRAIN TEASER



The correct answer is C.

Explanation:

Disciplining an employee for behavior that does not affect the workplace is difficult to justify. Without a clearly stated policy, Raymond cannot be terminated simply because he used drugs, visited a brothel, and/or was arrested. These events alone do not impact the workplace. However, he can be terminated for the affect those actions had on the workplace (i.e. missing the meeting and improper use of the company credit card).

Many states have strict privacy laws and other laws that protect the personal behavior an employee engages in outside of the workplace. When an employee engages misconduct during his free time that does not impact the workplace, the employer has little ability to discipline the employee for that misconduct. This is true even when the employee is on a business trip.

If an employer wishes to control an employee's behavior when he is representing the company during off-duty hours, a specific policy or agreement should be in place outlining company expectations and stating that any violations will result in termination. Employers should limit the use of such policies/agreements to the rare instances when the employer may be held liable for an employee's actions. Always consult with a qualified employment attorney for assistance in preparing those documents.