

It takes two to have an argument—suspend both when beefs get out of hand

It's a fact of life: Employees get into arguments at work. Obviously, you can't let a situation get out of hand. But be careful how you discipline the individuals.

That's especially important if there's no clear evidence about who said what to whom.

If you decide to suspend one employee, suspend the other one, too. Otherwise, the suspended employee may claim some form of discrimination if the other employee doesn't belong to his protected class.

Recent case: Elbert Harris, who is black, worked as a certified nursing assistant at a large California facility for the severely ill. He got into an argument with a white co-worker in the parking lot. Then the two brought their dispute inside, where the argument continued. That much, witnesses can agree to.

Harris claims he is soft spoken and never raises his voice—the co-worker claims that's not true. One group of co-workers told management one story about the argument—and others said the complete opposite.

In the end, the nursing home suspended Harris, but not the white co-worker. Both were ordered to complete an anger-management program and mediate their interpersonal conflict. The white co-worker completed the training, but Harris did not.

When Harris was then terminated, he sued, alleging race discrimination.

The court said his case could go to trial because there was conflicting evidence about what had happened during their argument and because only Harris had been suspended. (*Harris v. City and County of San Francisco*, No. 08-2353, ND CA, 2009)