

# When employee threatens, you can and should discipline--regardless of reason

Employers and employees have the right to a safe work environment free from violence or direct threats of harm. Punishing an employee who puts others in danger or creates widespread fear is not only appropriate, but essential.

That's true regardless of the underlying reason for the threatening behavior. You can discipline the employee, no matter why he misbehaved.

**Recent case:** Donald Formella was an experienced truck driver who had just begun working for Schnidt Cartage. One morning, he clocked in, sat through a meeting on unionization and went to his truck. Apparently agitated about the company's efforts to fight union organizing, he had a brief argument with a co-worker on his way to his truck.

Then he became increasingly fired up because of perceived safety problems with the truck he had been assigned. He complained right away about mismatched tires and other problems. While he later claimed he was respectful in expressing his concerns, his supervisor and several co-workers said he was angry and agitated. They said they felt threatened as Formella's voice grew shrill and he began shouting.

His supervisor terminated him for his disruptive behavior.

Formella filed a complaint with the U.S. Department of Labor, alleging he had really been fired for reporting a workplace safety problem.

But a court upheld his discharge, choosing to believe Schnidt Cartage. It concluded he had been fired for his behavior and not for complaining about safety. (*Formella v. DOL*, No. 09-2296, 7th Cir., 2010)

**Final note:** The principle of punishing the behavior rather than the underlying trigger or cause applies in many other situations, too. For example, firing an employee who comes to work drunk is justified, even though he may have a disability—alcoholism.