

Don't tolerate insubordination, rudeness

You know her—the abrasive employee who's just plain hard to work with. Employers sometimes fear disciplining such employees, thinking that any legitimate criticism will be perceived as some sort of discrimination.

Stop living in fear. As long as you can document specific examples of inappropriate rude or recalcitrant behavior, any discipline you apply will probably stick.

Recent case: Susan Dixon is black and speaks with a British accent. She worked for a district attorney's office as a receptionist. After just a few months on the job, complaints started coming in from the attorneys Dixon supported. For example, she forgot to put an affidavit in the right box, causing an attorney to lose a forfeiture case.

Dixon then sent an email to all other receptionists, including county employees outside the district attorney's office, telling them about the arrest of a co-worker's estranged husband, including a mug shot she retrieved from the computer system.

When confronted with the email, Dixon became angry and argumentative. That was the last straw.

She was fired for both violating the chain of command by sending an email about office matters to people outside the office and for her angry outburst when confronted with the email.

Dixon sued, alleging race and accent discrimination.

But the court tossed out her case. It reasoned that Dixon hadn't shown that discrimination was a plausible reason for her termination. (*Susan Dixon v. Comal County*, No. 11-50259, 5th Cir., 2011)

Final note: Sometimes, removing a toxic personality requires risking a lawsuit you know you will eventually win. Such employees ruin the workplace atmosphere for others and lower productivity. Plus, they seldom are the best workers. Just make sure you have carefully documented poor performance and rule violations.