

When disagreement turns to cursing and threats, feel free to terminate for insubordination

Plenty of employees have chips on their shoulders. Some are hypersensitive to perceived slights and constructive criticism. Others get angry over minor problems.

Acting out has long been regarded as insubordination and grounds for discipline, including termination.

Recent case: Roberta, who is black, worked as a mail carrier. After returning to work from an injury, she got a new route. Soon, she was complaining that her supervisor was micromanaging her, criticizing how she delivered the mail.

The incident that led to her termination occurred when the supervisor sent another employee out on Roberta's route, ostensibly to help her. Roberta sought out her supervisor and said, "If comes out here again, I'm going to kick her a**." When the supervisor told Roberta to calm down, Roberta told her, "You are not my boss.... You ain't s**t and you can't tell me what to do."

Roberta was suspended for insubordination and then fired for that incident, plus a poor attendance record. She had missed 53 days without an excuse in a three-month period. Roberta sued, alleging race discrimination.

But the court didn't buy it. To the court, it was clear that Roberta had been insubordinate, which was the main reason why she was terminated. She had no case, since she couldn't show that anyone outside her protected class had missed so much work and also been insubordinate without being fired. (*Matthews v. Donahoe*, No. 1065, 7th Cir., 2012)