

# Don't let employees bully you into dictating their employment terms

You don't need to let an employee set a bad example by trying to force concessions from you that aren't required in a collective-bargaining agreement or employment contract. Turn the tables on such bullies. Make clear to all employees that such actions will be considered "insubordination" and grounds for termination.

In this case, the employee tried to dictate the terms and conditions of her employment, demanding that her union steward be permitted to monitor her work phone calls, and that she be supervised by a different manager. The court made clear that no employer is required to go along with such demands.

**Recent case:** Customer service rep Robin Bean, who is black, refused to make joint customer phone calls with her supervisor. She insisted the organization allow a union rep to listen in. The collective-bargaining agreement didn't require it, so the organization said "No." Bean still refused to make the joint calls, so the organization suspended her for 10 days.

When she returned, management and union reps met with her, telling her she'd have to make the phone calls. A senior manager told Bean that if she walked out on the meeting, the organization would consider her to be resigning. She walked out and the organization cut the rope.

She sued, alleging she was suspended and fired because of race. Her employer countersued for breach of contract, claiming that Bean's resignation meant she forfeited a \$14,500 relocation payment the organization gave her when she moved offices recently.

The court sided with the employer, saying it dismissed the race-bias claim because the employer's decision to terminate was based on a legitimate, nondiscriminatory business reason, insubordination. (Bean v. Wisconsin Bell Inc., No. 03-1983, 7th Cir., 2004)