

Disruptive behavior? That's a firing offense

Employers don't have to tolerate disruptive and rude behavior in the workplace. You can set—and should enforce—basic civility rules. Not only does that give you a basis for discipline, but it may prevent a problem from escalating from boorish behavior to harassment.

Recent case: Michael who is deaf, was hired as a program analyst at the National Oceanic and Atmospheric Administration (NOAA). He requested the services of an interpreter during his tenure, which NOAA provided under a pre-existing arrangement it had with an outside contractor. Michael found 12 of the 14 interpreters substandard, placing them on what he termed his personal “do not call black list.”

Within a year of being hired, Michael was fired for disruptive behavior. According to his supervisor, Michael was “abrupt and demanding,” “intimidating, disrespectful or personally offensive,” exhibiting “outbursts of anger and frustration when co-workers disagreed” with him. His communications allegedly were “inappropriately sarcastic and verging on hostile in tone,” and he often sent “angry, derogatory emails.”

In short, he was creating an unpleasant workplace for many of his co-workers and supervisors.

But an incident with an interpreter was the last straw. Michael was observed agitatedly waving his arms and ordering the interpreter to leave. He followed this with a letter to the contractor, complaining about its services and demanding that it send someone else. That prompted the president of the company to tell NOAA that none of its interpreters wanted to work with Michael. That's when Michael was fired.

He sued, alleging he had been terminated because of his disability and refusal to accept substandard interpreters.

The court tossed out his claim, reasoning that NOAA had shown it fired him for his misbehavior and not his status as a deaf person. (*Pearlman v. Pritzker*, No. 13-1563, 4th Cir., 2014)