

Don't hesitate to discipline a rude and insubordinate employee

Nothing disrupts the workplace like a rude and nasty employee—especially one who thinks she’s smarter than everybody else and constantly tries to show it by criticizing co-workers and others.

To stop the damage, you may have to act firmly, even if that means the employee may sue. If you back your actions with solid evidence, chances are a judge will throw out the case.

Recent case: Susanne Atanus worked for the U.S. General Services Administration (GSA) and had trouble getting along with others. She ordered co-workers around, argued with supervisors in meetings and acted disrespectfully during a lecture. Atanus received several “letters of instruction” explaining that her behavior was unacceptable in the workplace.

Then a new supervisor arrived on the scene. The supervisor is black, and Atanus is white. Atanus continued to receive warnings and even got into shouting matches that ended with management’s threats to call federal protective officers if she wouldn’t stop. GSA informed Atanus that she would be suspended for 10 days because of her behavior. That’s when Atanus announced she was the smartest person in the building.

She also filed a lawsuit alleging discrimination based on age, race and religion. GSA came to court armed with workplace rules, copies of the warnings, notes on her behavior and evidence that she had not been singled out for anything other than disruptive behavior. The court dismissed the case, and Atanus appealed.

The 7th Circuit Court of Appeals upheld the dismissal. It said there was no evidence of discrimination, but plenty of evidence that the discipline was fair. (*Atanus v. Perry*, No. 07-1430, 7th Cir., 2008)

Final note: Sometimes, employers just have to suck it up. There is no way to prevent someone from filing a lawsuit. Sometimes you have to weigh the need to control the workplace against the litigation risk.