

Evenly enforce policy prohibiting employee fraternization

If, like some companies, you have a policy forbidding dating or relationships between supervisors and hourly employees, make sure you enforce the rule consistently.

Recent case: Gerald Ellis, who is black, started working for UPS right out of high school. He made steady progress into management. Then he began dating a white UPS call center employee who was paid hourly.

UPS has a strict prohibition against managers dating hourly employees anywhere within the company. It claims the policy eliminates any possibility of an abusive relationship or the appearance of favoritism. UPS also claims the policy is necessary because it moves employees around frequently, and it is very possible that a supervisor will end up being the boss of his or her paramour.

Ellis' supervisor learned about the relationship and told him he had to end it or lose his job. Instead, Ellis went underground, got engaged and married and tried to hide the relationship. Then someone saw Ellis and his wife embracing at a summer concert.

Ellis was called in to explain and admitted he was married to the woman he had dated. UPS fired him for violating the policy.

Ellis sued, alleging he was singled out because his relationship was interracial. UPS said it enforced the policy consistently and pointed out that it had also fired a white manager who was involved with a white hourly employee.

The 7th Circuit Court of Appeals refused to overturn a lower court decision dismissing the case. (*Ellis v. UPS*, No. 07-2811, 7th Cir., 2008)