

Beware trumped up reasons for firing

Sometimes, it is up to HR to stop bosses from doing the wrong thing—for example, when he is frustrated because he has to accommodate a disabled worker's medical restrictions. If the supervisor comes up with an obviously implausible reason to fire the worker, expect trouble. Make sure you really believe the discharge is valid before signing off on it.

Recent case: Araminata worked in a warehouse, using various pieces of equipment to move merchandise around as it was prepared for shipment. She developed medical conditions that prevented her from lifting more than 10 pounds, raising her arms above her shoulders, turning and twisting and operating electric machinery. She was accommodated with light-duty work and got co-worker assistance to move heavy objects.

Then her supervisor became frustrated and repeatedly asked if anything could be done about the disruption he believed Araminata's accommodations were causing.

Soon after, one of Araminata's co-workers reported that a bag of chips had been stolen from his lunch in the break room refrigerator. The loss prevention department reviewed (but did not preserve) surveillance tape and concluded that Araminata stole the chips. She was fired.

Then she sued, claiming the theft charge was a bogus attempt to set her up and fire her because of her disability. She said she thought she was taking her sister's chips and never intended to steal anything from her co-worker.

The court agreed that the investigation was subpar and that a jury should decide whether the real reason behind Araminata's termination was to get rid of a disabled worker. (*Roa v. Staples*, SD NY, 2017)

Advice: In situations like this, investigate the circumstances of both the alleged theft and the investigation. Determine if the punishment fits the crime before approving the termination decision.