

Zero tolerance for tardiness: Legal but unwise

Q. Our company's owner is tired of tardiness and has instituted a new rule that says anyone who is tardy will be fired, no matter the reason. Recently, some people were tardy during a snowstorm when their train could not make it on time. We were told to fire them. What do you think? — T.L., Iowa

A. As a matter of HR policy, Draconian rules are bad for business. They unfairly and unnecessarily weed out good employees, and create a revolving door of employees that hurts productivity.

That said, employees are at-will and, thus, can be fired for a good reason, a bad reason or no reason at all (unless specifically barred by statute). As long as the rule is being applied *equally* to all employees, and no exceptions are being granted, employees can't claim the termination treated them disparately because of a protected class.

My concern with such a policy is whether it has a *disparate impact* on a particular protected class. Employment practices that look neutral from the outside can nevertheless be unlawful if they statistically damage a protected group. For example, if minorities are more likely to use public transportation, this policy could disparately impact them.