

Court: O.C. Employer Can Fire Disabled Worker

News

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The Orange County Register on April 28 quoted Chris Boman in the article "Court: O.C. Employer Can Fire Disabled Worker." Chris commented on a case in which a court ruled that an employer had the right to fire a worker whose workplace misconduct may be related to a disability. That's a rare ruling in California where state law protecting workers with disabilities is stronger than the federal Americans with Disabilities Act. Chris said that the decision balances an employer's obligation to accommodate an employee's disability with the obligation to provide a safe workplace. "It's always refreshing to get a pro-employer, common-sense ruling... that is limited in scope. An employer's accommodation of (a worker's) disability can be balanced with the obligation to provide a safe workplace." Before being let go, the terminated employee had threatened co-workers and cursed at them. She claimed her behavior was the result of a bipolar condition so her termination was discriminatory. The employer said the cause of the firing was violation of a written company policy against verbal threats and threatening conduct in the workplace. Chris said, "She was placed on leave and it is important that while she was on leave she sent threatening emails and text messages. . . This decision means that Joe Employer can rely upon policies against workplace bullying and workplace violence."

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