

# Case Studies from Express



## When and How to Terminate

Learning from other companies' mistakes can help you know what to avoid when it comes to termination issues. These case studies share real-life examples of mistakes that managers have made when terminating employees. By knowing these pitfalls and following the termination tips provided by Express, you can be assured that you terminate employees the right way. Contact Express Personnel Services for more information on this and other HR issues.

## Accommodating Disabilities

An employee was fired for a psychiatric condition after working for a company for 25 years. A jury awarded the employee **\$3.4 million** after it was proved that the company failed to reasonably accommodate her disability.

**What can we learn from this?** Employers need to be cautious when terminating employees to ensure they are not terminating them for illegal or discriminatory reasons. In this case, the employee was protected under the Americans with Disabilities Act. The company should have attempted to accommodate her disability before making the decision to terminate.

## Whistleblower Protection

An employee who worked for a nuclear power plant filed suit against his employer after being fired for voicing concerns about security. The employer settled the case instead of allowing it to go to open court.

**What can we learn from this?** If an employee reports you to the police or a state/federal agency for some type of violation, you cannot treat the employee differently or terminate them - even if they are an at-will employee. This is considered "whistleblower" protection. If you are firing the worker for a different reason, you should still be cautious because it will appear suspicious if the termination occurs immediately after the report is filed - especially if there is no prior documentation indicating a reason for termination.

## Workers' Compensation Claims

An employee was fired after complaining that she felt her workers' compensation claim was being intentionally mismanaged and that the claims adjuster had a hostile attitude toward injured workers.

**What can we learn from this?** Terminating an employee for filing a workers' compensation claim is recognized in many states as a public policy exception to the employment-at-will rule. Therefore, employees who have been terminated or constructively discharged from their jobs in retaliation for exercising their workers' compensation rights have a strong case of wrongful discharge.

