

On-line coffee klatch

People who enjoy the conviviality of coffeehouses and like to indulge in cyberspace activities are now finding that they can have the best of both worlds. Over 60 cyberspace cafés have opened up in major cities, according to *Cyber Café Guide* (<http://www.easynet.co.uk/pages/cafe/ccafe.htm>). The Internet Café, Manhattan's first cybercafé, charges \$3 an hour for accessing the Web and \$10 an hour for file-transfer protocol, Telnet, and e-mail access.

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'Weblike' presentations

If you have logged onto the Internet or most on-line services, you've probably seen HTML (hypertext markup language) pages. When you click onto words printed in color, your computer "magically" transports you to another page.

Consider beefing up your sales and training presentations by using HTML technology, suggests Ron Solberg, of EasyCom, Inc., a technology and communications consulting firm in Downers Grove, Illinois. HTML pages are relatively easy to prepare, using special software, and allow you to jump from page to page without juggling overhead transparencies.

OSHA fax-on-demand

You can have almost instant access to safety statistics, publications listings, OSHA news releases, or other OSHA facts by dialing (900) 555-3400, OSHA's fax-on-demand service. The cost is \$1.50 per minute, with the average fax costing \$3. The charge will appear on your telephone bill.

Fire for personality conflict? 'Yes, but ...'

BY STEVEN MITCHELL SACK

John snubs his coworkers. Shelly talks back to her supervisor. And Nell never has a good thing to say about anyone or anything — especially the company.

Do these situations sound familiar? You agree that your company would be better off without John, or Shelly, or Nell. But, can you fire them because they don't get along?

The answer: a *qualified* "Yes."

Generally, it is legal to terminate a worker due to a personality conflict in states that follow an employee-at-will doctrine — *provided* there are no overtones of breach of contract, discrimination, wrongful discharge, or other illegal actions.

But, these days, that can be hard to avoid. If you want to remove workers from your payroll who don't subscribe

to your company's value system (the primary reason for failing to get along), here are some strategies to follow:

- **Document.** Write down incidents of "dogging it," refusing to follow reasonable directions, and engaging in disrespectful conduct. Be sure to address inappropriate behaviors in performance reviews or warnings.

- **Determine "protection" status.** In most states, employers can fire workers for any reason — *except* for absence from work caused by a partial disability, maternity leave, jury duty, or other factors beyond an employee's control, or because of his or her national origin, sex, or age. Employees in these circumstances are protected.

Check the law in your state, because if you fire a protected-class employee, you may subject your company to a discrimination lawsuit.

- **Be consistent.** A major problem in using the "personality conflict" rationale for terminating someone is that you may *not* have fired others with similar problems. This could lead to discrimination lawsuits based on preferential, inconsistent treatment asserted by minorities, older workers, or female employees.

- **Don't break promises.** Consider whether promises of job security were ever made orally or were contained in company handbooks or manuals. If such promises were made, it may be legally impermissible to terminate a worker, even for a personality conflict.

- **Review the decision to fire with an adviser.** Review all termination decisions with a trusted and knowledgeable adviser. A thorough discussion should cover:

- Mitigating circumstances
- The length of service of the employee
- Overall employment record
- Appropriateness of the termination. (Does the punishment fit the crime?)

Although, in many states, you may fire an employee because of a personality clash, ask yourself if this type of conflict is a clue to a possible performance issue. Terminating an employee because of documented and legitimate performance problems may create fewer legal consequences than firing for personality conflict.

Steven Mitchell Sack is a New York labor attorney. He is the author of From Hiring to Firing: The Legal Survival Guide for Employers in the 90s and Legal Documents for H.R. Professionals. Both are available through Dartnell at (800) 621-5463.

**Weigh your decision
to fire carefully,
or you may find
yourself in litigation.**
