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4 Boxes To Check Before Firing An Offensive Employee

Human Resources & Employment

Mark Brookstein, a partner in Gould & Ratner's Human Resources and Employment Practice, discussed with *Law360.com* the Second Circuit Court of Appeals case where the court ruled an employee was wrongly fired after posting profanity-filled social media updates about his boss.

"It's a great illustration of how difficult it is [to decide what is protected]," Mark comments. Multiple factors need to be considered, Mark advised: "If this was an environment where such profanity had been disciplined in the past, the court may have taken a different look because we're really on the line here."

Mark later weighs in on the four things experts say employers should consider before firing a worker over speech.

[Read the full article here](#) (registration and/or subscription may be required).