

ASK THE EXPERT

DUI can result in consequences on job, even if unrelated to it

I received a DUI and told my employer. I fulfilled all of my legal obligations stemming from the situation but was recently demoted due to the arrest, which occurred during non-working hours. My job does not require driving and I have not missed a day of work. There is nothing in the employee handbook that addresses this scenario. The only reason I've been given is that the demotion is because of the DUI. Is this legal? Do I have any recourse?



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Unfortunately, a DUI arrest or conviction can have unanticipated consequences, beyond court fines, a suspended license and possible jail time.

Arizona is an "at will" state, which means that an employer can discipline an employee for any reason, or no reason, as long as it's not an illegal reason. Illegal reasons include action based on protected status, such as race, color, sex, national origin, dis-

ability, religion, age or pregnancy or for participating in protected activity, such as union organizing or whistleblowing.

Whether an employer will discipline you for a DUI often depends on several factors, such as whether the employer is public or private, whether the DUI occurred during work time or while driving a company vehicle, whether your job requires a clean driving record, whether your position is safety-related and whether you missed any time from work.

Different employers may take differing approaches. Teachers, police officers and others who serve the public are typically held to higher standards by their employers and can be disciplined or terminated for a DUI arrest.

A company has a right to discipline an employee for a DUI if it concludes that the DUI negatively affects the company's image, impacts job performance or puts others at risk.

— Compiled by Georgann Yara

Have a question? Send it to Ask the Experts, The Arizona Republic, 200 E. Van Buren St., NM19, Phoenix, AZ 85004. E-mail asktheexperts1@gmail.com or fax 602-444-8044.