

Being A Leader Isn't Easy...
Harassment, Discrimination, And A Host Of Other Real World Risks
Facing You Today

The Reaction

Jim is a supervisor of a department of three and has historically believed in meeting with each employee alone in his office for thirty minutes weekly to review their work, make recommendations, and encourage them. After watching the stories on #MeToo, he has decided that such meetings are too dangerous, as one of his employees is an attractive single woman. To mitigate against losing his relationships, he decides to have a monthly hunting outing and invites the employees to take part.

I Don't Have To Pay When...

Which of the following practices can create liability?

- a. An employee arriving early to the worksite but not clocking in until they "begin" work
- b. A supervisor sending text messages to off-duty employees inquiring about scheduling
- c. A supervisor changing an employee's time record without his or her approval
- d. A supervisor that requires employees to clock-out unpaid for fifteen minute smoke breaks
- e. a., b., and c. are correct
- f. a., c., and d. are all correct

Soul Talk

Shanna is very open about her religious beliefs at work. She wears a necklace symbolizing such beliefs at all times and often asks both fellow employees and those that she serves if they are interested in joining her for meditation sessions to find their "soul connection with the cosmos." Two coworkers complain that she has been sharp tongued with them recently. During your corrective effort, she explains that they simply need to be more understanding because she is fasting during daylight hours. She also indicates that she can no longer work on Fridays because of such beliefs.

Interviews That Can Cost Us

Which of the following are legal comments to include on an interview assessment form?

- a. “The candidate is entirely too talkative and failed to answer the question presented”
- b. “She said that she would need three months off because of her pregnancy”
- c. “Lots of personality...very active in community, including Rotary and Church mission trips”
- d. “Terrible impression – his breath smelled terrible, his shirt was ruffled and I could not wait to get out of the room”
- e. a. and d.

Protected Class Pop Quiz

Identify the protected class associated with each comment:

Coon, Cracker, Uncle Tom	:	_____
Oldtimer, Old Man, Ma'am	:	_____
Handicapped, Special, Slow	:	_____
Fag, Light In Loafers	:	_____
Bitch, Blonde, Whore	:	_____
Mexican, Commie, Smart Asians	:	_____
Sugar, Sweetie, Darling	:	_____

What A Mess

Hurricane Nigel hit our area last week and payroll for such period is now due. All of the employees missed three days because of the lack of power to the premises. The payroll clerk wants to know if the law requires that both exempt and non-exempt employees be paid for the time. Moreover, one employee, Denzel, has still not returned to work because he has to tend to his mother whose house was severely damaged. The supervisor suspects that he is abusing such absence and wants to require him to return or face termination. What are the issues here?

Ounce Of Protection Vs. Pound Of Litigation

Which of the following are not legitimate defenses against frivolous discrimination claims?

- a. A Bona Fide Occupational Qualification
- b. Established Prior Precedent With Consistent Consequence
- c. Verifiable Third Party Concerns About The Employee
- d. Demonstrated Failure Of Employee To Meet Established Goals On A Corrective Action Or Annual Evaluation

Technical But Critical

Incorporate the missing terms in the following sentences:

An employee with a d _____ must perform the e _____ functions of the job with or without r _____ a _____. The best place to begin in finding the e _____ functions is within the j _____ d _____. As a result, I review and update my employee j _____ d _____ every y _____ when I conduct annual evaluations.

I Believe In You...

The best ways to help employees improve in their performance is to

- a. Offer incentives
- b. Provide accountability
- c. Explore bribery, threats, and pleading
- d. Extend affirming praise
- e. Invest more time in the hiring process
- f. a., b., d., and e, are all correct

The Unethical Excellent Performer

McKenzie is an excellent performer in her work, however, continually smears the reputation of her coworkers and refuses to do anything that is “not in the job description.” Since she is doing all of her work well, the supervisor provides an immensely positive evaluation. A few days later, she is found sharing sensitive information outside the Organization. In her termination meeting, the supervisor shames her for such unethical behavior and tells her that she will be made the example so that nobody ever does it again. McKenzie storms out of the room and, with a personal journal in her hand, screams “this is not the last you have heard from me!”

Employee Leave: It’s Complicated

Kristen has a condition that causes severe headaches and requires her to need time off periodically. Oddly, this time always seems to be on Fridays. We have designated her time under FMLA. We have heard reports that her Facebook page shows her playing in a beach volleyball league on many of the Fridays in question. Can we terminate?

Did She Really Just Say That?

Helen mentions to you one day that she thinks her coworker, Scarlett, is “loose” and believes that she has been running around on her husband. She further indicates that she is very frustrated that Scarlett, who has five years less tenure, is earning more money than her in the same job. Finally, she says “and, worst of all, I think she is a dyke because she constantly caresses my hair and asks me about my love life.” And, of course, she asks that, as her supervisor and friend, you keep all of this between the two of you...

It’s All About The Goals – The Goals, The Goals...

Which of the following are high quality evaluation goals?

- a. “Identify, submit for approval, and attend a two day training on prioritization before June 1”
- b. “Work to be more direct in your communication with peers”
- c. “There can be no more errors in your work”
- d. “There will be no further complaints from coworkers about your attitude during the next nine months and we will meet in sixty days to discuss your change in approach”
- e. a. and d. are correct

Guaranteed

When an employee is out on leave, which of the following laws guarantee his or her return to the same job upon completion of the leave?

- a. Workers Compensation
- b. The Americans with Disabilities Act
- c. The Family Medical Leave Act
- d. Title VII
- e. Both c. and d. are correct

To Hire Or Not

You are interviewing Ralph for an office position. He offers a very good presentation for the first half of your time and you begin thinking that you may have found your candidate. About midway through the interview, he discloses that he has a condition that causes occasional seizures and may ultimately require an extended leave of absence. He is also a veteran. When you ask about him about a tour of duty he enjoyed in Asia, he explains it was a great experience. Then he mocks an Asian dialect and declares “but don’t get me wrong there was no hanky panky.” Ready to hire??? What do you write on the interview assessment form?

Retirement, Promotion, & Headaches

Fred, a veteran employee of thirty five years, comes forward and tells you that he is tired and has decided to retire in six months to spend time with his grandkids. Remembering the value of internal promotion, you decide to elevate Juan to the role because of his personality and keen ability to communicate with others. When Katerina, an employee in the same current role as Juan, learns of his pending promotion, she complains to others that her education and tenure “apparently mean nothing in this Organization.” A month before Juan is to assume the new role, Fred becomes belligerent explaining that he has no intent on retiring and that he is being pushed out because of his age.