
THE KRIZNER GROUP

AN EMPLOYMENT LAW BOUTIQUE

**Don't Jump From This
Airplane Without A
Parachute!!!**

**Harassment, Discrimination, &
Employment Law Training**

The Foundation: Protected Classes

Complete the following chart:

<u>Class</u>	<u>Definition</u>	<u>Examples</u>
<ul style="list-style-type: none">• Age• Race• Gender• National Origin• Sexual Orientation• Religion• Disability• Pregnancy		

Something Smells...

Sheila approaches you one day and indicates that she is having a difficult time breathing because her coworker Hannah, who works in the cubicle to her right, wears strong perfume. Sheila then hands you a physician's note indicating that she suffers from severe allergies. After addressing Hannah's perfume, Sheila comes to you again the next week and states that Derron, who works in the cubicle to her left, is wearing deodorant that is provoking her allergies and demands to be provided with work from home status. What should be done?

Rushed Hiring Is Negligent Hiring

Jalen knows that the labor market is very tight right now and so he hires Bryce immediately after the interview concludes. Bryce provides documents for his I-9 and hurriedly signs the handbook acknowledgment. As a result of the expedited hire, no background screening is completed. Five months later, Bryce is found molesting a child while wearing a shirt with the Organization name on it. A dramatic lawsuit is brought, and it is later learned that Bryce had been terminated from his last job for spending "inappropriate amounts of time" with children. How can this mistake be avoided at your Organization?

Living The Life: Protect Yourself!!!

Which of the following is the most important of the documents that supervisors are asked to complete within the employee life cycle?

- a. Thoroughly completed interview assessment form
- b. Detailed performance evaluation
- c. Goal-centered corrective action form
- d. Exhaustive involuntary separation memorandum
- e. All of the above are of equal importance

Hail, Hail To The Queen Of All Risk Management Documents...

Which of the following should always be included within an involuntary separation memorandum?

- a. Written to an 8th grade audience
- b. Inclusion of the names of any and all witnesses to the performance problem or policy violation
- c. Written with a deep level of advocacy but through the use of facts
- d. Identification of past employees' names who were separated for similar reasons
- e. All of the above

Greener Pastures Could Cost Us True Green...

Mateo, an employee that has been at the Organization for more than forty years, has slowly but clearly become a poor performer. Several newer employees, who rank at the top of the department's performance list, have been complaining about the accuracy of Mateo's work. One comments that he has a hard time managing the new technology. Darnell, Mateo's supervisor, has come forward and indicated that he would like to help this "wonderful man recognize that his time for retirement has arrived." What advice do you provide to Darnell?

Is She Coming Or Is She Not?

Nila suffers from migraine headaches and sleep related issues. She has ongoing appointments with three different doctors to manage such conditions. Nila has been provided with more than 5 weeks of unpaid leave intermittently over the past several months. She is also chronically late for work and fails to alert Janice, her supervisor, prior to her scheduled time. Janice now wants to terminate her. Is this advisable?

Your Toolbox is FULL!

When addressing employee performance, a leader has the following tools within her or his toolbox:

- a. Sending an email identifying issues and setting forth an agreed upon understanding
- b. Issuing a corrective action with date-certain goals
- c. Placing the employee on an established probationary status for a determined time
- d. Extending a last chance agreement with short term goals that must be met to avoid termination
- e. All of the above

Save Him!

One day when walking into the office, an employee, Charles, collapses on the floor. Fearing the worst, the supervisor blurts out that he knows that Charles has a heart rhythm disorder. Paul begins to grab Charles and declares that he will drive him to the hospital. Kristine pushes Paul aside and begins pounding on Charles' chest as she indicates that she has seen this before on Grey's Anatomy. Everyone forgets about the invention of the telephone. Sadly, twenty-five minutes later, Charles is pronounced dead. Where did this work team go wrong?

When Will They Ever Learn???

One employee, Eva, feels very uncomfortable around another employee, Rob. She feels like he is constantly looking her body up and down when they are together. She has heard rumors that Rob and several other male employees “rate” the women at work. One day, he asks if she works out. When Eva indicates that she does, Rob quietly whispers “I bet you don’t have any problems getting a date.” Eventually, Rob asks Eva out. She declines but opts not to report the concerning behaviors. However, a supervisor at the Organization overhears Eva complaining to another employee of the problems. The supervisor does nothing since no formal complaint has been made. Is there liability?

I Didn’t Know That I Had To Pay...

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., c., and d. are correct
- f. a., b., c., and d. are all correct

The Unethical Excellent Performer

Xavier is an excellent performer in his work, however, continually smears the reputation of his coworkers and refuses to do anything that is “not in the job description.” Three coworkers have come forward and complained. Yet, since he is doing all of his work well, the supervisor provides an immensely positive evaluation. Xavier is then overheard gossiping about his supervisor, Rose. She now wants him to be immediately terminated but there is nothing in the handbook about these behaviors. Is termination legally viable?

Interviews That Can Cost Us

Which of the following interview questions are legally permitted?

- a. Tell me about a time when you had a difficult supervisor and how did you deal with such person?
- b. Have you ever been arrested?
- c. If you were hired and I asked you to cover up one of my mistakes by letting my boss know that you made the error, would you do it?
- d. Are you comfortable working for a male/female boss?
- e. What type of accent is that?
- f. a. and c. are both correct

Good for Geeses & Ganders...

Troy and Henry are coworkers and secretly begin dating when not at work. When they mistakenly believe that they are alone in the breakroom one afternoon, they engage in a public display of affection. Katie, a supervisor, catches the men involved in such behavior and contacts human resources insisting that they be immediately disciplined. Troy and Henry respond that Katie is homophobic and indicate that she was just bashing a transgender athlete the other day for “stealing” from “real women.” What action should the Organization take?

Soul Talk

Hannah 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. Do you need to accommodate?

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

Which of the following goals are best for evaluations and corrective actions?

- 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

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. Is the Organization facing future legal concerns?

Social Media

John hates social media and often calls it “the playground of the Devil.” As a supervisor, he always checks candidates’ social media sites after he interviews them. When he finds out that two of his employees publicly endorse controversial political candidates on their personal social media pages, he seeks to terminate them for their “unthinkable and unprofessional behavior.” Do John and the Organization face any potential legal concerns?