
THE KRIZNER GROUP

AN EMPLOYMENT LAW BOUTIQUE

**“Don’t Swim With The
Sharks Without A Cage”**

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

Protected Class Pop Quiz

Identify the protected class associated with each grouping below:

Uppity; Ghetto; Indian; Affirmative Action; Can't Dance:

Boys Will Be Boys; Drama Queen; "It Was Just A Compliment:"

Fruity; "What's It Like?"; Just Don't Talk About It Please:

"That's A Lot Of Grey Popping Out;" "Won't Be Here Much Longer:"

Another "Prayer Break;" Bible-Thumper; Scripture In Email Footers:

"She Had An Abortion;" Belly Rubbing; "You Must Be Having Twins:"

"She's Legal;" Jose; "The Palestinians Should Be Thrown Out:"

I Have A Crazy Relative; Stop Acting So Depressed; Just An Excuse:

It Is Happening To You

You, a supervisor at the Organization, and your son are invited by several other employees from another department to attend an event at the beach. The kids have fun playing in the surf and the employees partake in a few adult beverages. One of the employees shares that she does not believe that older men should marry younger women. Another employee takes immediate exception with such statement and tells you that he is married to a woman twenty years his junior. What is the issue here and what must be done?

"The Least Employee" On Which Train Track Do I Begin?

To begin addressing an employee's failing performance, I should consider the source of the problem. Which of the following are categories of failures?

- a. Commitment: focus and effort
- b. Capacity: ability and skills
- c. Caring: mindful of others and respects leadership
- d. Confusion: not connecting with the work and/or culture
- e. All Of The Above

→ Bonus: A 5th "C" – Confession! Using the mirror on your leadership...

To Hire Or Not?

You are interviewing Jada for a critical office position. She 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, she discloses that she has a condition that causes occasional seizures and explains that she may soon require an extended leave of absence. The next interview is with Logan. He has a very severe speech impediment that results in long pauses and notable stuttering. How do you address both Jada and Logan in the interview and how do you record your observations on the interview assessment form?

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...

Time To Travel...

This week has been full of travel-related headaches. Drew is upset because he believes that he has been underpaid for the travel he incurred going to a recent conference. He rode as a passenger for four hours on a Sunday night and cannot understand why such time was excluded from his paycheck. Deborah, who apparently has been permitted to take her work vehicle home on occasion, just phoned you and explained that she was in a terrible accident last night. She apparently collided with a minivan while driving her family to a concert in the Organization vehicle. Both her children and the driver of the minivan are in serious condition. What are the legal issues that you now have to address?

A Different Kind Of Timing: One That Makes All Of The Difference!

Anthony is a poorly performing employee on your team. You have been in discussions for months about terminating his employment but are intimidated by the proposition of finding his replacement. Finally, after he causes a major safety infraction in which a pile of boxes fall atop of a coworker, you decide to separate him this Friday. On Thursday, he comes forward and says that he hurt his back when he was helping the FedEx delivery person bring the boxes into the Office. You still proceed with termination on Friday. Where did you go wrong?

It's Complicated...Pregnant Workers Under The PWFA

One of your employees, Tina, becomes pregnant. Several months into her pregnancy, she indicates that she is having difficulties and asks if she can take several additional breaks to rest each day, requests a closer dedicated parking slot, and needs to have a modified work schedule based upon how she is feeling. Once the baby is born, she explains that she is suffering from postpartum depression and will need to miss work when she is “not up to coming into the office.” She is uncertain how long she expects this need to last. Finally, Tina is also upset about being told to pump breastmilk in the bathroom.

Referring Reference Calls

When you receive a telephone call requesting a reference for a former employee that was an excellent performer, you should:

- A. Provide as much information as you like
- B. Provide only positive information about the former employee's work performance
- C. Provide dates of employment, position held, compensation, and whether they are eligible for rehire
- D. Refuse to provide any information and instead refer them to human resources

The Termination Meeting: The Moment Every Supervisor Dreads

Javier now needs to terminate one of his employees, Mitch, who continues to act erratically at work. Mitch has a short temper with his coworkers, sits by himself at lunch, and often shares images of the guns that he is looking to purchase while at work. Which of the following points of advice should Javier consider within the termination meeting:

- a. Whether to introduce “nicety pay”
- b. Consulting with security in advance of the meeting
- c. How to walk the employee through the reasons behind the termination decision
- d. The messaging to be used during the meeting and then with coworkers afterward
- e. How the employee will secure personal items
- f. All of the above
- g. a., b., d., and e. are the only correct answers

Just A Little Fun...

Tony goes to a local club on a Friday night. While there, he notices another supervisor, Dez, intimately involved on the dancefloor with Amy, one of the Dez’s direct reports. When the two men see one another in the restroom, Dez confesses that he and Amy are having an affair but says it’s probably best to “keep it quiet.” Tony has always admired Dez and always enjoys his 4th of July party, so never mentions it to anyone else. Two months later, Amy files a lawsuit against the Organization for sexual harassment indicating that she was coerced into the relationship with the promise of a promotion and the fear of retaliation if she rejected Dez’s advances. Who failed the Organization here?

Turning Back Turnover

The Organization has had a shocking amount of turnover within a particular position over the past several years. The leadership team cannot understand why this is happening, especially noting that the position pays very well. Select which of the following tools might help address this problem:

- Exit Interviews: Departing Employees AND Teammates
- Candidate Profile: Repeating Barriers, Personality, Communication Style
- Onboarding: Is It As Good As You Think?
- Supervisory Styles Reconsidered: The Spectrum Between The Micromanager and The Over-Delegator

The Equal Opportunity Jerk!

Barry, a supervisor, is a fitness fanatic and has immensely high physical expectations of others. He pulls several of his employees together and challenges them to consider using the “Blue Zone” diet so that they “lose all of the extra weight that they are carrying.” The next day, during an interview, Barry asks a female candidate when she is due (presuming her pregnancy). She responds by explaining that she had her uterus removed six months earlier. Barry also has a noticeable temper and often elevates his voice when speaking to his employees. One such employee, Julia complains to a different supervisor that she feels harassed because she is Hispanic. Another employee, John, mentions to another employee that he is being singled out based on his age. How many times has Barry violated the law?

Oh, The Odors We Know...

Raina, a supervisor, has decided that she should just start wearing a clothes pin on her nose when at work! She is dealing with two “stinky” issues on her team currently. The first involves a male employee that has terrible body odor clearly caused by poor hygiene. Others have mentioned it but nobody wants to talk to him about it. Additionally, she has an employee who has fallen asleep on the job several times and seems to alternate between smelling of marijuana on her clothes and alcohol on her breath. Raina can’t prove that she is under the influence so has opted not to report it yet. What can she do?

Different Directions

Sandra, who works at the front desk has mentioned that the FedEx delivery-person has become increasingly flirtatious. She indicates that he has commented on her dress, asked about her weekend, and shared personal information about his life when dropping packages. Sandra has also indicated one of the individuals that the Organization serves is very “touchy feely.” When asked to clarify, she explains that he has patted her on the back several times and has even given her “inappropriate side hugs.” Does the Organization have an obligation to do anything here?

Which One Does Not Belong

Circle the 4 illegal interview assessment notations below:

Tattoo distracting

Depressing Eeyore-type

Overqualified

Too chatty

Inability to effectively communicate in the English language

Says will have kids soon

Boring personality

Dressed too ghetto for interview

Politics Are Problematic

Carol comes forward and complains that she is being discriminated against because of her political beliefs. When asked how, she explains that her supervisor chastises her when she talks about supporting the Republicans. After investigating, you learn that the supervisor has counseled Carol because she has made numerous comments about all of “the illegals stealing jobs” and “they should just raid all of the Mexican restaurants in town and get them out.” You also learn that the supervisor has permitted others with more progressive beliefs to be openly critical of what they call “the silly outdated things in the Bible” and “Jesus Freaks” while at work. Are there legal issues here?