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Handling Thorny Employee Issues in the Workplace

Presented by Mark M. Whitney

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Goals

- HR laws and regulations are mind-numbingly complex and often difficult to navigate, even for experienced HR
- Review some unusual situations and discuss how to handle them
- Group participation encouraged!

Coping with Crohn's Disease

- Nancy held a valid medical marijuana prescription to help with her lack of appetite due to Crohn's disease. While interviewing for job at a company, she informed the interviewer that she smoked marijuana several nights a week to help with her hunger, but she never smoked before or during work hours. With this knowledge, she was required to take a drug test before starting employment with the company.

But it's legal now!

- Greg considers himself a “stoner” and was extremely excited about the recent legalization of marijuana in MA. After the new law went into effect, Greg’s supervisor saw him smoking marijuana on his lunch break. When Greg returns to the office, his supervisor wonders whether he can terminate Greg for smoking marijuana even though it is now legal?

NESTOR RAMOS

Marijuana use is legal. So why can employers fire people for using off-hours?

By [Nestor Ramos](#) Globe Columnist, June 26, 2018, 7:58 a.m.



Marijuana use is legal. So why can employers fire people for using off-hours?



Hyperacusis

- Allison informed her HR manager that she suffered from hyperacusis, an over-sensitivity to certain sounds. She had difficulty tolerating everyday sounds, such as the fax machine or a door closing. She asked for her own office as an accommodation. Simultaneously, Allison receives a poor performance review requiring more oversight.
- Her doctor indicated modifying her cubicle to change the direction in which she faced and other measures could be reasonable accommodations. Allison objected, reported the modifications to the fire department as a hazard, and came in with a second doctor's note asking that she work from home.

CRNA “Loses It”

- Tom is widely known as the best CRNA in Apex’s anesthesia practice. His standards and expectations are the highest, he’s a perfectionist, and the surgeons love and respect him as a result. He is viewed as a leader, is a long-time loyal employee, and CRNA’s like him are nearly impossible to find.
- Tom also has a very short fuse when it comes to CRNA incompetence. One morning when another CRNA modified the set-up of an OR that Tom had completed, Tom exploded and grabbed the other CRNA by the neck against the wall and warned him to never touch his set-up again “or else.”

Bullies

- Ira works at a local data security company in sales. He works in a “boiler room” open cubicle environment in close quarters with other sales team members and their manager. He is Jewish.
- Several of the salesmen have MAGA hats hanging in their cubicles and frequently chat openly about their support for what happened in Charlottesville. They disparage women, people of color, and Jews in their open office loud “chats.” They frequently hang around Ira and talk about how “Mel Gibson was right ...” They know Ira is Jewish.
- When Ira objects to their behavior, they tell him that he can’t impede their 1st Amendment right to free speech. Ira complains to HR.

Fido

- Lisa suffers from severe depression, anxiety, and PTSD. She recently adopted a service animal to help remind her to take her medications and scans rooms before Lisa enters so she has peace of mind knowing it is safe. Lisa's employer has a strict no pet policy; however, Lisa needs to have her dog to get through the day. Her boss tells her to leave the dog at home.

Mark of the Beast

- Jerry is a lifelong Evangelical Christian and an ordained minister and associate pastor. He worked at a mining company for nearly 40 years when they installed biometric hand scanners to track employees' comings and goings for payroll purposes. Jerry was afraid that the scanner would imprint him with the "mark of the Beast" and lead to his identification with the Antichrist. He requested an alternative option.

Social Media Bullying

- Emma found graphic sexual images of her drawn on a bathroom wall at her office. Her co-workers had shared the images through Facebook during work hours and posted comments about them, and Emma saw her co-workers passing around a phone at lunch. The co-workers joked about the drawings.
- She complaint to supervisor and HR, who did nothing.
- She was later transferred to a different facility which subsequently closed and she lost her job.

Playing Favorites

- Amy and Dan are senior managers, but Dan is higher level. Dan does not supervise Amy, but he is the #3 executive in the company. Both are married (to other people). They recently began seeing each other romantically. After a few weeks, several employees complain about seeing the flirtatious manner in which Amy and Dan interact. Others complain that they skipped key meetings on company trips and “disappeared.”

Extra Help Needed

- Amy has her own interior design business and she is approached by the manager of a local home design store about working for the store. The store needs more help because of demand.
- They agree on terms, and Amy asks to be paid as an independent contractor for “tax reasons.” The store agrees to her request.

Aggressive PR

- Kimberly is concerned about health risks from working around toluene diisocyanate (TDI), used to make car seat cushions. Despite air tests that met OSHA standards, Kim carries on a relentless social media campaign about the health risks and how the “chemicals made her sick,” including Facebook posts, several interviews for internet media outlets, and participating in the production of a YouTube video.
- The employer first suspended Kimberly, then fired her.

Sensitive Employee

- Sally suffers from PTSD and depression with paranoid features, but functions well on her medication. She has spoken openly with her managers about her condition. She works for Bob, an extremely demanding and known to be “impossible to satisfy” executive. Bob is known to be mean to everyone.
- Sally’s performance begins to decline, and Bob frequently loses patience and yells, berates, and intimidates Sally. Sally is frequently seen crying after leaving Bob’s office, and her performance declines further. The COO wants to terminate her.

Too Much Perfume?

- Emily, a radio DJ, developed a life-threatening chemical sensitivity after the company forced her to broadcast for 5 hours in a booth filled with toxic fumes from spilled nail polish remover. Subsequently, Emily complained about being exposed to a fellow DJ's Tresor perfume (described as a “sensual mix of lilac and roses”) and how it exacerbated her condition.



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