

MAY 5, 2015

WHAT'S ONLINE

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Employment Law Update for Managers
on the tricky legal issues supervisors face daily.



Compliance Checklist
to ensure you're in compliance with employment law.

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Don't celebrate yet: 2 pitfalls in new telecommuting ruling

■ *Before you deny an accommodation, consider this ...*

In what appears – at first glance – to be a win for employers, a federal court just ruled in a high-profile ADA accommodation lawsuit that:

"... regularly attending work on-site is essential to most jobs ..."

But this ruling can give employers the dangerous impression that, in most cases, they can deny disabled workers' requests to telecommute.

But the reality can get a lot more complicated.

Illness made it hard to commute

The lawsuit was initiated by Jane Harris, who sued her former

employer, Ford Motor Co., after it denied her accommodation request and eventually terminated her.

Harris was a resale steel buyer who acted as the intermediary between steel suppliers and plants.

She suffered from irritable bowel syndrome, which she claimed made it nearly impossible for her to drive or leave her desk without soiling herself.

So she requested that she be allowed to work from home as many as four days per week as an accommodation under the ADA.

Ford denied her request, saying

(Please see Ruling ... on Page 2)

Social anxiety now has federal protection

■ *An inability to interact with others is a disability*

Just when you thought the list of ADA-protected disabilities couldn't get any longer – it does.

Christine Jacobs, an office assistant for the North Carolina Administrative Office of the Courts, began having panic attacks when she performed customer service duties.

She told her supervisor that she had social anxiety, and asked to be transferred to a job requiring less face-to-face interaction with others.

Instead, Jacobs was fired. She then sued under the ADA, claiming her

employer failed to accommodate her.

The company argued social anxiety wasn't a protected condition.

Affects a 'major life activity'

But a federal court sent the case to trial, saying social anxiety affects a major life activity – the "ability to interact with others." So the condition must be treated like other disabilities.

Cite: Jacobs v. NC Administrative Office of the Courts, U.S. Crt. of App. Fourth Cir., No. 13-22-12, 3/12/15.

Ruling ...

(continued from Page 1)

attendance was an essential function of her job because she needed to have face-to-face contact with suppliers and plant officials to keep up relations.

As evidence, Ford showed that the few times Harris did telecommute her performance suffered. Eventually, she was fired for performance issues.

EEOC: Tech makes it reasonable

Harris took her case to the EEOC, which sued Ford on her behalf for disability discrimination. It claimed Harris' request was reasonable.

Ford fought the suit and, originally, a district court dismissed the EEOC's case on summary judgment.

But, on appeal, a three-judge panel of the Sixth Circuit Court reversed the decision and said her case should go to trial. It said that as a result of

technological advancements, "... attendance at the workplace can no longer be assumed to mean attendance at the employer's physical location."

This ruling sent shock waves through the employer community, as it suggested that telecommuting would be a reasonable accommodation under just about all work arrangements.

A powerful statement, seemingly

Shortly after the appeals court ruling, the full panel of Sixth Circuit judges agreed to vacate the decision and rehear the case *en banc* (in front of all the appeals court judges).

In an 8-5 decision, the panel sided with Ford and dismissed the EEOC's case on summary judgment.

It said advancements in technology alone didn't prove Harris could do her job from home. It then said, "*That general rule – that regularly attending work on-site is essential to most jobs, especially the interactive ones – aligns with the text of the ADA.*"

That certainly seems to be a powerful statement – giving employers the green light to deny telecommuting accommodation requests. But that's what makes this ruling dangerous – because it does no such thing.

2 reasons not to celebrate

Two things employers should be careful not to overlook about this case:

- This was by no means a slam dunk win for Ford. An appeals court ruled the EEOC's case should go to trial before the full panel of judges swooped in to save Ford – and even then, five judges dissented, and
- The EEOC's shown, time after time, it doesn't consider itself bound to court rulings like this one. So if it feels you've wronged a disabled individual, and it believes it can prove its case in court, it'll still sue.

Bottom line: Employers still need to evaluate telecommuting requests on a case-by-case basis.

Cite: EEOC v. Ford Motor Co., U.S. *Crt. of App.*, *Sixth Cir.*, No. 12-2484, 4/10/15.

Sharpen your JUDGMENT

This feature provides a framework for decision making that helps keep you and your company out of trouble. It describes a recent legal conflict and lets you judge the outcome.

■ FMLA was granted, so why is she suing for interference?

"Morning, Lynn," said company attorney Eric Bressler coming into HR manager Lynn Rondo's office. "I was hoping we could go over the details of Jan Gordon's FMLA interference lawsuit. Got a sec?"

"Sure, Eric," said Lynn. "What in particular do you want to know?"

"Why don't you start from the top," Eric said.

Given leave eventually

"Jan began suffering from severe depression, and wanted the ability to take a few hours off here and there," Lynn explained. "She requested intermittent FMLA leave."

"So Jan was granted intermittent leave?" Eric asked.

"Yes," said Lynn. "But she didn't use it right away. Meanwhile, her manager got suspicious about other employees taking too much time off for medical reasons, and asked Jan to get a fitness-for-duty exam even though she hadn't taken time off, yet."

"She was put in a light-duty position until she passed her exam. Then, a few months later, she asked to use some leave," Lynn added.

"Was it granted?" Eric asked.

"Jan's manager got mad initially, denied the request and asked for a doctor's note," Lynn said. "But he calmed down later that day, and approved her request. So I don't know why she's claiming interference. She got all the time off she wanted."

The company tried to get Jan's suit thrown out. Was it successful?

■ *Make your decision, then please turn to Page 6 for the court's ruling.*

WHAT'S WORKING in Human Resources™

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Employer violates federal SPD rules: Will it have to cover insurer's loss?

■ Digital-only plan summaries may cost firm \$208,000

Even when it appears all of your employees have computer access, there are inherent dangers in adopting an all-digital distribution strategy for summary plan descriptions (SPDs).

Example: Countrywide Financial Corp. may be on the hook for \$208,000 worth of life insurance policy proceeds because it only supplied SPDs on its intranet.

Disabled employee loses access

Problems for Countrywide started when Raymond Thomas tried to collect on the life insurance policy of his sister, Judith, who worked there.

Judith was enrolled in Countrywide's life insurance plan, which required employees in "active service" to pay premiums.

Unbeknownst to Raymond, who

was Judith's beneficiary, her coverage lapsed when she became disabled, left work and stopped paying premiums.

After Judith passed away, Raymond tried to collect on the policy and was shot down. He then sued, claiming Countrywide was wrong to only supply SPDs on its intranet.

He said Judith didn't know she could qualify for a waiver exemption simply by submitting proof of her disability. Reason: She lost access to the intranet when she stopped working.

A judge sided with Raymond, saying Countrywide didn't abide by the DOL's rules on SPD distribution. Now, Countrywide may have to cover the losses of the insurer.

Cite: Thomas v. Cigna Group Insurance, U.S. Dist. Ct., E.D. NY, No. 09-CV-5029 (STL) (RML), 3/2/15.

Latest NLRB & court rulings aren't great signs for dress codes ... anywhere

■ It just got harder to keep unions out of work attire

Watch out: The National Labor Relations Board (NLRB) is now going after employers' (unionized or not) dress codes in an attempt to "protect employees' speech rights."

An administrative law judge for the board and, later, a three-member NLRB panel ruled that World Color Corp.'s printing facility in Nevada violated the National Labor Relations Act by allowing employees to wear only company-provided hats.

'Union logos must be allowed'

That's right, not even company-branded hats are safe from the NLRB's reach now.

The panel said it was "undisputed

that the policy on its face prohibits employees from engaging in the protected activity of wearing caps bearing union insignia."

The company appealed in the D.C. district court, which – thankfully for employer rights – sent the case back to the NLRB for reconsideration.

The court said the policy only restricted the type of hat that could be worn; it didn't say anything about whether a union logo could be added.

Despite that pro-employer ruling, however, it appears dress code policies may now have to bow a little more to unions than ever before.

Cite: World Color Corp. v. NLRB, U.S. Ct. of App., D.C. Cir., No. 14-1028, 1/16/15.

■ EEOC says company's medical inquiries violated ADA

It's crucial for companies to keep the medical inquiries they subject employees to business-related – or risk facing an EEOC lawsuit.

Example: Trucking company, PAM Transport Inc., was hit with a lawsuit from the agency after 12 former truck drivers complained a company policy violated the ADA.

According to the complaint, PAM had a medical clearance policy requiring all drivers to notify the company when they had a doctor visit – even for routine check-ups.

The EEOC said this kind of policy was prohibited by the ADA because the check-ups weren't business related – and a court agreed.

PAM was ordered to pay the 12 workers nearly \$477,000. The court also ordered the company to revise the policy to specify that, from now on, medical inquiries would only be made for business-related reasons.

Cite: www.tinyurl.com/eeoc439

■ NYPD and lieutenant pay out \$110K for sex harassment suit

It's not just employers who can be made to shell out money for damages in sexual harassment lawsuits – managers can be ordered to fork over some cash, too.

Example: Jazmia Inserillo, an NYPD officer, claimed her lieutenant, Jason Margolis, frequently made sexual comments and gestures toward her. Allegedly, he also promised female officers promotions in exchange for sexual favors.

But rather than investigate her complaints, the NYPD retaliated by sending her to an alcohol treatment program and docking her vacation days, Inserillo claimed.

Inserillo sued for sexual harassment and the NYPD agreed to settle the suit by paying \$110,000 – with Margolis paying her \$2,500 out of his own pocket.

Cite: www.tinyurl.com/nypd439

Experts give their solutions to difficult workplace problems

HR professionals like you face new questions every day on how to deal with workplace conflict and employment law. In this section, experts answer those real-life questions.

Staffer may be violent: What are our ADA obligations?

Q: An employee who suffered from mental illness in the past has recently shown signs of violent aggression. Are we required to accommodate his disability, despite this potential danger?

A: The EEOC doesn't require accommodations for disabilities posing "significant risk of harm to the individual and others," says employment law attorney Daniel Kaplan (dkaplan@foley.com) of the firm Foley & Lardner LLP (Foley.com).

To determine if a worker poses a "direct threat," consider:

- the worker's ability to perform his or her duties
- the duration of the risk
- the likeliness the harm will occur, and
- the nature and severity of the potential harm.

Note: Engaging in talks with the employee can help you determine if a "direct threat" exists and defend your decisions in court, should a lawsuit occur.

3 best practices to boost employee engagement

Q: Our company's looking to boost employee engagement in an effort to improve retention. What are the best ways to do it?

A: Plenty of evidence indicates increasing engagement boosts employment tenure, says Tim Eisenhauer, president of social software company Axero

Solutions (AxeroSolutions.com).

Here's what we've found turns job-jumpers into long-timers:

- **Give them a voice.** Create an environment in which workers can speak freely to share ideas and feedback. This will make them feel more invested.
- **Provide great tools.** Up-to-date technology reduces frustration and increases productivity.
- **Back off.** Empower employees to experiment, explore and work in their preferred ways. Micromanaging makes them feel controlled and distrusted.

What are some overlooked compliance issues to watch?

Q: We're about to audit our policies. In what areas do employers most often fail to spot mistakes?

A: Self-auditing your policies is a good way to prevent compliance violations, but there are several areas employers often overlook in self-audits, says employment law attorney Mark Wiletsky (mbwiletsky@hollandhart.com) of the firm Holland & Hart LLP (HollandHart.com). They include:

- tracking time worked remotely or "off the clock"
- making automatic deductions for meal periods
- providing FMLA notices within the required time period, and
- calculating FMLA leave for workers with irregular hours.

If you have an HR-related question, email it to Christian Schappel at: cschappel@pbp.com

EFFECTIVE COMMUNICATION

■ 4 methods for managers to take the pain out of bad news

Bad news comes in many forms, but it's never easy for employees to hear – or for your managers to deliver.

But there are steps they can take to make the task less painful.

Tough conversations

In the *Harvard Business Review*, contributor Amy Gallo shared some best practices to make delivering bad news less harrowing. They came courtesy of Harvard Business School professor, Joshua Margolis, and talent management expert, Susan Heathfield.

Four practices Margolis and Heathfield recommended:

- **Prepare and practice.** Make sure you've got all the facts about a decision before giving the news. Understand how the decision was made, who was involved, what other options were explored. It'll help you convey the ultimate decision.
- **Be direct.** Don't sugarcoat the news, and be sure your tone and body language show confidence and don't send mixed messages about the decision. You may also want to practice how you'll give the news with a colleague to ensure your message is clear and direct.
- **Focus on the decision rationale.** It's important you don't share your personal feelings about the news. Instead, tell workers, "Here's the process we followed, the people we talked to, the options we considered and the conclusion we came to."
- **Leave room for venting and further planning.** Give workers some time to vent and process the info. Then, come back and ask for potential ways to make the best of the situation.

Cite: www.tinyurl.com/news439

WHAT WORKED FOR OTHER COMPANIES

Our subscribers come from a broad range of companies, both large and small. In this regular feature, three of them share a success story illustrating ideas you can adapt to your unique situation.

1 Small step helps ensure FMLA compliance

As time goes on, FMLA administration seems to be getting trickier.

That's especially true thanks to the government adding new compliance requirements in recent years and courts setting new standards on what employers have to do.

As a result, I started taking an extra step to keep our company safe from potential FMLA problems.

I'd heard about other companies

getting slammed in court because their workers claimed they'd never received notices about their FMLA rights and responsibilities.

So I wanted a concrete way to prove our company always gave workers the proper FMLA notices in case a worker ever challenged us in court.

Signing off on notices

I drafted an additional document to pass on to workers confirming that they'd received all the required materials and information.

Employees then sign the document and return it to me. It's then kept with the rest of their leave paperwork.

It's gone a long way toward giving us some peace of mind.

Of course, no one can predict a lawsuit. But having this extra step in place shows our company is making a genuine effort to follow the law and educate workers on their rights.

(Barbara Barnett, corporate HR and safety manager, Stephens Pipe & Steel LLC, Russell Springs, KY)

REAL PROBLEMS, REAL SOLUTIONS

2 Dress code tweak has become a popular perk

We are always on the lookout for low-cost benefits that will positively affect our employees.

As a professional firm, formal business attire was required for work both in and out of the office.

Because of that, we initially dragged our feet on adopting a casual dress policy, but we did eventually adopt Friday as a dress-down day.

Our employees were great at not abusing the privilege and really

appreciated being able to dress comfortably one day a week.

The next step

Loosening up the button-down look had an unbelievably positive effect on our employees.

So, this past summer we decided to allow folks to wear casual business attire throughout the year.

But first, we set some ground rules on how employees could dress casually and look professional, so that they would still be able to go to a

client meeting on a moment's notice.

The change in dress code hasn't weakened our professional image in the least.

In fact, it makes for a more relaxed environment, and has become one of our most popular perks.

Being comfortable in one's own style has become a tremendous morale booster, which reflects a positive image for our clients and our firm.

(Alan Gemsa, director of administration, Lutz and Carr, New York City)

3 Handouts prevented training overload

I wanted to find a way to make sure our managers weren't suffering information overload during training.

The problem was there was always a lot to cover, and the longer the training went, the harder it was to keep people attentive.

Managers also might be worried about getting back to work. And that restlessness could make it hard for them to absorb key pieces of information.

Still, I wanted to avoid holding multiple training sessions on the same subject and using up even more valuable time.

Summarized info

So, I decided to streamline training by boiling down our original, larger training packets into one-page summaries.

Then, I handed out the summaries before our training sessions. That gave managers a chance to review the info ahead of time.

The handouts covered the main

points of the training.

Now, during the sessions, we can focus on going over the smaller details they might normally miss, and address any remaining confusion or questions.

This tweak has really improved our training program.

Now, we still get to cover all of the info our managers need to know, but without them getting bogged down, which could cause them to miss or forget key elements.

(Chris Douglas, director of HR and training, C.B. Management Co. Inc., Springfield, MO)

FMLA just got trickier: 46 states get new rule

Last issue, we reported that a federal judge in Texas preliminarily enjoined the implementation of the FMLA's new definition of "spouse" after the attorneys general of Texas, Arkansas, Nebraska and Louisiana said it violated states' rights.

Well, in response, the DOL just announced that for now it won't enforce the new definition in those four states. But it will in the others.

As a result, things just got a lot trickier for employers that operate in multiple states.

Info: www.tinyurl.com/fmla440

First-ever transgender suit results in \$150K payout

There's a new discrimination lawsuit in town. Its name is transgender.

This past fall, the EEOC began filing these lawsuits, claiming discrimination against transgender individuals is a form of sex discrimination.

And now the EEOC has reached its first-ever settlement resulting from a transgender-based lawsuit.

Lakeland Eye Clinic will pay \$150,000 to settle accusations that it discriminated against and then fired its former director of hearing services,

Brandi Branson after she informed management she was transitioning from male to female.

It couldn't hurt to share this cautionary tale with your managers.

Info: www.tinyurl.com/gender440

The 'perk' workers want more than health insurance

You probably wouldn't have guessed this: 81% of employees said they'd rather join a company that values "open communication" to one that offers great benefits – like health insurance, free food or gym passes.

That's according to a survey by 15Five, a software maker.

The problem the survey uncovered, however: Just 15% of employees said they were "very satisfied" with the communication at their employers.

But there's a simple step they said could help: having a manager check in with them weekly for a few minutes.

Info: www.tinyurl.com/survey440

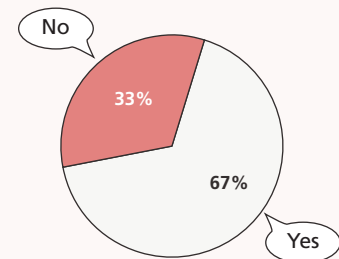
Lighter side: The tales of 5 strange job applicants

People will do anything to nail down a job. And this latest list of bizarre applicant behaviors comes from, of all places, *Reader's Digest*, which collected anecdotes from HR pros and

WHAT COMPANIES TOLD US

1/3 of HR not fans of Apple Watch

Would you hire a candidate wearing the new Apple Watch?



Source: Owler survey fielded to more than 20,000 business professionals.

Apple just introduced its smartwatch, and a lot of business pros aren't fans. A third flat-out said they wouldn't hire a candidate wearing one. Oddly enough, 80% said the watch looks professional.

Each issue of WWHR contains an exclusive survey to give executives insight into what their peers nationwide are thinking and doing.

media outlets. Some of the best:

- A man forgot to wear dark socks and colored his ankles with a marker.
- One applicant listed prison time as a job.
- A candidate put up posters of himself in the company parking lot.
- An interviewee arrived in a catsuit.
- A man arrived with a cockatoo.

Info: www.tinyurl.com/hires440

Sharpen your judgment... THE DECISION

(See case on Page 2)

No. A court ruled the case should go to trial, which will cost the company a pretty penny – win or lose.

The company tried to argue that the suit should be tossed before a trial because Jan was still able to take her requested leave despite any frustration or suspicion from her manager about her request.

After all, the fact that the manager asked for a note and fitness-for-duty exam never prevented Jan from taking advantage of FMLA leave to treat her depression.

But the court didn't see it that way. It said the manager's comments and fitness-for-duty requirement

could lead a jury to reasonably conclude the company was trying to discourage employees from taking leave – which is a form of interference.

■ Analysis: More than one way to interfere

This case serves as a reminder to employers that there are more ways to get nailed for FMLA interference than just denying leave.

Another recent court decision also made it clear that if a company makes it difficult for a worker to use leave (through multiple or unnecessary recertification requests, for example), that too could be considered FMLA interference.

Cite: Gordon v. U.S. Capitol Police, U.S. Ct. of App., D.C. Cir., No. 13-5072, 2/20/2015. Fictionalized for dramatic effect.

Our 'University' fosters employee development and collaboration

■ Education initiative strengthens work bonds, improves skills

Our industry is constantly evolving, and if we don't keep pushing the envelope, we'll fall behind the competition.

That, in turn, would have a demoralizing effect on morale.

The last thing we wanted was for employees to feel like they, as individuals, and we, as a company, were falling behind.

As a result, we've always made helping employees learn, hone their skills and work together a top priority.

Learning sessions

One thing employees loved: Our president held weekly meetings during which employees would share what they were hearing from customers, as well as any new techniques and industry trends they'd picked up on recently.

But as our operation grew, we realized we could take this idea to another level.

Created a University

That was the beginning of our company "University."

Every Friday morning, workers gather in a conference room for a University session, where an employee "teacher" gives a presentation.

Then, after the presentations, we give employees a chance to ask questions and have an open discussion on the topic and share any first-hand experiences they've had in that area.

Customizing sessions

To make sure the University sessions are relevant to what our folks are working on, we let them

propose topics they think would be useful for our team.

Submitters also let us know if they'd like to lead the session or whether another employee would be better suited to do so.

To make sure each session covers everything employees are interested in, we announce the topic ahead of time and ask them to submit questions before the meeting.

Top-down involvement

A big key to the continued success of our University is the fact that our president continues to sit in on all the sessions.

He then asks questions to help generate discussion.

For our staff, it's a big boost seeing the president take such an active role in their continued education.

Having him sit in on, and occasionally lead, sessions shows our workers the C-suite's truly committed to developing their skills.

Plus, it helps them build a rapport with upper management.

Major payoff

The University is not only keeping our employees and, in turn, our company on the cutting edge, but also generating camaraderie and teamwork.

It's also a huge morale booster for employees to know we won't let them fall behind the times.

Bonus: It's become a talent attraction, too. Candidates always perk up when we mention it during interviews.

(Elizabeth Humphrey, HR manager, studioSix5, Austin, TX)

Case Study: WHAT WORKED, WHAT DIDN'T

■ 4 ways to reduce distractions as office space shrinks

More employees are finding themselves crowded into smaller work spaces.

Research from commercial real estate association CoreNet Global, shows that rising real estate costs have dropped the average office space per worker in America from 225 square feet back in 2010 to 176 square feet today.

That means less privacy and a lot more distractions.

Some argue that being close to co-workers improves collaboration. But when workers are cramped into an office together, they're also more likely to be distracted, which can hurt productivity.

Blocking out distractions

Suzanne Lucas, *Inc.com* contributor and author of the *Evil HR Lady* blog (*EvilHRLady.com*) recently offered some suggestions on how companies can compensate for smaller offices:

- **Maintain private spaces.** Keep some areas empty, like conference rooms, where people can get away for a little privacy when they need it.
- **Allow more telecommuting.** Giving staffers more chances to work remotely is a big way to reduce employees' complaints about shrinking work spaces.
- **Give workers a break.** Not having privacy may stress workers out. Encourage workers to decompress when they need to by getting out of the office and going for a walk.
- **Invest in noise-canceling headphones.** If all else fails, Lucas says, it may be worthwhile to help workers block out distractions by investing in noise-canceling headphones. It may be a bit of an expense, but it's cheaper than investing in a bigger office.

Cite: www.tinyurl.com/space438

WHAT WOULD YOU DO?

Companies face competing agendas when dealing with their employees. They must find ways to inspire their people to excel, while controlling costs and staying within the law. Here we present a challenging scenario and ask three executives to explain how they'd handle it.

Worker passed over for promotion accuses manager of sexism: Now what?

The Scenario

HR manager Stu Capper was in his office when he heard a knock on his door. It was employee Selena Martin. "Hi, Selena," he said. "What's up?"

"I can't deal with my manager's sexism anymore," Selena began, as she closed the door behind her. "This is the last straw, Stu."

'What other reason could it be?'

"What makes you think your manager is being sexist?" Stu asked.

"He just passed me over for another promotion so he could give it to a guy instead," Selena explained.

"Well, hold on," said Stu. "I'm sure he had his reasons. Have you talked to him about why you didn't get the promotion?"

"Yeah, this time, he said it was because

he's worked with the other guy longer so he has a better sense of his abilities.

"But this isn't the first time something like this has happened," Selena added.

"What do you mean?" Stu asked.

"Every time I've been passed over, I've asked him why," Selena said. "And each time, he gives me another lame excuse and tells me I'll be a shoo-in the next time a promotion becomes available.

"This is ridiculous, Stu," Selena went on. "I've consistently been one of the best workers on the team, and I get along with all of my co-workers. So what other reason could there be, other than my manager doesn't want to promote me because I'm a woman?"

"All right," said Stu, "Let me look into this for you."

If you were Stu, what would you do next?

Reader Responses

1 Ellen DeRosa, director of HR, MC-2, Chestnut Ridge, NY

What Ellen would do: I'd compare the track records of Selena and the promoted employee. If they're about the same, or if Selena's is stronger, I'd ask the manager to justify his promotion choice. Depending on his response, we may send him to coaching or intervene in some other way.

Reason: Before I make any big decisions, I'd want Selena's manager to be more accountable for his decisions.

2 Colleen O'Leary, director of HR, Community Counseling and Correctional Services, Butte, MT

What Colleen would do: Assuming that our investigation showed that Selena's manager had valid reasons for passing her over for the promotions, I'd bring them both in to clear the air. We'd discuss the previous promotions and what skills Selena may have

lacked to be chosen for those positions. After examining her strengths and weaknesses, we can see how to develop Selena so she's a stronger contender for future promotions.

Reason: Obviously, Selena's been with us a long time, so we have a stake in keeping her around and promoting her to the right position. So we want her to see that, even though she's upset, the company still has her back and best interests in mind.

3 Rick Morcomb, HR manager, Lakeville/Dick's Sanitation Services, Lakeville, MN

What Rick would do: My first step would be to investigate further and gather some more information about the past promotions and see what may be going on behind the scenes that hasn't been brought to our attention before now.

Reason: Before we take any further action, we want to make sure we've got both sides of the story. Once we have all the facts, we're in a better spot to choose the best course of action.

QUOTES

Most people never run far enough on their first wind to find out they've got a second.

William James

Iron rusts from disuse, stagnant water loses its purity, and in cold weather becomes frozen; even so does inaction sap the vigors of the mind.

Leonardo da Vinci

Life is very interesting ... in the end, some of your greatest pains, become your greatest strengths.

Drew Barrymore

Be nice to people on the way up because you may meet them on the way down.

Jimmy Durante

To handle yourself, use your head; to handle others, use your heart.

Eleanor Roosevelt

If your actions create a legacy that inspires others to dream more, learn more, do more and become more, then, you are an excellent leader.

Dolly Parton