



Human Resource and Management Services

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HUMAN RESOURCE EXCHANGE

Human resource issues and topics impacting employers

◆ FROM CCH HR MANAGEMENT ◆

“Amendment to raise minimum wage unlikely to survive”

A House committee adopted an amendment calling for an increase in the minimum wage. While the vote provided Democrats with an unanticipated victory, the amendment is unlikely to remain in the final legislation.

The amendment endorsed by the House Appropriations Committee would raise the minimum wage from the current \$5.15 an hour to \$7.25 in three increments over two years. The committee approved the provision by a 32-27 vote on June 13, adding it to an unnumbered bill to fund the Labor Department and other agencies in fiscal 2007. Seven Republicans joined the committee's Democrats in support of the amendment. But the amendment is unlikely to survive because the Appropriations Committee does not have jurisdiction over the wage issue.

The vote on the amendment came on the heels of a new study by the Center for Policy and Economic Research, which concluded that the purchasing power of the minimum wage is at its lowest level in 50 years. The minimum wage has not been raised since 1997. Full-time minimum wage workers with families fall below the poverty line. Republican opponents of a wage increase argue that a rise would stunt new job growth and harm small business, a position dismissed by Democrats.

◆ FROM PLA E-LERT ◆

“Workplace bully case settled for \$750k”

Three female employees filed a sexual harassment lawsuit against their belligerent boss, who verbally abused and intimidated them. The suit was originally dismissed because the boss's behavior was not overtly sexual. An appeals court reinstated it, ruling that harassing conduct does not need to be motivated by lust or blatant hatred of women to be illegal sex discrimination.

On May 22, the EEOC announced that the employer settled the lawsuit for \$750,000. In addition, the employer agreed to review its employment policies, provide effective means

to address discrimination complaints, and educate employees about their rights and responsibilities in the workplace.

◆ FROM CCH EMPLOYMENT LAW ◆

“EEOC sues hospice agency for religious discrimination”

A Lumberton, North Carolina hospice agency violated federal anti-discrimination law when it required an employee to attend a "prayer circle" and fired her because she objected to the practice and refused to attend, the US Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed on June 1, 2006.

According to the EEOC, the employee, Doreen Sampson, who is a Jehovah's Witness, was working as a registered nurse for the hospice. The complaint alleges that Sampson was required to regularly attend a "prayer circle" from about January until March 2005. In March 2005, she refused to attend the mandatory prayer circle and was fired as a result.

The EEOC's suit seeks back pay, compensatory damages and punitive damages, as well as injunctive relief. "In a society that values religious freedom, you would expect it to be common sense that employers cannot force their employees to take part in a religious ceremony as a condition of their continued employment," said Reuben Daniels, Jr., Director of the EEOC's Charlotte District Office. "Retaliating against an employee for objecting to a discriminatory practice is also illegal, and only makes a bad situation worse. The EEOC will continue to vigorously enforce federal laws which prohibit this type of conduct."

◆ FROM CCH HR MANAGEMENT ◆

“Vacation deprivation among American workers is at an all time high”

Americans are likely to give back more than 574 million vacation days in 2006, revealed a survey commissioned by Expedia.com. According to the survey, each employed U.S. adult age 18 and older is anticipated to leave an average of four vacation days on the table. The number of

vacation days each American is estimated to abandon in 2006 increased by one additional day over last year.

◆ **A REAL LIFE SITUATION** ◆

Situation: An employee asked if he could bring his 6 year-old son to work for the afternoon; the school nurse called and said he was sick. The employee wanted to be at work to finish up a major project, and had no other childcare options.

The company does not have a policy addressing this issue, nor is the office equipped for young visitors. The employee's manager is unsure as to how to handle the situation.

Observation: There are potentially three issues. The first issue is the company does not have a policy that addresses this type of situation, so the action the manager takes may set a precedent for similar future situations, whether it is this employee or another employee.

The second issue involves how this will affect the workplace. Allowing the child to stay in the office may cause some disruption and the employee's attention will probably be split between his son and his work. If office space is shared with other employees, it may be a distraction for them as well, and they may be exposed to whatever made the child sick in the first place.

The third issue is safety. What happens if junior decides to experiment with the scissors in an electrical outlet while his father is busy working? This could lead to all kinds of other liability issues, whether safety or inadvertent negligence.

The suggested approach would be to give the employee time off to seek other alternatives, because ultimately, the work is going to have to get done and time is running out. Bottom line, in most cases, the employee usually does not get much done while his child is with him at the office. The manager has several options, he can make arrangements to let the employee do some work from home for that afternoon, allow him to flex his time later in the week, or let him use sick leave to care for the son.

It is important to remain compassionate, while doing what is best for the business and all of the employees. In the end, the most family friendly approach is to be consistent in how work-life balance issues are handled. The company should have guidelines in place so that employees will not be "surprised" or go into crisis mode when these situations occur.

FEATURED SERVICE
Coaching, Counseling, and Discipline

- Verbal Warning
- Documented Oral Discussion
- 1st Written Warning
- 2nd Written Warning
- Final Written Warning
- Probation
- Suspension
- Termination with the right to an automatic appeal

What happened? What went wrong? How did we mess this up so bad?

Let HR&M help you make this a simple 3-step process and yet still ensure that employees are clear on expectations and as an employer, feel comfortable that you are on solid ground when disciplining an employee in today's environment.

In many instances, the words being used may be the only major difference in simplifying this process. Additionally, the right documentation will become extremely effective and you will not wonder as to how many chances an employee gets before becoming accountable for his/her actions.

Call HR&M to help you simplify your process.

◆ **REMEMBER! WE CAN HELP!!** ◆

Consulting on performance, attendance, FMLA, Wage & Hour, management accountability, and other unique issues is just one of the areas of our expertise.

We also provide:

- supervisory/management training, ranging from brown bag luncheon training to ½ or full day sessions
- employee handbook development, from creating to updating
- responses to discrimination charges and unemployment claims
- on-line performance review forms and processes
- guidance on coaching, counseling, and disciplining in employee relations matters