



# Human Resource and Management Services

February 2007

## HUMAN RESOURCE EXCHANGE

Human resource issues and topics impacting employers

### ◆ FROM SHRM ◆

#### “HR Faces Competing Pressures over Weapon and Safety Laws”

The shooting of two Pitney Bowes employees by a former co-worker in a company parking lot on Nov. 2, 2006, refocused employers' attention on workplace violence, a problem that's cropping up with frequency in parking lots and plants across the nation. [Most] private businesses had a workplace-violence incident within the past 12 months, the Bureau of Labor Statistics (BLS) recently announced. [However] the vast majority of those employers did nothing to change their workplace-violence procedures afterward, the BLS added.

### ◆ FROM CCH EMPLOYMENT LAW ◆

#### “OFCCP Announces Record Financial Recoveries for FY 2006”

The OFCCP has reported that, in Fiscal Year (FY) 2006, it recovered a record \$51,525,235 for 15,273 US workers who, according to the agency, had been subjected to unlawful employment discrimination. Of that amount, 88% was collected in cases of systemic discrimination -- those involving a significant number of workers or applicants subjected to discrimination because of an unlawful employment practice or policy.

The \$51.5 million reflects a 14% increase over recoveries in FY 2005 and a 78% increase over FY 2001 ... The agency states it is monitoring a larger portion of the federal contractor universe than it has in the past and it is prioritizing its resources to addressing the worst offenders of the law. The OFCCP's enforcement statistics for FY 2006 are on the agency's website.

### ◆ FROM CCH HR MANAGEMENT ◆

#### “NJ adds Gender Identity or Expression as Protected Class”

New Jersey Governor Jon S. Corzine on December 19 signed legislation that amends the New Jersey Law Against Discrimination (NJ-LAD) by adding "gender identity or expression" to the list of protected characteristics.

Said Governor Corzine. "I am pleased to sign legislation to

ensure gender identity or expression is a protected class against discrimination in New Jersey." The legislation, S.B. 362, takes effect in 180 days.

### ◆ FROM PERSONNEL LEGAL ALERT ◆ “NLRB Invites Comments on E-mail Case”

The National Labor Relations Board (NLRB) has solicited briefs addressing matters related to whether employees have the right to use their employer's e-mail system (or other computer-based communication systems) to communicate with other employees about union or other concerted, protected matters; whether it is illegal to permit non-job-related e-mails, but not union-related ones; and whether the NLRB should apply traditional rules regarding solicitation and/or distribution to employees' use of their employers' e-mail system, among other issues.

Briefs must be filed by February 9. The Board will hear oral arguments on March 27.

### ◆ FROM SA EXPRESS-NEWS ◆ “Bad Bosses Bad for Business”

Nearly 4 in 10 bosses take employees' ideas without giving them credit... similar percentages don't keep their word... while ¼ of bosses bad-mouthed employees to co-workers.

Based on a survey of 700 workers, 31% said their supervisor had given them the 'silent treatment' in the last year. Nearly 1 in 4 said their supervisors invaded their privacy.

### ◆ FROM EEOC WEB SITE ◆ “Target Corp. to pay \$775k for Discrimination”

Target Corporation, the Minneapolis-based retail sales giant, has agreed to pay \$775,000 to a group of black workers as part of a litigation settlement of a race discrimination and retaliation case brought by U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

The EEOC charged that Target violated Title VII of the 1964 Civil Rights Act by creating and condoning a racially hostile

work environment at its Springfield, Pa., store for a class of African American employees. The racial harassment included inappropriate comments and verbal berating based on race. Further, when one of the black employees objected to this treatment, he was allegedly retaliated against, leaving him no choice but to resign.

#### ◆ EDITOR'S NOTE ◆

Congratulations go out to Sandra Montoya for receiving her certification as a Professional in Human Resources (PHR)!! HR&M continues to provide you with the best advice and guidance possible, and Sandra's achievement is another indication of our firm's expertise.

#### ◆ A REAL LIFE SITUATION ◆

**Situation:** A female employee that had been with the company for over 10 years and was recognized as an outstanding employee during that whole period of time, came in one day wearing a see-through blouse with no bra. Everyone was shocked and could not believe what she was wearing, especially since her entire career with the company, she wore very professional and conservative attire. The supervisor, a male, was not sure how to handle the situation.

**Observation:** Although this could make for an uncomfortable situation, the supervisor still needs to talk to the employee and consider the immediate thoughts: 1) her attire is unprofessional, unacceptable, and she must go home and change; 2) why did she think her attire was appropriate; 3) disruption in the workplace was created immediately by what she wore.

With these immediate thoughts, the employee needs to be brought in to the supervisor's office. If another management team member is present, have that person be a witness to the conversation. If no other management team member is present and there are no other employees entrusted to these type of situations, then the supervisor needs to address the situation by himself and state the obvious:

"You've been the ideal employee for the entire 10 years that you've been with the company. People like you, respect you, and your performance levels have always been satisfactory or better. However, today you came in with what I consider a very revealing blouse, and there was all kinds of commotion out there on what you were wearing. When I heard all the fuss, I went out and I too was surprised at what you were wearing. Are you aware of what you have on today and are you aware of all the disruption that occurred?"

Who knows what the employee's response could be. Her responses could range from "Why? What's wrong with what I'm wearing?", to "Oh, I'm sorry, I didn't think it was that noticeable", to "Well, they don't have to look. That's their

problem, not mine!", to "My divorce was final yesterday, and I'm celebrating my independence!"

Regardless of the response, the initial three immediate thoughts still apply and the employee will have to be disciplined with the consequence that any future inappropriate dress and attire could result in termination.

#### FEATURED SERVICE

##### **Dealing with Inappropriate Workplace Behavior**

Today's workplace is subjected to many conflicting communications. On the news, there is crime and violence. On television there are the latest fads, super heroes and celebrities. And at work, there are the company rules to bring employees back to reality.

For some employees, however, coming back to reality is not easy, especially if wearing the latest fads *is* their reality, or if there is abuse of any kind that is happening at home, or if there are employees talking about last night's sitcom.

HR&M can help you identify the specific topics that should not be discussed in the workplace; can help you identify specific behaviors that are not appropriate; and can help you identify non-work related behaviors that are off-site and off-hours that would also be considered inappropriate.

Inappropriate behavior affects morale, productivity, and customer satisfaction, and by properly addressing this challenge, organizations can focus on more pressing and higher priority items.

Contact HR&M for additional information.

#### ◆ 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