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HUMAN RESOURCE EXCHANGE

Human resource issues and topics impacting employers

◆ FROM YOU AND THE LAW ◆

“Impromptu performance reviews: risky business”

Jane Turner was a career FBI agent at the top of her game. She was well respected and earned sparkling job reviews until a new male supervisor arrived in town.

Suddenly she was passed over as lead agent in a high profile case. She complained to her supervisor’s boss about the snub. Soon after, Turner received a new unscheduled performance evaluation that rated her “minimally acceptable/unacceptable.” Turner’s supervisor transferred her and called her a “very troubled agent.” Her new co-workers were told Turner was “someone to avoid.”

She quit and sued, citing retaliation. The court gave the go-ahead for the lawsuit, saying Turner’s poor evaluation alone wasn’t grounds for a lawsuit, but the timing of it was.

◆ FROM WORKERS’ COMPENSATION LAW BULLETIN ◆

“Recreational Activity: Boss challenges worker to basketball game”

Anderton worked for WasteWay Services LLC, cleaning up after baseball games and concerts held at the Bluefish stadium in Bridgeport. When the company’s co-owners visited the stadium, one of them asked Anderton to play basketball. The co-owners later said that they intended the game as a way to boost company morale and foster employee loyalty.

The game would pit Anderton and his supervisor against the two co-owners, and it would be played during working hours at a court location at an apartment complex across the street from the stadium. If Anderton’s team won, the bosses

offered to pay for lunch. Anderton later said that he felt he had no choice but to agree to play – otherwise, he thought the bosses and his supervisor would look unfavorably on him as an employee.

Within the first 15 minutes, Anderton hurt his ankle. His doctor took him off work for several months and then assigned him 7% permanent partial disability.

Anderton filed a workers’ comp claim; the commissioner ruled that Anderton was entitled to benefits. Even though it wasn’t in his job description, playing basketball with his employers was part of his employment. The game was during working hours and the co-owners exercised some compulsion by inviting him and his supervisor to play during working hours.

◆ FROM CCH – HR Mgmt ◆

“Cancer #1 reason for long-term absence from work in 2005”

For the fifth consecutive year, cancer was the leading cause of long-term absence from work for Americans in 2005, according to UnumProvident, a leading provider of disability income protection insurance. Of the long term disability claims filed with UnumProvident in 2005, 12% were for cancer and nearly a quarter of those cancer claims were for breast cancer.

Even with continuous advances in medicine and treatment options that allow survivors to get better faster, cancer still has a considerable financial impact on today’s employers. The National Institutes of Health estimate overall costs for cancer in 2005 at \$209.9 billion: \$74 billion for direct medical costs; \$17.5 billion for cost of lost productivity due to illness; and \$118.4 billion for cost of lost productivity due to premature death.

Indeed, many employers are seeking ways to control costs associated with the lost time due to illness. Some companies may adjust health care coverage and require additional premium payments from employees who smoke. Other employers can help encourage good habits by providing healthy food and snack selections at the workplace, creating access to exercise and fitness facilities, or by sponsoring weight control and nutrition classes.

Rounding out the top five reasons for long-term disability claims are complications of pregnancy, joint/muscle/connective tissue diseases, back injuries and cardiovascular disease; many of which have easily available prevention and/or early detection strategies.

◆ **A REAL LIFE SITUATION** ◆

Situation: An employee brought his significant other to the office and left her sitting at his desk alone for a few minutes. While he was away, she approached a female employee and started to accuse her of hitting on her boyfriend and threatened her with bodily harm. The threatened employee went to HR and made a complaint.

Observation: There are a few issues with this situation. First, the company may not have a clear policy on how to handle guests in the work place. Typically, all guests should be escorted at all times to eliminate the possibility of such a situation from occurring.

Second, since the employee came to HR with this complaint, the immediate supervisor needs to be advised of the situation and an investigation needs to be conducted, starting with the threatened employee, to determine: When did this happen? Did anyone else see or hear the threat? Why were you singled out for the threat? Do you know the woman? Have you ever seen this woman before? Etc., etc., etc.

The employee who left his guest unattended should also be advised of the situation and possibly be disciplined for either leaving a guest unescorted or bringing a guest that knowingly is hostile.

Who knows - maybe the threatened employee made some off the cuff remarks to the guest?! Once all the facts have been obtained, then decisions can be made as to whether or not to discipline any employee; to contact the EAP if appropriate; to contact the police and file a report or charges if fitting; or to do whatever else is

necessary to prevent similar situations from occurring.

FEATURED SERVICE Customized HR Database

As organizations grow, the harder it becomes to keep track of employment activities without incorporating the use of some type of employee tracking software.

HR&M offers an alternative solution to your employee tracking needs. By utilizing the licensing software that comes standard with most PCs, a customized Employee Tracking database can be developed using Microsoft Access. A Microsoft Access database is ideal for single-user or multi-user environments with fewer than 20 simultaneous users.

Management can then be provided with up-to-date employee information when making decisions regarding career growth, salary progression, and/or succession planning. Affirmative Action information can also be stored and tracked within the database to meet OFCCP requirements. Other employment reporting requirements such as the EEO-1 annual report can also be generated easily and efficiently.

HR&M has the human resource and technical expertise to help develop a tracking system that can grow with your business, is easy to operate and maintain, and can give your organization the strategic edge towards a positive impact on the bottom line.

◆ **REMEMBER! WE CAN HELP!!** ◆

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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