

# WHAT'S WORKING in

# Human Resources™

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FEBRUARY 16, 2015

## WHAT'S ONLINE

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If you haven't been to our website recently, here's exclusive online content you've been missing:



**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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## Hidden way Obamacare's left you open to a lawsuit

### ■ 3 things your plan documents must include

**W**arning – businesses subject to the Affordable Care Act's employer mandate are leaving themselves open to a lawsuit if they haven't taken this one step:

*Clearly define in plan documents what a healthcare benefits-eligible full-time employee is under the plan.*

And here's a hint: A common definition like "A full-time employee is anyone who regularly works 30 or more hours per week" won't save you.

full-time employees to fully shield themselves from legal action – going so far as to spell out things like:

- "measurement" and "stability" periods (with specific date ranges)
- waiting and orientation periods for new employees, and
- how workers in special circumstances will be treated (i.e., those promoted from part-time to full-time, those on leave and those rehired).

Employment law attorney Steven Witt of the firm Fisher & Phillips LLP ([LaborLawyers.com](http://LaborLawyers.com)) says employers that are lacking these essential

(Please see *Lawsuit ...* on Page 2)

### What else you need to say

Group health plans must be much more specific in their definitions of

## What will the new OT-exempt salary be?

### ■ Clues surface about what the FLSA revisions will look like

**T**he Obama Administration wants more people eligible for overtime – and it'll get its wish via new FLSA rules. The only question is: How many more will become OT-eligible?

### Salary threshold will rise

Early predictions had the president's order to revise the FLSA pushing the OT minimum salary threshold to \$50,000 or higher (the current minimum is \$23,660). But the change likely won't be that drastic.

*The Huffington Post* is reporting that Ross Eisenbrey, VP of the Economic Policy Institute, which has close ties to Democratic policymakers, has said his talks with White House officials have him believing the new threshold will be around \$42,000.

Eisenbrey's calculations say that would make about 35% of salaried workers eligible for OT. Currently, about 12% are eligible.

Stay tuned. The DOL's expected to issue the new rules any day.

Cite: [www.tinyurl.com/buffpost435](http://www.tinyurl.com/buffpost435)

# Lawsuit ...

(continued from Page 1)

definitions could find themselves on the wrong end of a lawsuit.

He recently spelled out the following scenario on his firm's blog and in an article featured in the *Orange County Business Journal*:

### Here comes a lawsuit

Say you've got an employee who recently started working more than 30 hours per week.

This employee may read your plan document and believe he's entitled to healthcare benefits – when he's really not because your firm's applied the ACA's measurement and stability

period calculation method.

Under the ACA's calculation method, the employee wouldn't be eligible for benefits until after a measurement period (which must be at least three months) during which his hours are tracked.

### MORE RESOURCES

For our breakdown of the ACA's "measurement" and "stability" periods, visit [www.WhatsWorkinginHR.com](http://www.WhatsWorkinginHR.com) and read "4 keys to calculating full-time employees under Affordable Care Act."

But in the meantime, if your plan documents don't define your measurement and stability periods, all the employee will think is: *I work 30 hours, and according to the plan, I should be eligible for health benefits.*

Witt says, under these circumstances, it would be fairly easy for this worker's attorney to use

## It's not too late to protect yourself.

the plan's vague language to prove the employee should get health coverage.

Thus, a lawsuit gets filed – one the company's likely to lose.

### Defending your position

Feeling your plan documents may be a little flimsy right now?

Don't panic. Even though the employer mandate has kicked in, it's not too late to protect yourself.

As Witt points out, even employers subject to the employer mandate in 2015 can revise their summary plan descriptions – or draft stand-alone documents – to lay out in more detail who qualifies as a full-time employee.

Even if those updates are late to the party, Witt says employers that make them will put themselves in a much stronger position to defend their stance that a person isn't a full-timer until after a measurement period.

Cite: [www.tinyurl.com/witt435](http://www.tinyurl.com/witt435)

## 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.*

### ■ Was manager allowed to ask staffer on leave to work?

"Good morning, Lynn," company lawyer Eric Bressler said. "Thanks for helping me get a jump on this FMLA interference lawsuit from Albert Stokes."

"Sure thing, Eric," said HR manager Lynn Rondo, motioning for him to have a seat.

"Do you think you could lay out the situation for me?" asked Eric.

### 'Finish up a few tasks'

"Well, Albert's manager was pretty demanding in terms of production," Lynn said. "Apparently, Albert's quality of work was fine, but his manager was still worried he couldn't keep up."

"But then Albert requested medical leave?" Eric asked.

"Yep," said Lynn. "Albert's manager said he didn't have enough notice to find someone to cover Albert's assignments, so he asked Albert to take care of some things while out."

"Do you know how much he was asked to do?" asked Eric.

"I don't know all the specifics," Lynn said. "But it sounded like Albert spent only a few hours each week finishing up assignments."

"Then, when his leave was over, Albert came back to work in a huff, claiming his manager had interfered with his leave," Lynn added.

Albert eventually sued, claiming FMLA interference. The company fought to get the 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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# Employees have ADA responsibilities they have to meet as well, court rules

### ■ Worker didn't hold up her end of the disability law

An employee's responsibilities under the ADA don't end with requesting an accommodation and supplying a doctor's note.

An employee also has to be willing to participate in the interactive process of seeking out an accommodation the employer can reasonably provide.

That's what a court just ruled in the case of Pamela Manning, a sales associate for Kohl's Department Stores.

### Not a one-way discussion

After Manning's doctor determined her erratic schedule aggravated her diabetes, she requested Kohl's assign her a more consistent schedule.

Worried it would have a snowball effect on other associates, Kohl's denied her request. But it offered to discuss other accommodation options.

Manning then became upset, said she had "no choice but to quit," put her keys on the table and walked out.

A manager urged her to reconsider resigning and to discuss other options.

She refused and contacted the EEOC, which filed an ADA lawsuit on her behalf. It said Kohl's failed to accommodate her disability.

But a court said it was Manning who failed the ADA, not Kohl's.

It said the ADA's interactive process involves "bilateral cooperation and communication," which Manning failed to be a part of.

Therefore, it ruled she couldn't claim Kohl's failed to accommodate her. Case dismissed.

**Cite:** EEOC v. Kohl's Department Stores Inc., U.S. Ct. of App. 1st Cir., No. 14-1268, 12/19/14.

# 50-employee rule not met, but worker may be entitled to FMLA anyway: Why?

### ■ Policy blunder proves very costly for this employer

As you know, one of the three criteria for FMLA eligibility is you must work at a location where the employer employs 50 or more workers within a 75-mile radius.

Terry Tilley of the Kalamazoo County Road Commission in Michigan didn't meet that requirement.

But that didn't stop him from being FMLA-eligible, according to a court.

### Important info was missing

Here's the commission's FMLA policy eligibility statement:

*"Employees covered under the [FMLA] are full-time employees who have worked for the Road Commission and accumulated 1,250 work hours in*

*the previous 12 months."*

Notice anything missing? The 50-worker rule's nowhere to be found.

Still, the commission denied him FMLA leave, saying he didn't satisfy the 50-worker rule. So Tilley sued.

The commission tried to get his FMLA interference suit tossed, saying he wasn't FMLA-eligible. But it failed.

The court said Tilley's case should go before a jury because anyone in his position could've assumed they were FMLA-eligible.

Might want to double-check your policy to see if it says all you need it to.

**Cite:** Tilley v. Kalamazoo County Road Commission, U.S. Ct. of App. 6th Cir., No. 14-1679, 1/26/15.

### ■ Gender bias suit costs hospital \$7M and clinic naming rights

This hospital isn't likely to forget the lessons learned from a gender bias lawsuit filed by a former employee – mostly because her name's on the door now.

Beth Israel Deaconess Medical Center was sued for gender discrimination by its former Chief of Anesthesia, Dr. Carol Warfield. She claimed that a colleague ignored her presence in meetings and tried to have her demoted because she was female.

Allegedly, when she complained to her superior (also a man) about the behavior, both he and Warfield's colleague forced her out of her job.

The hospital settled the suit by paying Warfield \$7 million and naming its pain clinic after her. How's that for a painful reminder of an employment situation gone horribly wrong?

**Cite:** [www.tinyurl.com/doc435](http://www.tinyurl.com/doc435)

### ■ Employer learns when it can't demand applicant get haircut

When workers ask for religious accommodations, employers that deny them need strong, business-related reasons for doing so.

This beer distributor's reason didn't fall into that category.

The EEOC claimed Mims Distributing Company told Chris Alston he could only have a delivery driver position if he cut his hair. Alston explained he was a Rastafarian and hadn't cut his hair in five years because his religious beliefs banned him from doing so.

Mims didn't buy it and turned him down. Now it's settling the suit by paying Alston \$50,000, writing a religious accommodation policy and providing training on the subject.

**Lesson:** When it comes to accommodations, focus on whether they create business hardships – not whether you agree with the reasons for the accommodation request.

**Cite:** [www.tinyurl.com/mims435](http://www.tinyurl.com/mims435)

# 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.*

### Can we ask if cancer is causing work problems?

**Q:** An employee of ours has cancer, and we've noticed a drop in his productivity. Can we ask if this drop is related to his cancer?

**A:** The EEOC doesn't entirely bar employers from making such inquiries, says employment law attorney Daniel Schwartz ([dschwartz@goodwin.com](mailto:dschwartz@goodwin.com)) of the firm Shipman & Goodwin LLP ([ShipmanGoodwin.com](http://ShipmanGoodwin.com)).

The agency says an employer may ask disability-related questions or for a medical exam when it knows about a worker's medical condition, has observed performance problems and believes the two are related.

Medical info can also be sought if an employer's observed symptoms, like fatigue or irritability, indicating a condition that may cause performance issues.

But the EEOC does warn employers that poor performance is often unrelated to a medical condition and should generally be handled in accordance with existing policies on performance.

### Worker wants extra leave: What are our obligations?

**Q:** We have a generous leave policy that allows employees to be on leave longer than the FMLA's 12 weeks. If a worker's not ready to return when this extra leave's up, do we still have to consider extending his leave further?

**A:** According to the EEOC, you must consider leave extensions,

whether they're related to the FMLA or some other company leave, says labor and employment law attorney John W. Hargrove ([jhargrove@bab.com](mailto:jhargrove@bab.com)) of the firm Bradley Arant Boult Cummings LLP ([Bab.com](http://Bab.com)).

The EEOC considers a leave extension to be a reasonable accommodation under the ADA.

The agency's guidance says an employer must hold a worker's job open unless it can prove that would create an "undue hardship."

### What are the best ways to stop workplace bullies?

**Q:** We understand that bullying can lead to charges of harassment and discrimination, but stopping it can be difficult. What can we do to prevent workplace bullying?

**A:** There are actions organizations should take, says employment law attorney Kristy K. Marino ([kmarino@foley.com](mailto:kmarino@foley.com)) of the firm Foley & Lardner LLP ([Foley.com](http://Foley.com)). Three big ones:

- Make sure policies cover conduct that can be characterized as bullying, like conduct which is "threatening, humiliating or intimidating." Policies should also cover verbal and emotional abuse.
- Train supervisors how to spot and address bullying conduct.
- Implement a process through which employees can bring complaints of abusive conduct.

*If you have an HR-related question, email it to Christian Schappel at: [cschappel@pbp.com](mailto:cschappel@pbp.com)*

## EFFECTIVE COMMUNICATION

### ■ 'Don't lie to me!' 4 steps to reduce office dishonesty

No company wants to think there's a liar on its payroll, but the truth is everyone lies – at least a little bit.

Little white lies may not seem like a huge problem, at first. But too many can snowball into other problems, like a company culture where workers ignore policies and procedures.

The good news: Employers (managers in particular) can take steps to create an office culture that values and promotes honesty among staffers.

### Cultivating honesty

Suzanne Lucas, author of the *Evil HR Lady* blog ([EvilHRLady.org](http://EvilHRLady.org)) and *Inc.com* contributor, offers some possible solutions for employers and their managers. She points out four behaviors managers should adopt in order to foster a more honest office.

Lucas recommends managers:

- **Don't shoot the messenger.** Staffers are more likely to lie about mistakes if they believe whoever gives the bad news will be the one penalized. "Shooting the messenger" like this for small errors will lead to workers trying to hide problems.
- **Model honesty.** It sounds simple, but it makes a big difference. When managers tell little white lies, even if they mean well, it dissolves trust among teams.
- **Focus on performance numbers.** You'll likely come across at least one staffer who will look for chances to "dress up" their achievements in order to get ahead. Be sure workers' claims are backed up by hard figures before rewarding anyone.
- **Stick to the facts.** Not even Sherlock Holmes got it all right the first time. Avoid taking actions based on "hunches" or hearsay.

**Cite:** [www.tinyurl.com/llying435](http://www.tinyurl.com/llying435)



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## WHAT WORKED FOR OTHER COMPANIES

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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 **Smaller meetings improved enrollment**

As the benefits game got more complicated, our open enrollment process hit some rocky roads.

We used to walk everyone through what we offered and how to sign up in one big company-wide meeting.

But as things became more complex, workers became increasingly uneasy about their understanding of our benefits package.

That led to confusion and delays, and I had to spend a lot of time

chasing people down for forms as our enrollment deadline closed in.

I decided we needed a better way to inform employees about their benefits.

#### **Made closer contact**

Now I schedule smaller info sessions with each department. That gives me more contact with workers and the ability to answer more specific questions on the spot.

During the meetings, I hand out all the forms, run down the changes to our plans and explain the pay

deductions going forward.

I also set the paperwork deadline about a week ahead of when I really need forms. That way I have breathing room to tie up any loose ends.

It takes a little more time on the front end to hold more meetings, but it pays off for us on the back end.

I'm spending a lot less time chasing down paperwork, and enrollment's less of a headache in general.

*(Michelle Milchen, HR and payroll administrator, Trademark Global Inc., Lorain, OH)*

### **REAL PROBLEMS, REAL SOLUTIONS**

### 2 **Took big administrative burden off HR's plate**

Our company always held off using staffing companies due to the expense and because we were always able to find good job candidates on our own. But we recently found a situation where using one was really beneficial.

We often take on smaller, short-term projects. Typically, we staffed these projects with our regular workforce.

The problem was, despite being small, these projects took a lot of coordination from the standpoint of

assigning and scheduling workers to them, and it ate up a lot of HR's time.

It eventually reached a point where we needed to free up our HR department so it could focus on more important tasks.

#### **Took a new approach**

We realized it might be a good idea to try bringing in a staffing company when we took on short-term work.

So we sat down with one company and outlined our needs and made sure it was a good match for us.

Turns out it was an avenue well worth exploring.

The staffing company was able to take a lot of the administrative work off our company's plate.

Plus, it made it more worthwhile to go after smaller jobs.

And the amount of time it has given back to our HR team has been well worth the expense we've incurred.

*(Scott I., COO and VP, MP Events, New York City)*

### 3 **Personal touch built worker buy-in**

Our company had held off going digital with our payroll system because we knew a lot of workers were going to be skeptical about the change.

We have a lot of veteran workers who liked their paper checks and paystubs.

Going paperless would require employees having to go online to look up paystub info – and they were apprehensive.

Some felt they wouldn't understand the system, as many didn't even have a computer at their workstation and had limited tech skills.

But finally, we decided enough was enough, and we started planning for the transition.

#### **Went one-on-one**

We gave workers instructions for checking their pay info online a few months in advance of the change.

And instead of holding a mass training session with the whole company at once to walk employees

through the new system, we opted to offer individualized sessions for anyone that needed extra help.

Those having trouble could come in for a one-one-one session, where I'd show them how to set up their account, use the system and, in some cases, where to access a computer.

The one-on-one training built the buy-in we needed to move forward. Now we're completely paperless.

Going digital has saved us a ton of time and money. Better late than never.

*(Lora Kent, HR manager, Rusken Packaging, Cullman, AL)*

### What's the next change to ACA's employer mandate?

It looks like more changes are in store for the employer mandate.

A bill that would allow employers to exclude military veterans, who receive government health benefits, from their full-time employee counts has unanimously passed through the House and Senate Finance Committee.

The Hire More Heroes Act will go before the full Senate next. But before it does, lawmakers from both sides of the aisle have said they plan to offer up amendments to it.

Still, assuming the bill's not tweaked too heavily, there's a good chance it'll make it to the president's desk.

If enacted, employers subject to the mandate could also forgo offering those vets health insurance and not face Obamacare penalties.

*Info: [www.tinyurl.com/heroact435](http://www.tinyurl.com/heroact435)*

### Another career website you must pay attention to

Oh, goodie: There's yet another new career website HR's got to keep an eye on.

It's called Craft, and it basically takes everything people and the media are saying about you – by way of LinkedIn, Facebook, Twitter, Google,

news sites, etc. – and dumps it into one place where job candidates can see it all ... the good, the bad and the ugly.

It's still new, so there's not much on it yet pertaining to smaller businesses. But it's growing fast.

Craft's founders are banking it'll get big enough to make you pay to market your firm using the site.

*Info: [Craft.co](http://Craft.co)*

### Changes made to your 2014 Form 5500

You've still got time to file, but you'll want to see the Form 5500 changes the feds made for 2014 filings.

Some notable changes:

- Form 5500-SF filers must report the number of terminated participants with vested benefits during 2014.
- Multi-employer plans must identify the individuals enrolled in the plans and provide a "good faith estimate" of their individual contributions.
- For 403(b) plans, "Active Participants" must now include anyone who's eligible to contribute.

*Forms: [www.tinyurl.com/dol5500](http://www.tinyurl.com/dol5500)*

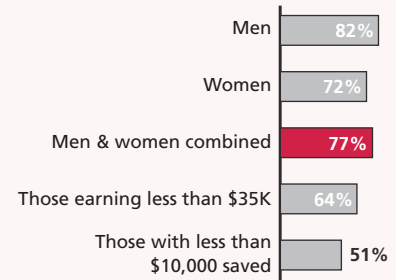
### Lighter side: 5 words that will ruin a job interview

The funniest trend to hit Twitter in a while: users sharing what phrases

## WHAT COMPANIES TOLD US

### 401(k) savings

How many employees contribute enough to get the maximum employer match?



*Source: TIAA-CREF's 2014 Perfect Match Survey.*

The figures are good – more than three-quarters of employees save enough to earn the maximum match. But they could get better. One way: Show workers what saving a little more could mean to them long term.

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

would cost them a job via the hashtag *#FiveWordsToRuinaJobInterview*.

You can't argue with the results:

- "I've only killed two bosses."
- "Where do my cats sit?"
- "There's no drug test, right?"
- "In five years? Dead, probably."
- "I coached the Oakland Raiders."

*Info: [www.tinyurl.com/hashtag435](http://www.tinyurl.com/hashtag435)*

## Sharpen your judgment... THE DECISION

*(See case on Page 2)*

No. A judge ordered the case to proceed to trial, which will be expensive for the company – win or lose.

Albert claimed his manager consistently pestered him with requests, asking him to work several hours each week while he was out for two months.

The company argued that Albert and his manager only had minimal contact to clear up some issues, and any work Albert performed was done voluntarily.

But the court didn't see it that way.

It said, despite his leave being approved, there was evidence to show Albert had been asked to do some of his

regular duties, such as updating compliance cases and revising projects. The court ruled this was too much to ask of an employee out on medical leave.

### ■ Analysis: Avoid job duties

Managers need to understand the limits of how much they can ask an employee to do while out on leave.

It's one thing to keep in touch for the sake of locating files, asking general questions or keeping tabs on the worker's recovery. Courts generally agree that these sorts of tasks don't count as leave interference.

But asking workers on leave to perform regular job duties – no matter how minimal – is a different story.

**Cite:** Smith-Schrenk v. Genon Energy Services LLC, U.S. Dist. Crt of TX, No. H-13-2902, 12/4/14. Fictionalized for dramatic effect.

# ‘Jungle-gym’ management approach developed talent, boosted retention

### ■ Paved the way for employees to grow with the company

As our company grew, we realized we’d have to set up a system to develop our young talent and give employees a clear career path within our company – or risk losing them.

We began as a small business, but when our operations began to expand in the last few years we saw our workforce grow rapidly.

Seemingly overnight, we had a large staff of ambitious young employees, who were eager to prove themselves and rise through the ranks.

The problem: There wasn’t really a structure in place where they could do that ... *yet*.

### Master their roles

The first step to putting workers on a career path was showing them what they needed to do to master their *current* duties.

So we developed a detailed list of responsibilities and key skills needed for each position and posted them online for workers to see.

These “Core Competencies” helped workers assess themselves and spot their weaknesses.

This drove them to improve so that they’d be ready to take the “next step.”

Bonus: Employees could also check the Core Competencies needed for other positions in the company.

So if workers wanted to change positions, they could see if they had the right stuff for the job – or what skills they needed to develop to get there.

### Still felt stuck

The next thing we did was send out a company-wide survey to see how our workforce was responding to our

changes and see if there were any areas of concern we may have overlooked.

We found many employees felt like there wasn’t *room* to grow – even if they were ready to.

The trouble with that: There weren’t a lot of management positions opening up.

### Created ‘jungle gym’

Our solution: Rather than find ways for vertical growth, we created a system that fostered horizontal growth.

We ditched the philosophy of “career ladders” and switched to a philosophy of “career jungle gyms.”

We set up a system where employees could come to their supervisors and talk about where they

wanted to go with their careers in the short- and long-term.

From there, managers and staffers work with HR and other supervisors to find positions or assignments that help employees gain new skills and advance their career goals.

For example: If a worker wanted to move into HR, we could arrange for the person to take on a few basic HR tasks.

### More attractive environment

Now workers see they have a lot of internal support from HR and their managers to develop their talents and grow within the company. As a result, employee retention’s improved.

Plus, it’s made us a much more attractive company to applicants.

(Annette Alexander, VP of HR, RetailMeNot, Austin, TX)

**Case Study:**  
**WHAT**  
**WORKED,**  
**WHAT**  
**DIDN'T**

### ■ Stressed workers?

#### Tell them to take a hike

If you notice workers are feeling a little bent out of shape, you may want to suggest they walk it off.

You likely already know some of the long-term benefits of walking programs. But new research suggests taking a lunchtime walk has immediate, short-term benefits on workers’ moods, productivity and stress levels, too.

### Step-by-step

*The New York Times* recently reported on a new study by the University of Birmingham which looks at the effects of walking programs on workers’ day-to-day productivity and stress levels.

Researchers split volunteers into two groups. The first was asked to walk 30 minutes, three days a week, over their lunch breaks, at whatever pace was comfortable to members.

The second group was asked to wait 10 weeks before walking.

Volunteers in both groups answered questions about their moods every morning and afternoon.

Researchers found responses were significantly different between the workers who did and didn’t walk.

The data shows walking helped employees feel more enthusiastic, relaxed and better able to cope with their daily stress and workload.

### Support needed

Volunteers who dropped out of the program said they did so because they felt managers would think they were slacking if they didn’t work through their lunches.

What does this tell us? Companies that want to take advantage of walking programs need to show staffers there won’t be any adverse actions for participating.

Some ways: Offer incentives or have a manager lead the program.

**Cite:** [www.tinyurl.com/walks435](http://www.tinyurl.com/walks435)

## 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.*

### Employee says co-worker's service dog is an issue: Is she barking up the wrong tree?

#### The Scenario

Supervisor Sasha Lynn walked into HR manager Stu Capper's office. "Hi, Stu," she said. "Sorry to drop in unannounced, but could I talk to you about an issue that's cropped up between Darren and Maggie?"

"Of course," said Stu, "That's what I'm here for. What's going on?"

#### ADA v. allergies

"As you know, when we hired Darren, we agreed he could use a service dog to help him get around as an accommodation for his blindness," Sasha said.

"Right," said Stu. "You told me he's been doing a great job so far."

"I did, and he has," Sasha said. "But there's something we didn't figure in when we hired him."

"What's that?" Stu asked.

"Maggie is crazy allergic to dogs," Sasha said. "She's complained all week about how she can't get anything done with the dog in the room."

"Can she use another desk?" Stu asked.

"That would be ideal, but there's no obvious place to move her," Sasha said. "Our entire department sits in the same area, and we're pretty cramped as it is."

"So now I'm in a bind," Sasha continued. "Maggie's been one of my best workers for years. But Darren's also been doing really well, and Maggie seems to be the only one complaining about the dog."

"What are my options?" she asked, finally. "Do you think there's a way to keep them both happy?"

If you were Stu, what would you do or say next?

#### Reader Responses

**1** Heather Douglass, HR officer, Silver Springs - Martin Luther School, Plymouth Meeting, PA

*What Heather would do:* Assuming there's no other space available, I'd talk with Maggie and Darren to explore some alternative solutions and see what their thoughts are on the matter.

For example, one of them may be able to telecommute, or we could get Maggie a portable air purifier for her workstation.

*Reason:* Employees sometimes have suggestions that management may not think of. I'd also want Darren and Maggie's input, because including them both in the process could ease any tension from the situation.

**2** Doug Gardner, HR manager, Detroit Sportservice, Detroit

*What Doug would do:* Since we wouldn't want to move Maggie out of the office, I'd approach them both and see if they'd be

willing to stagger their work schedules.

That way, Maggie could come in at a time when she feels she'd be least bothered by Darren's dog.

*Reason:* If we can't eliminate the dog issue entirely by moving Maggie, we can at least try to limit how much her work is impacted by her allergies.

**3** Alison Vinson, HR manager, Arvest Bank, Oklahoma City

*What Alison would do:* I'd do whatever it takes to find Maggie a space to work as far from the dog as we can.

We may need to see if a conference room is available, or if a co-worker would switch desks with her. Or perhaps there's an open workstation in a nearby department she wouldn't mind using when she feels her allergies flaring up.

*Reason:* It's not Maggie's fault she's allergic, so I don't want her to feel like she's being punished instead of accommodated.

#### QUOTES

**W**hat you lack in talent can be made up with desire, hustle and giving 110 percent all the time.

Don Zimmer

**I**f you want the rainbow, you've got to put up with the rain.

Dolly Parton

**D**on't find fault, find a remedy.

Henry Ford

**T**he principle is competing against yourself. It's about self-improvement, about being better than you were the day before.

Steve Young

**I**f your actions inspire others to dream more, learn more, do more and become more, you are a leader.

John Quincy Adams

**L**ife is hard. After all, it kills you.

Katharine Hepburn

**T**he two enemies of human happiness are pain and boredom.

Arthur Schopenhauer