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HRMORNING

Keep Up To Date with the Latest HR News

With **HRMorning** arriving in your inbox, you will never miss critical stories on labor laws, benefits, retention and onboarding strategies.

HRMorning, part of the Catalyst Media Network, provides the latest HR and employment law news for HR professionals in the trenches of small-to-medium-sized businesses. Rather than simply regurgitating the day's headlines, **HRMorning** delivers actionable insights, helping HR execs understand what HR trends mean to their business.

The best benefit nobody's using: How to fix your EAP

■ 5 ways to promote EAP services to employees

It's no secret that employees are stressed. The Centers for Disease Control and Prevention (CDC) says job-related anxiety is the leading workplace health problem in the U.S.

Not only is an abundance of stress not good for business and productivity, but it can have detrimental effects on people's long-term health.

Underutilized services

Employers have been working hard to tackle their employees' stress and burnout, offering perks such as wellness programs and flexible schedule options.

Many companies even have an employee assistance program (EAP), which offers helpful services like on-demand counseling and therapy referrals.

With advances in technology, EAPs today can offer even more valuable services, such as:

- financial education classes
- healthy eating/sleeping information, and
- help maintaining a good work/life balance.

The problem is, employees aren't taking advantage of these. Multiple

(Please see EAP ... on Page 2)

DOL announces penalty increases for 2020

■ Expect to see higher fines for FLSA, FMLA and OSHA violations

Attention, employers: It just got more expensive to violate the Fair Labor Standards Act (FLSA), Family and Medical Leave Act (FMLA), Occupational Safety and Health Act (OSHA) and the Employee Polygraph Protection Act (EPPA).

Cost of noncompliance goes up

Here are the DOL's new maximum penalties for violating the:

- FLSA: \$2,050 for willful or repeated violations of minimum wage requirements, \$13,072 for child labor

law violations and \$59,413 for child labor law violations resulting in the child's death

- FMLA: \$176 for failing to properly notify employees of their rights under the act
- OSHA: \$134,937 for willful or repeated safety violations and \$13,494 for failing to post safety information or failing to abate safety threats, and
- EPPA: \$21,410 for violating the act.

Click: bit.ly/DOLfines551

EAP ...

(continued from Page 1)

studies show the average EAP utilization rate is below 10%.

So why aren't employees using EAPs when they need these services now more than ever?

Workers could be a little wary to take advantage of EAPs, which could stem from a lack of trust in their organization. They may not want to divulge personal information, or they might just be confused about what the program offers.

Changing the status quo

But if you have an EAP in place, you want your people to use it!

You can't make any major changes happen overnight, but here are five tactics you can use to start boosting your EAP utilization rates.

1. **Communicate the program efficiently.** Your employees can't use your EAP if they don't know

about it or where to find additional information. Employers should put EAP info everywhere – the employee handbook, fliers around the office, links on the intranet homepage, etc.

It's also a great idea to start including EAP information in your orientation and onboarding programs. Let new hires know from the start that it's there for them if they need it.

2. **Promote online and mobile capabilities.** Does your EAP have its own website or app? Make sure your staff knows about it. The easier it is for them to access, the more likely they'll use it.

Another good idea is to have the EAP apps and online shortcuts downloaded onto all electronic work devices. This will constantly remind employees the program's there and increase accessibility.

3. **Train your managers and get them involved.** Department managers are the leaders who know employees the best. Get them to be vigilant and look out for any workers who may not be acting like themselves. Managers can then offer the employee EAP information if they feel it's warranted.

It's important to note that managers should be trained on handling these situations sensitively.

4. **Have a benefits fair.** Organizing an internal event like this will do wonders for promoting your EAP, as well as other benefits available to employees.

A great thing to include would be any employees willing to discuss their experience with the EAP firsthand.

5. **Track EAP usage and obtain feedback.** Keep an eye on the stats to see how effective your efforts are. It'd be a good idea to look for any spikes in EAP usage, too, which could give you insight on overly stressful business periods.

And don't forget to ask your people for feedback on the program! See if there's anything specific that would increase usage.

Info: bit.ly/EAP551, bit.ly/usagetips551

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 job transfer a religious accommodation or bias?

HR manager Lynn Rondo couldn't help noticing company attorney Eric Bressler's emerald green tie as he sat across from her.

"You thinking about St. Patty's Day?" Lynn asked.

"You bet I am," he replied. "It puts me in a good mood ... unlike this Roberta Sawyer lawsuit I'm dealing with."

"Oh, I don't envy you," said Lynn. "I still can't believe she's suing. We were respectful to her and recognized that she had religious reasons for not getting a flu shot."

Who's being unreasonable?

"The vaccination was a job requirement, right?" Eric asked.

"Yes," Lynn replied. "To accommodate her, we gave her the option of transferring to another department so she wouldn't have to get the shot. Same salary, same benefits. But Roberta didn't like the hours and turned it down."

"Right, because she had a second job. I agree; that's not our problem," said Eric. "But what doesn't look good is she's claiming we didn't try to give her a reasonable accommodation."

"She's the one not being reasonable," Lynn said. "We tried to work with her, but she just wouldn't budge. We had to let her go."

Roberta sued for discrimination on the basis of religion and the company fought to get the case dismissed. Did it win?

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

HR MORNING'S

What's Working in
HUMAN RESOURCES

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What's Working in Human Resources, (ISSN 1088-3223) March 2, 2020, Vol. 24 No. 551, is published semi-monthly except once in December (23 times a year).

This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional services. If legal or other expert assistance is required, the services of a competent professional should be sought. — From a declaration of principles jointly adopted by a committee of the American Bar Association and a committee of publishers.

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Transgender woman's lawsuit against employer can proceed

■ *Outcome could be influenced by pending Supreme Court decision*

A transgender woman allegedly terminated for complaining about discrimination got the go-ahead from a U.S. District Court in Maryland to sue her former employer.

Here's what led to this legal battle that could potentially be impacted by the Civil Rights Act.

Trouble getting along

A senior software engineer working at a CyberCore/Northrop Grumman facility in Annapolis Junction, MD, transitioned to a transgender woman shortly after being hired.

Prior to the gender transition, managers told employees in a meeting that their co-worker was going to be known as Megan Milo, that they were to use female pronouns and to treat her with dignity and respect.

After returning, however, Milo allegedly encountered a hostile work environment, including deliberate misgendering and harassment.

A co-worker then reported Milo and said she was causing workplace conflict. Milo was put on a PIP, then was eventually laid off.

The court said it will be keeping an eye on the Supreme Court, which is hearing a case about whether the Civil Rights Act applies to gender identity and sexual orientation. For now, Milo's case can proceed.

No matter what way SCOTUS rules, this case shows how important it is for HR to investigate reports of discrimination and to conduct inclusivity training.

Cite: Milo v. CyberCore Technologies LLC, 1/13/20

11th Circuit: Scattered sexual remarks do not constitute 'pervasive' harassment

■ *Worker terminated over conflict with business owner*

Sexual harassment in the workplace is never OK.

But is it considered sexual harassment when an employer only makes a few crude comments?

It's inappropriate, but ...

Santos Ortiz, the co-owner of an ambulance company, directed sexually charged remarks and actions at D'Marius Allen, an emergency medical technician.

According to court documents, there were five incidents over the course of four months.

When Allen was issued a corrective action for having an inappropriate conversation while on duty, she

replied with a letter detailing a conversation she had with Ortiz. She was fired and sued for harassment and retaliation.

But the 11th Circuit dismissed the case, saying Allen failed to prove:

- conduct was frequent enough
- there was humiliation or physical threats, and
- the conduct interfered with her job performance.

This case shows that when it comes to harassment, the burden's on the employee to show "severe or pervasive" conditions that altered the terms of employment.

Cite: Allen v. Ambu-Stat LLC, 1/16/20

■ Company to pay \$12K for religious discrimination

A produce grower and shipper learned the hard way that sometimes it's easier to just accommodate someone's requests.

According to an EEOC lawsuit, a worker at Cottle Strawberry Nursery Inc. in Faison, NC, was fired when she told management that, for religious reasons, she couldn't comply with a new rule to work seven days a week.

The employee is a Seventh-day Adventist, a faith group that observes the biblical Sabbath by not laboring between sunset Friday and sunset Saturday.

But the company refused to reasonably accommodate her, which is a violation of the Civil Rights Act.

Cottle Strawberry will pay \$12,500 in damages. The requirements of a two-year consent decree include annual Civil Rights Act training and developing a policy on religious accommodations.

Info: bit.ly/religion551

■ Employer owes \$100K for firing disabled employee

When a California-based grocery outlet company refused to accommodate a disabled employee, the EEOC stepped in.

A lawsuit brought against PAQ Inc., doing business as Rancho San Miguel Markets, charges them with disability discrimination.

The agency said a deli clerk presented a doctor's note that requested an accommodation. According to a report by *The Fresno Bee*, the request was for post-surgical medical leave.

Management denied the request and fired her, which is a violation of the ADA.

Rancho San Miguel will pay \$100,000 to settle the suit. A consent decree requires they reinstate the employee and designate an ADA coordinator.

Info: bit.ly/disability551

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.

What steps can we take to protect against coronavirus?

Q: We're trying to be as cautious as possible when it comes to the coronavirus. How can we protect our workplace?

A: There are a handful of preventative measures you can take, say the employment law attorneys of the firm Proskauer Rose LLP.

First, take a look at your workplace policies. Do you allow telecommuting? If not, it's a good time to consider if that would be possible for any sick or potentially infected workers.

If you have employees traveling to affected areas, consider alternatives.

It's also important to clearly communicate with your staff about what's being done to protect the workplace. Provide only factual information directly from health organizations.

Another good idea is to designate a person to address any concerns employees may have about the coronavirus.

Should we ask about salary expectations up front?

Q: When we see a solid candidate and contact them to set up a phone interview, we typically ask for the salary range they're looking for. Should we be doing this?

A: A lot of employers ask for this, but it doesn't mean it's the best thing to do, says management expert and author of *Ask A*

Manager blog Alison Green.

Many think candidates have a certain salary range they're after no matter the job, but that isn't true. The range depends entirely on the duties and responsibilities. Because of this, candidates aren't in a good position to throw out a number without understanding more about the job first.

Instead, HR should be up front about the salary range available for the job, and ask the candidate if that works for them before proceeding. That way, no one's time is wasted.

What's the best way to deal with workplace romances?

Q: If any of our employees are in romantic relationships, we have them sign a contract indicating it's consensual. Is this the best way to avoid issues later?

A: A lot of companies have employees sign "love contracts," but that's not always effective in court, says HR business Partner Lucy Garcia.

Employees could always argue they were pressured into signing the document. Also, these won't work if people don't disclose their relationships.

It's best to sit down with those involved and clearly go over policies and expectations – and, of course, to document these conversations.

If you have an HR-related question, email it to Rachel Mucha at: rmucha@HRMorning.com

EFFECTIVE COMMUNICATION

■ Why everyone deserves the right to ignore emails

Picture this: You have a busy day ahead. Just as you're about to sit down and tackle your giant to-do list, you get an email or an IM. You pause, respond. You're just about to get going again when ...

Ding. Another email.
Sound familiar?

A new email protocol

There are so many distractions in the workplace, and emails are the top offender. Employees often feel pressured to respond right away.

But it's time to change that mindset. When you give your people the "right" to ignore emails and instant messages, they'll be free to completely focus on the task at hand – and productivity will get a major boost.

Here's how you can adjust your organization's expectations about email response, and how you can let your employees know when it's OK to close their inbox.

1. Define "timely" communication. You want people to respond to emails in a timely manner – what does that mean exactly? Explicitly state how long it should take employees to reply. This will give them permission to complete the task they're working on before checking their inbox.

2. Establish protocol for urgent messages. Some emails are important and require immediate action. What's the best way to deliver these messages? Maybe a phone call is the way to go for urgent matters.

3. Use face-to-face communication wisely. In-person visits are even more distracting than emails. But sometimes, it's a more efficient way to deal with an issue. If a conversation can accomplish the task much faster than a back and forth on email, it'll be the less disruptive solution in the long run.

Info: bit.ly/email551

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 Staff retreats foster learning and bonding

We had a lot of new talent come on board in the last few years, and when I glanced at our employee roster, I realized a lot of our people didn't know each other.

It's important for colleagues to have good working relationships. We needed to find a way to get everyone interacting.

We had an upcoming training session on the books, which was all about how to work well with people who think and behave differently.

We realized this was the perfect chance to foster some team bonding.

Working better together

In the past, we'd done training retreats with our employees. And we decided to revive that again.

Since it's not much fun walking down the hall and sitting in a conference room all day – because your mind drifts back to the tasks you've paused – we decided to take our employees off-site.

Our people really appreciate the change of

scenery, and we provide lunch as an extra special perk.

Getting our workforce off campus opens things up for informal interaction that's different than at the office. For example, they'll talk more about their lives outside of work.

This retreat bonding leads to much stronger professional relationships. Not to mention, everyone absorbs the training materials much better.

(Brad Sidener, senior VP, Kansas State Alumni Association, Manhattan, KS)

**REAL
PROBLEMS,
REAL
SOLUTIONS**

2 We put the 5-hour workday to the test

When I started my company, I typically worked irregular hours, but felt guilty leaving the office when others were still at their desks.

So I started a five-hour workday experiment where everyone worked from 8 a.m. to 1 p.m. It allowed us to reward our productive employees.

I told everyone I wanted to give them two things: 1) their lives back so they'd have a pass to walk out each day at 1 p.m. as long as they proved highly productive, and 2) better pay

for a more focused effort, since we'd be rolling out 5% profit sharing, too.

Twice as productive

In exchange, though, I had a big ask: Each employee needed to be twice as productive as the average worker and figure out how to do it all in just five hours.

The five-hour day is about managing human energy more efficiently by working in bursts over a shorter period of time. And our people were more than willing to

work harder in order to reap the benefits of a shorter workday.

Four years later, we're limiting the five-hour days to the summer months since we've really grown over the years, and we find strong bonds are formed between colleagues by working long hours in the trenches alongside each other.

Now, we enjoy the benefits of a start-up culture, as well as the benefits of the occasional five-hour workday.

(Stephan Aarstol, chief executive, Tower Paddle Boards, San Diego)

3 It pays big to focus on recruiting young talent

As Gen Z begins to enter the workforce, a lot of employers are uncertain about this young group of employees. It seems we're constantly hearing about how their work styles and wants are completely different than previous generations.

But we recognize how important it is to embrace these differences. We knew we needed to work hard to attract Gen Zers and alter our recruiting methods to get them.

We have a strong internship

program, which is crucial to finding permanent, entry-level talent.

So we decided to revamp our internship program to specifically target Gen Zers.

Changing with the times

One thing Gen Z expects right off the bat is good pay. We always paid our interns, but we bumped up our salaries to be more attractive to younger recruits.

Something else Gen Z is craving? They want to find a sense of purpose by working for upstanding companies

that have good values. So to better attract them, we shared a lot of information about our investments in sustainability, and how we help people save money and live better.

We also added recruiting offices all around the country to help scope out the best new talent.

Now, Gen Zers are excited to come work for us after they hear about all we can offer them.

(Michael Smith, senior recruitment marketing manager, Walmart, as presented at the ERE Recruiting Conference in Washington, DC)

More firms are using 'they' in employee handbooks

A lot of employers are turning their focus to greater inclusivity in the workplace, and one way they're doing it is by updating the pronouns used in employee handbooks.

Many young people identify as nonbinary, meaning they don't consider themselves to be male or female. Using solely "he" and "she" in policies and handbooks excludes all of these individuals – and employers are taking steps to correct that.

In some states – such as California and New York – employers are required to refer to workers by their preferred pronouns.

Info: bit.ly/they551

States, cities continue to 'ban the box'

If you're still asking applicants if they've ever been convicted of a crime, you might want to rethink that.

Currently, 35 states and 150 cities have enacted "ban the box" laws, prohibiting employers from inquiring about candidates' criminal history. And now, get ready to add a few more places to the list.

On Feb. 29, Maryland will enact a statewide ban, which will affect employers with 15+ employees.

On Jan. 1 2021, St. Louis, MO will ban the box, joining fellow cities Columbia and Kansas City.

Info: bit.ly/MObtb551, bit.ly/MDbox551

Study: Here's what workers want the office to look like

Wondering what office amenities will make your employees the happiest?

A recent survey from Layton Construction breaks down the top perks workers want:

- lots of windows
- quiet work spaces
- natural lighting
- free snacks and drinks, and
- ergonomic chairs.

It turns out the attractiveness of the workspace matters, too. Half of those surveyed shared that they've turned down a job offer because the office was physically unappealing.

Info: bit.ly/office551

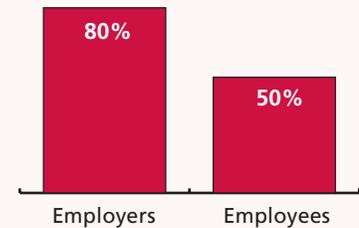
Lighter side: Best passive aggressive work phrases

In the workplace, you don't always get to say exactly what's on your mind. This can lead to some very creative ways to get your point across.

WHAT COMPANIES TOLD US

Respect at work

Those who believe execs care for employees' wellbeing:



Source: Willis Towers Watson

Clearly, there's a disparity between employers' and employees' perceptions of respect in the workplace. It'd be wise for leaders to take a look at their culture and see if improvements are needed.

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

Here are the most popular passive aggressive business phrases that certainly have some hidden meaning:

- "I'm a little confused."
- "Let me know if you need anything else."
- "Thank you for your feedback! I'll be sure to keep that in mind," and
- "I'll let you take it from here."

Info: bit.ly/aggressive551

Sharpen your judgment...

THE DECISION

(See case on Page 2)

Yes. The company won when a court dismissed Roberta's case.

Roberta's attorney argued the transfer wasn't a reasonable accommodation and the company showed bias against her faith by firing her.

But the court ruled that the company satisfied its duty to accommodate her by offering a new position, which had the same pay and benefits as her current job.

The Civil Rights Act requires employers to make accommodations when it comes to an employee's religious beliefs. However, the court said, the employee must make

an effort to cooperate to achieve an accommodation.

Because Roberta was inflexible, there was a legitimate, non-discriminatory reason for her dismissal.

■ Analysis: Employer has a say in what's reasonable

When it comes to religious beliefs at work, employers aren't restricted to the accommodation the employee prefers. Both parties must agree on one together through a fair interactive process.

In this instance, since the employee wasn't forced into choosing between compromising her faith or an adverse employment action, it wasn't religious discrimination to terminate her for refusing the flu shot.

Cite: Horvath v. City of Leander, TX, U.S. Dist. Ct. of App. 5th Circ., No. 18-51011, 1/13/20. Fictionalized for dramatic effect.

This FMLA, ADA leave analysis template kept us in compliance

■ *Every manager knows exactly how to handle accommodations*

Now that employers can be required to provide additional leave as an ADA accommodation after an employee exhausts 12 weeks of FMLA leave, we knew we needed a process for handling those types of situations.

Our organization frequently handled extended leave situations. And when I was the medical leave coordinator, I knew the last thing we could afford was inconsistent administration – it could get us into legal hot water.

So we did some research on extended leave under the ADA and found our starting point.

A critical update

In the past, we offered a temporary accommodation to employees who'd exhausted their FMLA allotment: additional leave (up to six months) when appropriate.

But that practice needed to be updated.

We had to find a way to kick off the ADA's required interactive process in a way that gathered facts we needed to determine if extending someone's leave was reasonable – or if it'd create undue hardship for us.

But it had to be a consistent and streamlined process. We didn't want managers and supervisors spending time going over unnecessary details.

That's how I hit on the idea to create a leave-analysis template.

What we ask

This template we created was used by supervisors when an employee requested leave beyond standard FMLA leave and our six-month temporary accommodation.

The template asked supervisors to answer key questions about an employee's leave, such as:

- What impact has the absence had on the work units?
- What impact has the absence had on service delivery?
- Could temporary staff be hired to fill the position?
- What is the monetary cost of the person's absence? (Note: Typically, cost can't be the only thing you look at).

Since the ADA and these leave requests are complex, I provided an overview of the analysis process to our HR team and supervisors in training sessions.

Huge key to compliance

Once a template was filled out, HR and I would go through everything to make sure it was correct.

Then, we made sure to handle every extended leave request on a case-by-case basis – a huge key to compliance.

Armed with the info we gathered through the analysis, we could make a business case for approving or denying the leave accommodation.

Defended, supported decisions

The template gave supervisors and HR a concise document outlining the entire decision-making process for extended-leave accommodations.

As a compliance tool, the template proved invaluable. When denials were necessary, this documentation helped us defend and support our decisions.

(Lisa Dally, HR consultant and supervisor, Wisconsin Department of Administration, Madison, WI)

Case Study:
WHAT
WORKED,
WHAT
DIDN'T

■ Dazzle your candidates! 5 ways to impress talent

You know how important the candidate experience is these days. With a nearly record low unemployment rate, employers need to really impress prospective talent.

Remember: Your candidate is interviewing you just as much as you are interviewing them.

Come prepared

Luckily, there are strategies to help woo the most impressive talent. Here are some easy ways you can really dazzle your candidates, according to Jared Hect, CEO of the online small business marketplace, Fundera.

1. Learn about your candidate ahead of time. You want to spend the interview discussing important, in-depth matters – not learning the basics about your candidate's background. Do some research on your candidate ahead of time. Look at their LinkedIn page and familiarize yourself with past accomplishments and work.

2. Roll out the welcome wagon. Show your candidate around their potential future workplace. Introduce them to key team members. You could even give them a small gift basket.

3. Don't be afraid to go off-script. Try not to focus on checking every question off your list. Really listen to what your candidate is saying. Using their responses as natural jumping off points shows you're paying attention.

4. Find out what they're looking for. What does the candidate want in their next company? Do your values align? Can you offer them what they want?

5. Keep in touch. If you liked the candidate, but they aren't quite right for the currently open role, keep in contact with them. They could be perfect for another position down the line.

Info: bit.ly/candidate551

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 keeps leaving work early, but is performing well: What should be done?

The Scenario

When HR manager Stu Capper returned from his morning coffee run, he found department manager Greta Thompson waiting for him in his office.

"Good morning, Greta," Stu said as he entered. "What can I do for you?"

"I kind of have a weird situation I wanted to get your perspective on," Greta said.

"Lay it on me," Stu replied.

Always cutting out early

"So you know Kyle Handler, right?" Greta asked.

"Of course," Stu said. "He's been with us for about a year now. Kyle's a great employee, isn't he?"

"He does really good work," Greta said. "I have no complaints, except one.

"Over the past few months, I've noticed Kyle keeps cutting out early. Most people stay until 4:30 or 5:00, but it seems like every day by 3:30, he's out of here."

Stu frowned. "That doesn't look good. Has his performance declined at all?"

"That's the thing," Greta said. "He's getting all of his assignments done, and the quality is still there. But others have noticed and aren't happy."

"We have always been flexible here," Stu said. "3:30 is pretty early to leave, but if he's still getting everything done ..."

"That's my dilemma!" Greta said. "Since he's getting all his work done, I don't want to force him to sit at his desk for another hour. But at the same time, other people might start feeling entitled to sneaking out early themselves."

If you were Stu, what would you do next?

him to see how it looks from his colleagues' points of view.

Reason: It's important to get on top of this now before it gets out of control. Since Kyle's work has been good, we don't want to discipline him, but at the same time, he can't be receiving special treatment.

3 Tina Castillo, HR assistant, Saratoga Schenectady Gastroenterology Associates, Burnt Hills, NY

What Tina would do: If there's no policy on flexibility, I'd work on creating one right away. The policy could allow for employees to leave early if they've completed their work and have met certain metrics. If anyone complains about others leaving early, I'd point to the policy.

Reason: Flexibility is a great perk, and it doesn't seem right to force people to sit at their desks after they've finished up assignments. But it's important to give workers clear standards to meet in order to leave early – otherwise, you'd have people turning in rushed, sloppy work constantly.

QUOTES

Friendship is unnecessary, like philosophy or art ... It has no survival value; rather, it is one of those things that give value to survival.

C.S. Lewis

If you do not change direction, you may end up where you are heading.

Lao Tzu

Patience is not simply the ability to wait – it's how we behave while we're waiting.

Joyce Meyer

The most beautiful thing we can experience is the mysterious. It is the source of all true art and science.

Albert Einstein

If society fits you comfortably enough, you call it freedom.

Robert Frost

When life is too easy for us, we must beware or we may not be ready to meet the blows which sooner or later come to everyone, rich or poor.

Eleanor Roosevelt

Reader Responses

1 Elizabeth Brady, HR coordinator, Smarsh, Portland, OR

What Elizabeth would do: I'd sit down with Kyle and see if there was a reason he kept having to leave work early. If he didn't have a pressing need to leave at that time, I'd remind him of our time policies and stress that even though we do have flexible hours, he shouldn't be consistently leaving early.

Reason: Kyle might have some kind of extenuating circumstance, such as lack of child care, that causes him to leave early. If so, we need to discuss that together. But it's important to reinforce that our expectation is everyone works 40 hours a week.

2 Karen Winship, HR director, Memorial Drive Presbyterian Church, Houston

What Karen would do: I'd talk to Kyle and let him know that while we've been allowing him to leave early, he's going to have to rein it in a little since co-workers are noticing and getting upset. I'd try to get