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## HRMORNING

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## 5 new workplace norms: How to handle pandemic changes

### ■ *Talking politics, co-worker romances & more*

**T**he coronavirus pandemic caused so many shifts in the workplace. And while some of them were temporary, a lot are here to stay.

Many things that were once considered taboo are now workplace norms – and researchers say company culture won't be the same again.

### Prepare to adapt

Over the past year, the workplace has become more personal, and the strict norms we used to operate under seem unimportant in the grand scheme of things, says Jeniffer Strub, HR director at Vyond. And leadership needs to acknowledge this change.

Typical pre-pandemic norms like meeting-heavy days and working the traditional nine-to-five are going out of style, with employees now seeking flexibility and adaptability, Strub says.

HR leaders and frontline managers need to be aware of this shift and be prepared to adapt.

Here are five new cultural norms Vyond researchers found, and how to approach them in your workplace.

### 1. Discussing taboo topics

HR pros know that discussing things like politics and religion at work can

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

## Hiring levels to bounce back by year's end

### ■ *One-third of employers predict hiring increase by July*

**M**ore than a year after the coronavirus pandemic began, there's light at the end of the hiring tunnel.

According to ManpowerGroup's Employment Outlook for 2021 report, one-third of employers expect to return to pre-pandemic hiring levels by July of this year, and 20% more think they'll see a hiring boost by the end of 2021.

### Boost for hospitality industry

There was an overall positive outlook from the 7,500 employers

surveyed in 12 different industries, with the biggest hiring projections made for leisure and hospitality, transportation and retail.

The report also examined which states had the best hiring outlook – Rhode Island and Wisconsin tied for the top spot, followed by Michigan, Vermont and Arizona.

Employers reported they expect workers to return to the workplace on a more permanent basis within the next six to 12 months.

*Click: [bit.ly/hiringlevels578](https://bit.ly/hiringlevels578)*

# Norms ...

(continued from Page 1)

lead to messy conflicts, so it's best to simply avoid them.

Employees generally were happy to go along with this, but it doesn't seem to be the case anymore.

Only about 23% of workers think these taboo topics should stay out of the workplace, which is down from 43% last year. This means HR pros will have to stay extra vigilant, ready to step in if any of these conversations go off the rails and lead to major conflict or harassment.

## 2. More office romances

Last year, about half of all employees avoided dating their co-workers. Now? Only 20% think love at work is a no-no.

Even while working remotely, many employees have made romantic connections with colleagues. Now's the time to review your company's

policies on romantic relationships at work and see if it needs tweaking for the remote world.

And if your company strictly prohibits romantic relationships, you'll want to remind your employees of the policy.

## 3. Social media scrolling

Before the pandemic, employees used to sneakily scroll through Facebook and Instagram, not wanting their boss to think they're slacking.

But after everything that's happened in the past year, employees are more obvious about their little social media breaks. Only 25% think of this as a no-no now – the rest believe a few minutes of slacking off is fine, and no longer think to hide it.

If you notice this becoming a problem, it'd be a good time to revise and remind employees of any social media usage policies.

## 4. Proper communication

Almost half of all employees get frustrated now when a meeting could've been an email, or a colleague calls when it could've been an IM. Workers want to learn information through the right channels.

HR pros and managers might want to reexamine the most efficient, effective ways to distribute information to staff.

## 5. Better work-life balance

Virtually every employee wants a better work-life balance, which the pandemic helped bring to light as people struggled to work where they also lived.

Employees struggled to get everything done this past year, so more of a balance is now top priority.

The best thing employers can offer is flexibility. Let people work odd hours if they need to. Don't worry if they seem a little distracted during a Zoom call or have to get up unexpectedly.

Info: [bit.ly/newnorms578](https://bit.ly/newnorms578)

## 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.*

### ■ Two female colleagues butt heads: Sex discrimination?

HR manager Lynn Rondo was just thinking of running out for a coffee when company attorney Eric Bressler appeared in her doorway with two to-go cups.

"You're a lifesaver," Lynn said as she accepted the coffee.

"I thought it was the least I could do considering the news I have," Eric replied as he sat down.

Lynn took a huge sip of her coffee. "Hit me."

"Leah Long is suing us," Eric said. "She's saying she was forced to quit because she was being harassed."

### 'A bit abrasive'

"Harassed?" Lynn repeated. "How? By whom?"

"Her supervisor, Wendy," Eric said. "You know those two were always bickering."

"I know there were a few disputes between them," Lynn said.

"Leah thinks Wendy was so hard on her because she's a woman," Eric continued. "Leah says Wendy gave her dirty looks and would flat out ignore her sometimes."

"I don't think that's sex harassment," Lynn pointed out. "Wendy is a bit abrasive. She's like that with everyone, male or female. She's had run-ins with John, too."

"I agree the claim isn't strong," Eric said. "We'll fight this."

When Leah sued for sex discrimination, the company fought to get the case dismissed.

Did the company win?

■ *Make your decision, then please go to Page 4 for the court's ruling.*

## What's Working in HUMAN RESOURCES

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# Employee fired for medical marijuana use: Court says no ADA violation

### ■ Worker never informed employer of PTSD diagnosis

If an employee is using medical marijuana, do you have to accept it, even if it goes against your policy?

According to a recent court ruling, no, you don't. Here's a breakdown of what happened.

### Endangered others

Stefan Eccleston worked as a firefighter for the City of Waterbury, Connecticut when he was diagnosed with PTSD.

Eccleston never told his employer of his diagnosis, but he mentioned how he was going to apply for a medical marijuana card. His supervisor said that "wouldn't be a good idea," but Eccleston obtained one anyway.

Not too long after, Eccleston failed a drug screening and was

terminated because his marijuana use "endangered the health and wellbeing of others."

Eccleston then sued, claiming a violation of the ADA – but the court sided with the employer.

The first issue with Eccleston's claim was he never informed his supervisor of his PTSD diagnosis, or explained why he sought a medical marijuana card. The city had no clue Eccleston had a disability.

The court went on to say that marijuana is still illegal under federal law, and the ADA doesn't protect its usage. The city was within its rights to fire Eccleston for failing the drug test. It only would've violated the ADA if he was fired because of his PTSD.

*Cite: Eccleston v. City of Waterbury, 3/22/21.*

# No FMLA retaliation: Worker fired after taking vacation while on medical leave

### ■ Employer had 'honest suspicion' of FMLA abuse

When a worker takes approved FMLA leave, they can't be fired for doing so.

But when one employee recently misused her medical leave, a court OKed her termination.

Here's what happened.

### Reported by colleagues

Kirby Smith worked at Yelp, Inc. in Illinois when her vacation request for a trip to Thailand was denied.

A few months later, Smith was diagnosed with sciatica, which impacted her ability to sit. Yelp approved her FMLA leave request.

However, while Smith was on her leave, she took that trip to Thailand,

which her colleagues found out about. They then reported her.

When Smith discovered this, she sent her colleagues angry texts. When her manager heard about the vacation and the messages Smith sent, she was let go.

Smith sued, claiming FMLA retaliation, but a court ruled in favor of the company. The court said Yelp had an 'honest suspicion' that Smith wasn't using her medical leave for its intended purpose, which negates any protections she has under the FMLA.

Furthermore, Smith's angry texts violated the company's anti-violence policy, which would've been enough to secure Smith's termination anyway.

*Cite: Smith v. Yelp, 3/30/21.*

### ■ Restaurant sued for manager's constant sexual advances

Having a manager continually harass his female workers is a surefire way to land in some hot water.

An IHOP in Frederick, MD, was sued by the EEOC after it came to light a manager was making sexual advances towards his female employees, including teenagers.

The harassment included unwanted touching, sexual comments and personal questions about their relationships, the EEOC said. The manager also would make scheduling and shift decisions based on who was receptive to his advances. One employee complained to corporate, but her report was ignored.

This is a violation of the Civil Rights Act. IHOP is now facing a legal battle or costly settlement.

*Info: bit.ly/harass578*

### ■ Sexual orientation bias costs company \$40K

The EEOC taught one employer an expensive lesson after it treated some employees more harshly than others due to their sexual orientation.

Family Tree Farms, located in Fresno, CA, was sued by the EEOC for sex discrimination.

According to the lawsuit, two employees were singled out and disciplined more harshly because of their sexual orientation. These employees were also separated from their co-workers and harassed on a regular basis.

This is a violation of the Civil Rights Act.

Family Tree Farms settled the suit – but without admitting liability. It will pay \$40,000 in compensatory damages to the employees, as well as provide its workforce with anti-harassment training. The EEOC will continue to monitor the company for compliance.

*Info: bit.ly/sexbias578*

## ANSWERS TO TOUGH HR QUESTIONS

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 employees their vaccination status?

**Q:** Are we allowed to ask our employees if they've received the COVID-19 vaccination?

**A:** In short, yes, you can ask, but you can't get too carried away with follow-up questions, says employment law attorney Christine Hawes of the firm Crowell & Morning.

The EEOC has come out and said employers can inquire about vaccination status without violating the ADA or the Genetic Information Nondiscrimination Act (GINA).

Companies can also ask to see proof of vaccination.

However, that's where the questions should stop. Employers shouldn't ask things like why the worker hasn't gotten the vaccine, how the process went or if they had any side effects.

These questions aren't necessarily always off limits, but if employers want to ask them, they'll need to show there's a business necessity for it.

In general, this is a high standard to meet, so it's a good

idea for employers to avoid these follow-up questions altogether.

### Should we offer PTO for workers getting vaccines?

**Q:** Many of our employees are getting the COVID-19 vaccine, and a lot are experiencing side effects afterwards. Should we be telling everyone to stay home?

**A:** The CDC recently released guidance encouraging all employers to offer paid sick leave to workers with symptoms following their vaccination.

Not only will giving this time off give employees the chance to get back to feeling their best, but it'll act as an incentive to get the vaccine if they were worried about missing work.

Additional incentives to offer include on-site vaccination clinics (if possible), or information on where and how to secure a vaccine appointment.

### How should I deal with an inappropriate gift?

**Q:** I had one employee recently get a going away present for another, but it was inappropriate

for the workplace, and the recipient was embarrassed. I wasn't sure how to handle it at the time – what should I have done?

**A:** While the intention might have been light-hearted, an inappropriate or gag gift can really cause issues at work, says SHRM president Johnny C. Taylor. How you handle the gift should depend on what it was.

If the gift was inappropriate but not offensive, have a talk with the gift giver and explain why the present wasn't acceptable, and advise them to stick to more appropriate ideas in the future.

However, if the gift was offensive (for example, if it poked fun at someone's race or religion), you need to have a much more serious discussion with the employee and conduct anti-harassment training.

If you don't already have a policy in place about gift-giving, it's crucial to get one written up to prevent future incidents like this from happening again.

*If you have an HR-related question, email it to Rachel Mucha at: [rmucha@HRMorning.com](mailto:rmucha@HRMorning.com)*

*Sharpen your judgment...*

## THE DECISION

*(See case on Page 2)*

Yes, the company won when a judge dismissed Leah's sex discrimination claim.

Leah's attorney tried to argue that Leah was treated poorly by Wendy due to her sex. The heated arguments, dirty looks and other rude behaviors were indicators of this, the attorney said.

But the court disagreed. It said Leah couldn't prove she was experiencing harassment based on her sex. The rude behaviors Leah mentioned weren't severe enough to be considered harassment, the court said.

Furthermore, the company showed that Wendy had

a history of displaying these rude behaviors toward men as well as women, so the court couldn't rule that Leah experienced sex discrimination.

### ■ Analysis: Rudeness doesn't equal discrimination

This case demonstrates how harassment needs to be more than just rude behavior – for it to violate the Civil Rights Act, the harassment must be based on a protected class, like sex. In this instance, Leah couldn't prove Wendy was harassing her because she was a woman.

However, it's important to note that employers should put a stop to any type of bullying or rude behavior, even if it isn't technically violating any laws.

**Cite:** *Newbury v. City of Windcrest, Texas, U.S. Ct. of App., 5th Circ., No. 20-50067, 3/22/21. Fictionalized for dramatic effect.*

# Supporting working parents has led to culture of equality and trust

■ *Every parent at every location has access to 24 weeks of paid leave*

It's no secret that parental leave policies are sorely lacking in the United States.

Many employees have to make difficult decisions when they want to have children. Will one parent stay home? For how long? Should he or she quit their job altogether? Can they afford to do that?

Not to mention, since mothers are typically the ones to stay home with the kids, women's careers are disproportionately impacted when they choose to start a family. This creates a large gender disparity.

We wanted to create a culture where employees didn't have to choose between their careers and their families.

### 'Family Bond'

That's when we came up with our Family Bond policy, which is available to our 40,000 employees across the globe.

Here's how it works. Every employee who's been with us for at least a year becomes eligible for 24 weeks of leave, during which they receive 80% of their pay.

Any parent has access to this leave, and it can be taken any time during the first three years of parenthood.

Another unique aspect of our policy is that it's much more inclusive than most other parental leave policies out there. Any legally registered parent can take advantage of this policy, including:

- adoptive parents
- foster parents
- surrogates, and
- non-birth parents in same-sex couples.

We wanted to be sure we didn't

exclude groups many other policies do, especially fathers.

### Changing the industry

This policy was inspired by our home base of Sweden, a country known for generous parental leave policies. There was a pilot program similar to ours back in 2019, and it had a male participation rate of 46%. Dads wanted this policy as much as we thought they did.

Family Bond is about so much more than just a benefit for our people. We want to set a global standard and change the industry. This type of family leave policy needs to be the norm everywhere.

And while we only put this policy into place recently, we're already reaping the benefits.

### Embodies our values

The biggest benefit is seeing firsthand how much our employees appreciate the policy, which leads to stronger employee loyalty.

We've found Family Bond also encourages more men to take parental leave, who may have been hesitant to do so, as it's traditionally viewed as something "just for moms."

Not to mention, we're so proud of what this policy represents. It embodies our company values, and it allows us to narrow the gender gap in the workplace and have a more diverse workforce.

It also boosts overall performance and strengthens our business as a whole.

*(Hakan Samuelsson, CEO, Volvo Car Group, Mahwah, NJ)*

### REAL PROBLEM REAL SOLUTION

#### ■ A little time off can go a long way for a burned out worker

In the age of COVID-19, a lot of people are struggling both at home and at work.

I've had employees express that they're overwhelmed with having to handle their home responsibilities all day, as well as get their work done.

It's a natural problem that everyone is dealing with right now. But it suddenly became a serious concern when, out of the blue, one of my employees told me she was so stressed out she wanted to quit.

#### One week to reconsider

I was shocked when instead of asking for a workload adjustment or taking a few vacation days, this employee was so burned out she wanted to throw in the towel.

It really forced me to realize burn out is a huge problem – and worse, employees weren't letting me know until they reach their breaking point. This was a huge wake-up call.

I calmly sat down with the employee and discussed everything that led up to her wanting to leave. It was clear she was overwhelmed and at the end of her rope.

I told her I understood, but I insisted that she take a week off from work before officially turning in her resignation, just to be sure. Reluctantly, she agreed – and when she returned, she decided to stay after all.

This employee had been going full speed for far too long and felt like there was no other option. But a solid week to relax showed her that things weren't as dire as she initially thought. She came back with a refreshed perspective.

Now, when an employee comes to me with any burnout concerns, I insist on a week off first. It almost always does the trick.

*(Frances Nelson, HR manager, Justin Brands Inc., Fort Worth, TX)*

## 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 back at the office, but the dog misses her being home

#### The Scenario

HR manager Stu Capper rang employee Ann Hallman's extension to check on how she was readapting to being back in the office after a year of remote work.

"This is Ann Hallman," she answered.

"Ann, it's Stu. How have things been since you've been back?" he asked.

"I'm fine overall," she replied. "But you know who's really been giving me fits since I started leaving the house again to go to work?"

"Is it a family member?" Stu guessed, thinking he may have to refer Ann to the employee assistance program.

"Yes, it's my dog, Jack," Ann said.

"Oh," said Stu, caught off guard. "What's going on?"

#### Pet problems

Ann sighed and said, "I come home and it looks like a bomb went off. Pillow stuffing and trash everywhere, torn up books and boxes, chewed up shoes ..."

"What about crating him?" Stu asked.

"Tried that. His separation anxiety is so bad that he chews his way out," said Ann. "Is there any way I could bring Jack to work? It won't affect my work. Working from home, I always got stuff done on time and Jack was constantly by my side."

*If you were Stu, what would you say to Ann next?*

#### Reader Responses

**1** Jenny Banks, HR specialist, Real America Management LLC, Indianapolis

*What Jenny would do:* I'd remind Ann we let employees at our corporate office bring their pets to work. If that applies to her, we'd go over policy guidelines. If the dog is housebroken, his shots are up to date and Ann thinks he'd be well behaved around co-workers and other dogs, I'd tell her to try bringing Jack to work and see how it works out.

*Reason:* Leadership understands that pets are family members to some people. If you go to the "values" section of our website, you'll see a photo of our leadership team with two of them holding dogs. Since we instituted a pet-friendly atmosphere at our corporate office, employee feedback has been positive.

**2** Diane Swider, HR manager, Oakview Medical Care Facility, Ludington, MI

*What Diane would do:* While we try to make as many accommodations as possible for our employees, because of what our organization does Ann's request isn't feasible. She'd have to start exploring doggy day care options.

*Reason:* The same policy would apply if this was a child care issue. If day care isn't doable, it's still up to the employee to find other arrangements so they can give their work undivided attention. For instance, is there a responsible family member that can be a caregiver? Almost every time this happens, our employees are able to work something out. I've had only one employee child care issue in the last year that couldn't be resolved. She was still in her first 90 days and we mutually agreed the job wasn't a good fit for her.

#### HR OUTLOOK

#### ■ Workplace pandemic anxiety: 2 strategies for managing it

For many employers, distribution of the coronavirus vaccine means being a step closer to a full return to on-site work.

However, the impact of the transition on the workforce will present some challenges for HR.

Research from The Conference Board says 31% of employees aren't comfortable with returning to their workplace.

Some employees may be anxious about leaving the safe, comfortable environment of their home and commuting to the office – where the pandemic has changed everything.

Reducing this anxiety is crucial to successfully bringing employees back so they can be healthy, happy and productive.

#### Foster connectedness

If you haven't done so already, start sharing the company return to work strategy with your people in a transparent, inclusive manner. Emphasize a commitment to the safety of the workforce.

Then, get employees talking about whatever concerns they have in online conversations. Once they connect with co-workers that are also nervous about returning to the office, they may start coming up with tips and strategies.

#### Digital wellness platforms

Without being able to do on-site health fairs and screenings, your wellness programs may be shifting their focus to digital holistic health tools.

Some examples that can address anxiety and stress include digital cognitive behavioral therapy and short informational videos.

Ask your health benefits providers about what new immersive and engaging services they can offer.

*Info:* [bit.ly/return578](https://bit.ly/return578)