

EMPLOYMENT LAW
STUDENT WORKBOOK



Personally Yours: A Case Study Trilogy

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Case One

Personally Yours: The Staffing Dilemma Case

GENERAL INFORMATION

Personally Yours, Inc., is a personal assistant firm founded in 1997. After years of struggling to balance work and family, Sarah Winters established this company to address some of the challenges that working professionals face in their busy lives. Personally Yours provides a wide range of services, including residential housekeeping, grocery shopping, household organization, home companion, adult day care and even handyperson services.

Sarah Winters started the company in her hometown of Tampa, Florida, with the help of a small business grant, personal savings, and three employees (her mother, sister and cousin). After several rocky years of operation, Winters now has 15 offices throughout central Florida and Miami. Each branch has a branch manager who is responsible for administrative duties and approximately 15 employees who work either full time or part time. The rest of Winters' 250 employees are located at the headquarters in Tampa. To keep their operations lean, Winters has kept central administrative staff down to a minimum; she has outsourced many services such as payroll, accounts payable and legal services. As the company grows, however, Winters is re-thinking this strategy.

ROLE OF ALYSSA WILLIAMS, HR MANAGER

Alyssa Williams has been the HR manager of Personally Yours, Inc., for more than seven years. Williams works in the corporate headquarters in Tampa, Florida. She holds an undergraduate degree in human resource management and is active in the local SHRM chapter.

Even though her title is officially human resource manager, her duties are more like a vice president of HR; she reports directly to the president and founder, Sarah Winters, who routinely consults her regarding both general and strategic HR decisions. The company has outsourced some HR functions, such as payroll. When it comes to the remaining HR functions that are handled internally, top management takes a hands-off approach and allows Williams to exercise her judgment. (Williams is the highest-ranking HR professional in the company.) Williams feels complimented by the faith senior management has shown in her. For example, all requests to create new positions must be approved by Williams.

Recently, Williams received a request to hire from Toby Franklin, a branch manager in the Odessa office. Franklin is a registered nurse with supervisory experience. Williams thinks that Franklin is a good nurse and efficient manager; however, she believes that some of his ideas and management practices might be a bit dated.

When Franklin was first hired to run the Odessa branch five years ago, there were two handymen, four part-time personal assistants, three full-time nurses, and four full-time home health aides. However, over the years as more retirees have relocated to Florida and the overall population of the state ages, the demand for nursing has increased tremendously. Now, five full-time nurses work from this branch office. Franklin believes that he needs to hire at least one more nurse in the near future to keep up with demand, so he submitted a request for a new position to Williams. Williams agrees, and is planning to call Franklin tomorrow to advise him of such.

Although Franklin is a nurse himself, he believes that women are best-suited for the nursing positions at Personally Yours, not because they have innate qualities to make them better for these positions but because the clients feel more comfortable with them. As such, Franklin wants to advertise for this position in women-oriented publications. Also, Franklin wants to specify in the advertisement that Personally Yours is looking for “young and energetic female nurses.” Williams feels uncomfortable about considering only women for this position. She is also concerned about not committing age discrimination.

Williams learns that Franklin received an unsolicited application from a male nurse, Corey Grant. Pursuant to company policy, Franklin faxed the application to headquarters within two business days of his receipt of it. Grant's cover letter states that he has heard via word-of-mouth that the Odessa office might be looking to hire another home health aide. After a quick review of the résumé, Williams determines that Grant appears to have the experience and training for this position. When at all possible, though, Williams prefers that the hiring decisions be made at the branch office level.

Assignment

This is a two-part activity.

Part 1: You and Franklin are asked to draft an advertisement for this position that will appear in a local or professional periodical. You must decide what type of periodical (e.g., newspaper, trade publication). You must also decide whether you are legally obligated to consider Grant's application.

Time allotted: 10 minutes.

Part 2: For the sake of this part of the exercise, assume that you decide to interview Grant. Engage in a role play in which you and Franklin interview Grant.

Time allotted: 15 minutes.

ROLE OF TOBY FRANKLIN, BRANCH MANAGER, ODESSA, FLORIDA

Toby Franklin, a licensed nurse, manages the Odessa branch of Personally Yours. After years of working in hospitals and nursing homes as a nurse and nursing supervisor in the Tampa Bay area, Franklin decided that he wanted a change and applied for a position as a branch manager at Personally Yours, Inc. Franklin was surprised to receive the position because he did not have experience supervising handypersons and personal assistants. However, the district manager who interviewed him said that he liked his enthusiasm and thought he would be a perfect fit for the up-and-coming company.

When Franklin became the branch manager of the Odessa office five years ago, there were two handymen, four part-time personal assistants, three full-time nurses, and four full-time home health aides. However, over the years, more retirees have relocated to Florida and the overall population of the state has aged, increasing the demand for nursing tremendously. Today, five full-time nurses work from the Odessa office. Franklin believes he needs to hire at least one more nurse in the near future to keep up with demand.

Although Franklin is a nurse himself, he believes that women are best-suited for the nursing positions at Personally Yours, not because they have innate qualities to make them better for these positions but because clients feel more comfortable with them. As such, Franklin wants to advertise for the position in women-oriented publications (such as a free local publication geared toward women that is available at supermarkets). Also, Franklin wants to specify in the advertisement that Personally Yours is looking for “young and energetic female nurses.”

However, before he could advertise for the position, Franklin receives an unsolicited résumé from Corey Grant. Grant says in his cover letter that he has heard via word-of-mouth that the office might be looking to hire another home health aide. Grant is a 59-year-old African-American man with 20 years of nursing experience.

Franklin had been thinking about contacting one of his nurse friends, a 32-year-old white woman, to see if she would be interested in this possible position. Franklin thinks that his friend could bring a tremendous amount of youth and energy to the position.

Assignment

This is a two-part activity.

Part 1: You and Alyssa Williams, your boss and Personally Yours, Inc.'s HR manager are asked to draft an advertisement for the position to run in a local or professional periodical. You must decide what type of periodical (e.g., newspaper, trade publication). You must also decide whether you are legally obligated to consider Grant's application. Be prepared to explain your decision.

Time allotted: 10 minutes.

Part 2: For the sake of this part of the exercise, assume that you decide to interview Grant. Engage in a role play in which you and Williams interview Grant.

Time allotted: 15 minutes.

ROLE OF COREY GRANT, JOB APPLICANT

Corey Grant, a 59-year-old African American man, has been in the medical field for more than 20 years. He served in the military for six years as a medic. After receiving an honorable discharge from the military, Grant attended community college and became a licensed practical nurse (LPN). Grant has experience working in nursing homes, hospitals and assisted living facilities.

Recently, Grant has experienced a series of personal changes in his life. He went through a divorce and shares joint custody of his nine-year-old son with his ex-wife. He also decided to go back to school to earn his bachelor of science in nursing and hopes to eventually become a master's level advanced registered nurse practitioner (ARNP). Due to these life changes, Grant wants to leave the nursing home where he is currently working 40 hours per week (8:00am to 5:00pm, Monday through Friday). Grant does not want to work in a hospital because he would most likely have to work 12-hour shifts, which will not be feasible when he is taking care of his son.

Grant considers himself a hard worker and is liked by his supervisor and co-workers at the nursing home. He receives excellent performance appraisals, was voted "Employee of the Year," and is currently vice president of the local nursing association.

Grant hears from his friend, a home health aide at the Odessa branch of Personally Yours, that her office might be looking for an experienced LPN. The position would require Grant to go to patients' homes, administer medicines and assist in personal care. Grant thinks that a position like this would offer him a terrific opportunity because it would give him the flexibility to attend school and care for his son. Grant immediately sends a cover letter and résumé to Toby Franklin, a fellow nurse and the branch manager of the Odessa office of Personally Yours.

Assignment

This is a two-part activity.

Part 1: For this part of the exercise, you will be working independently. You must prepare for your interview with Personally Yours, Inc. Try to think about possible questions that you might be asked; prepare a list of your strengths and how you believe you will add value to the organization. Also, outline some challenges you think that you might face in this position. You might be asked to give this list to your instructor; however, do not show the list to Franklin and Williams.

Time allotted: 10 minutes

Part 2: In this portion of the activity, you will be interviewed by Williams and Franklin.

Time allotted: 15 minutes.

Case Two

Personally Yours: The Negligent Hiring/Retention Case

GENERAL INFORMATION

Personally Yours is a personal assistant firm founded in 1997. After years of struggling to balance work and family, Sarah Winters established this company to address some of the challenges working professionals face in their busy lives. Personally Yours provides a wide range of services, including residential housekeeping, grocery shopping, household organization, home companion, adult day care and even handyman services.

Sarah Winters started the company in her hometown of Tampa, Florida, with the help of a small business grant, personal savings, and three employees (her mother, sister and cousin). After several rocky years, Winters now has 15 branch offices located throughout central Florida and Miami. Each branch employs a branch manager who is responsible for administrative duties and approximately 15 employees who work either full time or part time. The rest of her 250 employees are located at the Tampa headquarters. To keep operations lean, Winters has kept central administrative staff to a minimum; she has outsourced services such as payroll, accounts payable and legal services. But as the company grows, Winters has been re-thinking this strategy.

ROLE OF GARY GARCIA, HR SUPERVISOR

Gary Garcia has been the HR supervisor at Personally Yours for the past 9 years. His immediate supervisor is HR Manager Alyssa Williams. After attending a meeting at the local SHRM chapter, Garcia came away with some great ideas about how their organization could improve HR operations. Overall, things are running pretty efficiently; but Personally Yours is a quickly growing, medium-sized organization, and in many ways it still operates like the small, family-owned and -operated business it was just a few years ago.

For example, hiring processes are now standardized at headquarters and at the branch offices. Each job applicant completes a standardized application, submits a résumé (if appropriate for the position), does pre-employment testing, and undergoes a screening that includes contacting references and former employers and a criminal background check. However, this was not the case when the company first started, and many longtime employees have never gone through a background check. This is extremely troubling to Garcia, in light of the fact that their employees work in clients' homes and have contact with vulnerable individuals (e.g., children, elderly, infirm).

Assignment

This is a two-part activity.

Part 1: You and the HR manager, along with suggestions from the branch manager, must determine if background checks on all employees are necessary. If so, develop a protocol to conduct them (e.g., which employees; how thorough).

Time allotted: 15 minutes.

Part 2: It has come to Branch Manager Violet Jennings's attention that one of her longtime employees, Jackson Tibbits, a handyman, is on the Florida Sexual Offender list. After doing more research, they learn that 17 years ago, when Tibbits was 24, he was convicted of having unlawful sexual contact with a 15-year-old female. As a registered sexual offender, Tibbits cannot live within 1,000 yards of a school and must register with the state any time he moves. Also, he is prohibited by law from holding positions such as schoolteacher and health care professional. You, Williams, and Jennings must decide whether you should terminate Tibbits based on this newly discovered information.

Time allotted: 15 minutes.

ROLE OF ALYSSA WILLIAMS, HR MANAGER

Alyssa Williams is the HR manager for Personally Yours, Inc. She has been in this position for more than seven years. Williams works in the corporate headquarters located in Tampa, Florida. She has an undergraduate degree in HR and is active in the local SHRM chapter.

Though her title is officially HR manager, her duties are more like a vice president of HR. She reports directly to the president and founder, Sarah Winters, who routinely consults Williams regarding both general and strategic HR management decisions. The company has outsourced some HR functions, such as payroll; however, when it comes to the remaining HR functions that are handled internally, top management takes a hands-off approach and allows Williams to exercise her judgment. (Williams is the highest-ranking human resource management professional in the company.) Williams feels complimented by the faith the senior management has shown in her. For example, all requests to create new positions must be approved by Williams.

Assignment

This is a two-part activity.

Part 1: You and the HR supervisor, along with suggestions from the branch manager, must determine if background checks on all employees (new and existing) are necessary. If so, you must develop a protocol to conduct them (e.g., which employees; how thorough).

Time allotted: 15 minutes.

Part 2: It has come to Branch Manager Violet Jennings's attention that one of her longtime employees, Jackson Tibbits, a handyman, is on the Florida Sexual Offender list. After doing more research, they learn that 17 years ago, when Tibbits was 24, he was convicted of having unlawful sexual contact with a 15-year-old female. As a registered sexual offender, Tibbits cannot live within 1,000 yards of a school and must register with the state any time he moves. Also, he is prohibited by law from holding positions such as schoolteacher and health care professional. You, Garcia and Jennings must decide whether you should terminate Tibbits based on this newly discovered information.

Time allotted: 15 minutes.

ROLE OF VIOLET JENNINGS, BRANCH MANAGER, TAMPA-EAST

Violet Jennings has been the Tampa-East branch manager of Personally Yours, Inc., for the past 9 years. Jennings has been friends with the president and founder, Sarah Winters, ever since they attended high school together. Jennings was one of the first non-family members hired to work for Personally Yours, and she has been serving as manager of the Tampa-East branch for 6 years now. Before working for *Personally Yours*, Jennings worked in a number of positions, including housekeeping manager for a major hotel chain and customer service representative for a local utility company. Jennings was also a stay-at-home mother for several years and briefly owned a used-clothing store.

The Tampa-East branch is the largest branch office, with 17 full-time housekeepers, 11 full-time nurses, 19 part-time nurses, 10 part-time home health aides, and 6 full-time handymen. Jennings' official job title is branch manager, but because of the close relationship she has with the Winters' and her long tenure with the company, Jennings is frequently consulted by headquarters when they are making policy decisions.

Currently, hiring processes at Personally Yours are standardized at headquarters and at the branch offices. Each job applicant completes a standardized application, submits a résumé (if appropriate for the position), does pre-employment testing, and goes through a screening that includes contacting references and former employers and a criminal background check. However, this was not the case when the organization was first started, and many longtime employees have never gone through a background check. Because their employees work in clients' homes and have contact with vulnerable individuals (e.g., children, elderly, infirm), HR supervisor Gary Garcia would like to reevaluate the company's screening policies.

Assignment

This is a two-part activity.

Part 1: The HR supervisor and the HR manager have asked you to work with them to determine if background checks on all employees (new and existing) are necessary. If so, you must develop a protocol to conduct them (e.g., which employees; how thorough).

Time allotted: 15 minutes.

Part 2: It has come to your attention that one of your longtime employees, Jackson Tibbits, a handyman, is on the Florida Sexual Offender list. After doing more research, you learn that 17 years ago, when Tibbits was 24, he was convicted of having unlawful sexual contact with a 15-year-old female. As a registered sexual offender, Tibbits cannot live within 1,000 yards of a school and must register with the state any time he moves. Also, he is prohibited by law from holding positions such as schoolteacher and health care professional. You, Garcia and Williams must decide whether you should terminate Tibbits based on this newly discovered information.

Time allotted: 15 minutes.

Case Three

Personally Yours: The Employee Referrals Case

GENERAL INFORMATION

Personally Yours, Inc., is a personal assistant firm founded in 1997. After years of struggling to balance work and family, Sarah Winters established this company to address some of the challenges that working professionals face in their busy lives. Personally Yours provides a wide range of services, including residential housekeeping, grocery shopping, household organization, home companion, adult day care and even handyperson services.

Sarah Winters started the company in her hometown of Tampa, Florida with the help of a small business grant, personal savings, and three employees (her mother, sister and cousin). After several rocky years of operation, Winters now has 15 offices throughout central Florida and Miami. Each branch has a branch manager who is responsible for administrative duties and approximately 15 employees who work either full time or part time. The rest of Winters' 250 employees are located at the headquarters in Tampa. To keep operations lean, Winters has kept central administrative staff to a minimum. Instead, she has outsourced many services such as payroll, accounts payable and legal services. As the company grows, however, Winters is re-thinking this strategy.

ROLE OF GARY GARCIA, HR SUPERVISOR

Gary Garcia has been the HR supervisor at Personally Yours, Inc., for the past 9 years. His immediate supervisor is HR manager Alyssa Williams. After attending a meeting at the local SHRM chapter, Garcia came away with some great ideas about how Personally Yours could improve their HR operations. Overall, things were running pretty efficiently. Personally Yours was a quickly growing medium-sized firm, though, and in many ways it still operated like the small family-owned and -operated business it was just a few years ago.

For example, existing hiring processes are standardized at headquarters and at the branch offices. Each job applicant completes a standardized application, submits a résumé (if appropriate for the position), does pre-employment testing, undergoes a screening that includes contacting references and former employers and a criminal background check. This was not the case when the company was first started, however, and many longtime employees never had a background check. This is extremely troubling to Garcia, in light of the fact that their employees work in clients' homes and have contact with vulnerable individuals (e.g., children, elderly, infirm).

Garcia received an incident report today from Anthony Garrison, the branch manager of the St. Petersburg, Florida office. The incident report concerned handyman Neil Andrews, who is a hardworking employee but who has a reputation for being a hothead. According to Garrison, Andrews was extremely upset to learn that Garrison had changed his work schedule so that he now had to work every other Saturday. Andrews walked into Garrison's office, put his face inches from Garrison's face and said, "One of these days, I'm going to lose it in here! After I am done, there will be nothing but smoke and embers!" He then stormed out of the office and went across the street to a convenience store. About 15 minutes later, Andrews returned, calmer after having eaten two packages of Toasted Sweeties and washing it down with a soda. He picked up his toolbox and went to his next assignment for the day.

Garcia knows that Garrison has never liked Andrews and that Garrison sees this episode as an opportunity to get rid of him.

Assignment

This is a two-part activity.

Part 1: Decide whether Andrews should be discharged.

Time allotted: 15 minutes.

Part 2: Assume for the sake of this portion of the activity that Andrews is discharged. What type of information (if any) should Personally Yours give if a potential employer calls for a reference?

Time allotted: 15 minutes.

ROLE OF MAYA ATKINS, BRANCH SUPERVISOR—ST. PETERSBURG, FLORIDA

Maya Atkins is the branch supervisor of the St. Petersburg, Florida, office of Personally Yours. Atkins has worked at this branch office since it opened in 2000 and served as interim branch manager last year after the previous branch manager left and before the current branch manager, Anthony Garrison, was hired. Atkins is a licensed practical nurse with 23 years of experience in the nursing field. Although she does not officially run the office anymore, employees still routinely come to her with problems and for advice. Atkins believes Garrison might resent her relationship with the employees.

Today, Atkins witnessed an incident that occurred between Garrison and handyman Neil Andrews. Andrews is a hardworking employee but has a reputation for being a hothead. After Atkins notified Andrews that Garrison had changed his work schedule so that he now had to work every other Saturday, Andrews became extremely upset. He walked into Garrison's office, put his face inches from Garrison's face and said, "One of these days, I'm going to lose it in here. After I am done, there will be nothing but smoke and embers!" He then stormed out of the office and went across the street to a convenience store. About 15 minutes later, Andrews returned, calmer after having eaten two packages of Toasted Sweeties and washing it down with a soda. He picked up his toolbox and went to his next assignment for the day.

Before Garrison became branch manager, Atkins would always create the schedule. Garrison took over this duty after he was hired. Atkins understood why Andrews became upset: he is a single father and cannot afford childcare for the weekends. When she was the person drafting the weekly schedules, Atkins always kept this in mind and never required Andrews to work weekends. Atkins explained Andrews' situation to Garrison, but he replied, "If Andrews cannot work weekends, he needs to find other employment ... and it might be a good thing if he did."

Atkins knows that Garrison has never liked Andrews and that Garrison sees this episode as an opportunity to get rid of him. Atkins has witnessed Andrews lose his temper before. However, she thinks Andrews is basically a "good guy," so she has overlooked these past outbursts.

Assignment

This is a two-part activity.

Part 1: Decide whether Andrews should be discharged.

Time allotted: 15 minutes.

Part 2: Assume for the sake of this portion of the activity that Andrews is discharged. What type of information (if any) should Personally Yours give if a potential employer calls for a reference?

Time allotted: 15 minutes.

ROLE OF ANTHONY GARRISON, BRANCH MANAGER—ST. PETERSBURG, FLORIDA

Anthony Garrison is the branch manager of the St. Petersburg, Florida, office of Personally Yours. He has been branch manager for 7 months. Unlike many of the other branch managers who have nursing backgrounds, Garrison has a maintenance background. Before coming to work for Personally Yours, Garrison worked for 17 years as a maintenance supervisor for a public housing authority. Garrison suspects that he does not receive as much respect as the other branch managers receive, partly because he is new and partly because he comes from a non-nursing background.

Today Garrison was involved in an incident with Neil Andrews, a handyman who has worked for Personally Yours for 6 years. Andrews is a hardworking employee, but has a reputation for being hot-headed. This morning after Andrews learned that Garrison had changed his work schedule so that he now had to work every other Saturday, Andrews became extremely upset. He walked into Garrison's office, put his face inches from Garrison's face and said, "One of these days, I'm going to lose it in here. After I am done, there will be nothing but smoke and embers!" He then stormed out of the office and went across the street to a convenience store. About 15 minutes later, Andrews returned, calmer after having eaten two packages of Toasted Sweeties and washing it down with a soda. He picked up his toolbox and went to his next assignment for the day.

Garrison has never liked Andrews, and sees this episode as an opportunity to get rid of him.

Assignment

This is a two-part activity.

Part 1: Decide whether Andrews should be discharged.

Time allotted: 15 minutes.

Part 2: Assume for the sake of this portion of the activity that Andrews is discharged. What type of information (if any) should Personally Yours give when a potential employer calls for a reference?

Time allotted: 15 minutes.

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