

# Employment law and human resources



**ASSIGN  
BUSTER**

Christopher Serrano

## Week Two Assignment

1. What do you think are some of the factors in the modern workplace that contribute to a theft of time? How can those factors be managed?

Theft time occurs when an employee waste their time, such as taking extended breaks, arriving late, leaving early, unnecessary time and excessive internet usage for non – related work. The biggest influences to the theft of time in a deskbound job is the use of internet for non – related work purposes. It is very tempting for an employee to waste time when they are in from of a computer browsing online especially checking their social media status. One other major contributing cause to the theft of time is when an employee make their workday taking personal calls to deal with personal situations. Although these forms of theft of time can overlooked from the attention of the employer, there are things that a company can do to prevent employees from stealing time.

One of the most effective way to prevent theft of time is to block certain websites, such as social media outlets especially Facebook. When an employee's notice that certain websites are block, they are less likely to visit that website again. Companies can also monitor their employees by implementing the use of time and attendance software with the use of biometric scanner that requires employees to check in and check out when they arrive, leave, take breaks, and lunch breaks. The use of biometric and attendance system will warrant that employees scan themselves in and out without the assistance of a co-worker do it for them.

2. What does the word Whistleblower mean (legally speaking)? Give an example of whistleblowing.

A whistleblower is a person who reports inside knowledge of illegal act occurring in a business and notifies the government of an unlawful act committed by that company. “ The Whistleblower Protection Act (“ WPA”) of 1989 was enacted to safeguard workers who report major violations of the law from being discharged or otherwise retaliated against by their employers. To qualify for whistle-blower protection, an employee must provide a written disclosure regarding a violation of state or federal law through (1) mismanagement, (2) abuse of authority, (3) substantial waste of public funds, or (4) danger to public health and/or safety. (Moran, 2013)

An example of whistleblowing is when the former CIA contractor Edward Snowden exposed the US Intelligence of collecting millions of internet data and phone records from the Americans.

3.“ Retaliation” has become one of the most often cited reasons for employees filing charges with the EEOC against their employers. Please define “ retaliation” in the legal, employment sense – and explain when it is illegal. What can an employee do when they feel they have been retaliated against and for what reasons does retaliation rise to the level of an EEOC lawsuit?

Retaliation is when an employee retaliates against its former employer for harassment and discrimination. If an employee feel that they’ve been retaliated against, they can file a claim with Employment Equal Opportunity Commission for wrongful discharged. Although, here are several factors

<https://assignbuster.com/employment-law-and-human-resources/>

before filing a lawsuit which includes “ the seriousness of the violation, the type of legal issues in the case and the wider impact the lawsuit” (EEOC. Gov).

4. During the course of a day, employee Jennifer Anniestown (an accountant) constantly opens and updates her Facebook account on her iPad, checks on her lottery ticket numbers, calls and talks to her mother for 30 minutes, her children for 10 minutes (she makes sure they get home safely every day) and her husband every afternoon for 15 minutes to see if he or she is making dinner that night. Her employer, Billybob Thornblower listens to each of her phone calls to make sure that she isn't talking to his wife, one of her good friends, about his actions at work. (He is always hitting on the salesgirls, in a good-natured way.) Billybob ends up being fired for sexual harassment when one of the salesgirls complains. Jennifer's new boss, Tracy, notices that Jennifer is doing a ton of personal work during company time. There is no written policy about this issue at the company. To date, Jennifer's work is exemplary. She always has everything done in a timely manner and her books balance at the end of every day. What should Tracy do about this situation?

Tracy should warn Jennifer of this behavior before reporting her to Human Resources. Even though Jennifer is very good at what she does and can get her assigned task done in a timely manner, Tracy should tell her that she is committing theft of time and wasting company's money by taking care of personal matters during company's time. If this behavior continues, Tracy should sit down with her and write her up for performance improvement review to give her one more chance before terminating her employment.

5. Last month, Steven Smith was hired as the secretary for lawyer Wayne Wright, who has a drinking problem. Wayne's last secretary quit when Wayne tried to get her to go out with him on a date. So far, Steven and Wayne have gotten along peachy. Steven is subpoenaed to testify in the harassment lawsuit of Wayne's former secretary, and says (under oath) that Wayne has treated him great, but that Wayne also admitted he had asked the secretary out on dates regularly and grabbed her inappropriately. Steven is telling the truth. A few weeks later, Wayne and his firm lose the harassment case and have to pay the prior secretary back pay and reinstate her to her job as part of the damages in the case. The firm terminates Steven so that they can put the old secretary back in her job. Steven asks you what you think he should do. What do you say?

As an advisor to Steven, I would advise him not to retaliate because as part of the court order, Wayne's firm have to reinstate the former secretary back in her job. I would also remind him that he was an at-will employee therefore his former employer doesn't require to give him reason as to why they let him go. Lastly, I will tell Steven to reach out to Wayne's office and ask if he can use them as a reference and ask for recommendation for future employment opportunity since he had a good relationship with Wayne.

## **References:**

Moran, John J. Employment Law, 6th Edition. Pearson Learning Solutions, 01/2013. VitalBook file.

Filing a Lawsuit. (n. d.). Retrieved, from <https://www.eeoc.gov/employees/lawsuit.cfm>

<https://assignbuster.com/employment-law-and-human-resources/>