

that Diane has no right to impose her lifestyle and her culture on them. Diane especially has no right to monitor the lifestyle and personal habits of employees that do not affect work.

Diane counters the group by saying that lifestyle and culture can affect work. "If you are not healthy, in the long term, you will not be productive. I want you around for a long time."

Questions

1. What are the causes of stress in Bill's organization?

2. Has Diane gone too far in imposing a smoking policy, removing junk food from the vending machines, and offering free medical service and management visits?
3. Diane has selected several ways to reduce the stress and improve the health of her employees. What other ways did the chapter mention she could also use to reduce stress and improve employee health?
4. What do you think about the reporters' sick leave proposal?

Case created by Gundars Kaupins, Boise State University

... CASE 14-2 YOU ARE NOT HURT? GOOD—YOU'RE FIRED!

CEO Ashley Chen founded ActioNet (AN) in 1998, supporting clients hailing from industries including transportation, manufacturing, telecommunications, retail, the public sector and financial services; their most prominent clients include the Departments of Labor and Energy and Qwest with IT services. AN is a full-service IT firm providing their clients with project management, custom software development, network design, computer security assessment, training, systems integration, and design and consulting services.(1)

AN's "core values" include instilling integrity in everything they do, innovating to enable their mission, making their customers and each other successful, achieving service delivery excellence and partnering for success.

At ActioNet, we are committed to conducting our business with integrity, not only doing things right, but also doing the right things. We believe in transparency and accuracy with open and honest communication. Being fair and ethical are an integral part of how we do business and strengthens our relationships.(2)

Core values aside, the firms of V. James DeSimone Law and Navab Law won a substantive civil law suit against AN, alleging that their client was subjected to wrongful termination and workplace violence. (See Case 2:14-cv-00792-AB-PJW, Yowan Yang v. ActioNet, Inc.) Why did AN have to pay \$2.4 million plus \$5 million in punitive damages to Los Angeles employment lawyers Jim DeSimone and Kaveh Navab's client? How is this possible given the firm's core values and their belief in open and honest communications?

Mr. Yang was originally hired as an employee of L-3 National Security Solutions in September 2008 and became an employee of AN when they took over L-3's federal contract to the Federal Aviation Administration in April 2010. Yang provided technical support to the contract and was employed by AN because of his prior excellent performance. He continued to excel at his job with AN, obtaining merit pay and superior evaluations, the last one leading to a pay raise merely a few months before his job loss. The problems started at AN when they hired Cy Tymony to provide similar services as Yang. Yang and Tymony were placed on the same work group and worked in close proximity (4 feet away from one another).(3)

Yang said he and Tymony had several public incidents in the workplace, including some in which Tymony was publicly upset because Yang had either stored cans of soda in the office freezer or was eating candy during a staff meeting, according to the amended complaint. Towards the end of the meeting, Tymony pounded his fist against a cubicle, told Yang that he had no respect for others, and cursed several times, the later-filed complaint said. On July 24, 2012, both Tymony and Yang met individually with supervisors to see who would be willing to move to another

cubicle, according to the complaint. After Tymony left the meeting, he loudly complained that Yang was an "asshole" who chewed ice. After Yang suggested that Tymony move his cubicle, Tymony grabbed him by the neck and, yelling curses, threatened his life.(4) The results? Yang's workstation lay in a shambles, the result of Tymony's losing control of his emotions.

AN took quick, albeit questionable, action. They fired both Tymony and Yang on the spot without supporting documentation. Although a federal investigation 2 days later indicated no wrong doing on Yang's part (he was called a "complete victim"), AN took no further action in the matter. One would have expected AN to rehire Yang, or at least do their own research on the matter. Worse, AN never responded to requests from Yang asking for a rationale for his firing as well as a demand for his job back.

Mr. Yang then filed a civil legal complaint that said that rather than properly investigate the incident, AN simply moved to quickly fire him and the other employee, causing him emotional harm and making it difficult for him to find a new job.

After being fired "for cause," Mr. Yang applied unsuccessfully for hundreds of jobs, says DeSimone, his lawyer. Mr. Yang lost his career, his apartment, his independence, his self-worth, and his self-esteem.(5)

AN argued in the case that it should not be held responsible because of any violent tendencies of Tymony, because he was fit to perform his job, because there is no evidence that the company tolerated Tymony's conduct and because Tymony was not acting in the "course and scope" of his job during the altercation.(6)

AN was penalized and Mr. Yang compensated for what the jury regarded as callous disregard of Mr. Yang's rights. "The jury sent a loud and clear message via this case to companies that harassment, workplace violence and termination would not be tolerated. ActioNet never took responsibility for its wrongful conduct and the jury held them accountable."(7)

Questions

1. This case was a civil case. How might it have become a federal case under OSHA's charge?
2. How might ActioNet have not upheld their OSHA responsibilities?
3. Although a federal investigation 2 days later indicated no wrongdoing on Yang's part (he was called a "complete victim"), ActioNet took no further action in the matter. If these were OSHA investigators, under what category of violation might ActioNet be subject to penalty?
4. Stress might have been the cause of Tymony's intolerable conduct. Which cause(s) of stress might have accounted for his inexcusable behavior?

Objectives

To assess school, and

Skills

The primary

1. HR ma
2. SHRM opmen

Assignment

Write out the a