

**Management BLAW 3550
EXAM III**

INSTRUCTIONS:

Following are five essay questions. You are to answer 7 of them. The format of your answer is very important! Each answer will be set up exactly like the case briefs you have prepared in class: facts, issue, court holding, legal reasons. Based upon the facts in the question, you should reach a conclusion about who wins and why and then forcefully argue that position in the legal reasons area. If there are counter arguments to your position that could be made, but which you have already decided are without merit, you may review them at the end of the legal reasons-pointing out that they are without merit. List important cases that support your legal reasons.

. Sally works in a large department store. Due to her disability, she requires a very warm environment in which to work. Management is concerned that satisfactory heat for Sally may be a problem for other employees and customers and terminates Sally after she tells them that the temperature in the store needs to be raised as a reasonable accommodation for her disability. Sally files a disability discrimination lawsuit against her employer. What result? Why?

2. Chip Black, a 57 year old man, worked for Wal-Mart in Napoleon, Ohio. He was a merchandise manager. During reorganization, he was terminated. His responsibilities were given to three other lower level managers who were 36, 39, and 42. The reason that Chip was given for his termination was that the three departments he managed were having poor sales records under his supervision, although the Napoleon store did have a slow selling season during the past year. Black was aware that sales in his three departments were way down. Black goes through the administrative procedures at the EEOC and then files an age discrimination lawsuit. What result? Why?

3. After violently assaulting his supervisor, Brian is diagnosed as suffering from a "maladaptive reaction to a psychosocial stressor," his argumentative supervisor. His employer terminates Brian for misconduct. Brian claims that all that was needed was "reasonable" accommodation: the transfer of either or both him and his supervisor elsewhere within the firm. Does Brian's problem constitute a disability? Does it limit a major life activity? If so, is this a reasonable request, assuming that such a move would prevent future misconduct by Brian? Brian brings a lawsuit. What result? Why?

4. Booth Company is an interstate manufacturer of animal feed concentrates. In the course of its manufacturing process, the company uses fish parts, which are treated with sulfuric acid when packaged. One night, a truck delivering the fish parts deposited the mixture into a Booth Company tank, which overflowed into an adjacent room in the basement and filled it to a depth of 31 inches. The company used a pump to get rid of most of the overflow but ordered the employees to enter the room when the level had decreased to only 3-4 inches to clean up the remaining debris and to repair some pumps. The employees who entered were almost immediately overcome by hydrogen sulfide gas (caused when the sulfur came into contact with iron sulfide particles, which had fallen from the ceiling), as were those who tried to help them. Booth Company had no emergency equipment available and had taken no safety precautions to cope with accumulations of the gas. In the end, three employees died, and two were seriously injured. OSHA brings charges against the Booth Company. What result? Why?

Reliable Rent-A-Car hired Bill Johnson as a management trainee in 1978, and he was promoted to office manager one month later. As a manager, Johnson received several bonuses for maintaining high sales levels and received consistently positive evaluations, except for two points. In 1981 he was described as needing a course in employee-public relations and six months later was told that he should soften his telephone skills and should manage dispatching more efficiently. Johnson was 5'8" and weights 325 pounds (doctors would testify that the average weight for a man of his height is about 180 pounds). When Johnson was up for a new promotion, he was told that, because of his weight, he would not be able to travel from office to office, as the job required. Johnson files a law suit on the basis of disability discrimination and presents evidence from a doctor who defines obesity as a compilation of fat in body tissues caused by overeating, heredity, and metabolism but explains that distinguishing the cause in any given case is next to impossible. Does this failure to promote Johnson constitute disability discrimination? What is the result of the lawsuit? Why?