Weirdos in the Workplace

THE NEW NORMAL...
THRIVING IN THE AGE OF THE INDIVIDUAL

John Putzier

Foreword by Libby Sartain, Chief People Officer, Yahoo! Inc.

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Thriving in the Age of the Individual

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To my wife, Loriann
for hanging in there with the ultimate weirdo!

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FOREWORD

Libby Sartain,[*]
Senior Professional in Human Resources
Executive Vice President and Chief People Officer
Yahoo! Inc.

A recent issue of *Fast Company* magazine had a picture of me next to a large headline that said "Act Normal." Anyone who knows me at all, upon reading that headline without reading the article ("She's Helping Yahoo! Act Normal"), would ask, "What does she know about acting normal?" The article was actually part of an entire feature on "The New Normal." It addressed, for the business world, the question of what do we do now — from dot-com boom to dot-com bust, to terrorism, to recession, to war, to whatever comes next? What do we need to know and do about competing, winning, and leading today? Is there

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[*] Libby Sartain is responsible for leading Yahoo! Inc.'s global human resources efforts as Executive Vice President and Chief People Officer. Prior to joining Yahoo!, Sartain was Vice President of People at Southwest Airlines, a leading employer of choice. Sartain served as chairperson of the Society for Human Resource Management and was named fellow of the National Academy of Human Resources. She is the co-author with Martha Finney of *HR from the Heart: Inspiring Stories and Strategies for Building the People Side of Great Business* (AMACOM, 2003).

any "normal" in these uncertain times? And I would ask, if we aren't quite sure what normal is, how do we know what is weird?

According to Roger McNamee, who coined the term, *the new normal* is a time of substantial possibilities if you are willing to play by the new rules for the long term. In the new normal it is more important to do things right than to succumb to the tyranny of urgency. High standards for leadership, recruiting, investing, and due diligence are reemerging. There is room for large companies to invest in new technologies and develop new products and for innovative upstarts to change the world. For leaders, there will be new emphasis on finding and keeping top talent, and the key to success will be driving change and improvement and getting things done on a daily basis.

John Putzier is an expert on weirdness in the workplace. He knows how weird behavior can lead to innovation. He and I are kindred spirits of sorts. We met while both serving as volunteer leaders for the Society of Human Resource Management during my years at Southwest Airlines before I took the bold step to move to the Silicon Valley to join Yahoo! Inc., right in the middle of the dot-com bust.

We share a common interest in what it takes to make a company a great place to work. I was in the enviable position of heading the people function for a company frequently named as one of the best companies to work for in America and was sharing with my peers what I thought made Southwest Airlines a great work environment. John headed his own organizational behavior consulting firm, FirStep, Inc. with a mission of ridding the world of jerks at work. (I am not sure he is finished with that yet.) But we share similar visions about work and its role in life, human resource management as a profession, and other management and business perspectives. We know that light-heartedness, humor, and irreverence about work and life can make both more meaningful and fun.

But don't be fooled! Our philosophies are no-nonsense, and support the business agenda of the organizations that employ us. We know that now is one of the most exciting times to be a corporate leader. We

have the opportunity to demonstrate like never before the true value in wise corporate stewardship, linking profitable, strategically sound business decisions with honor, trust, and hope. Fun and passion at work are essential for success and fulfillment. But that is not just Human Resources' job! It is everyone's job, including yours!

One of John's key principles is that every business leader must be a human resource manager, and that business success is driven first by common sense. We know that the companies we support have many talented people, who are capable of extraordinary results and want to give their best at work, if they can get past their fears, trust their leaders, and develop a sense of personal mission that is compatible with their respective organizations. And it's through these dedicated workers that the cumulative impacts of passion, imagination, dedication, and results can be experienced throughout your company.

To unleash the extraordinary efforts of your workforce, you must first believe this to be possible. Then, you must make sure that your people have the resources, support, and freedom to meet the challenges—or seize the opportunities—when they present themselves.

As we move into the future, our relationship with our people reinvents itself over and over again. Organizations in this brave new world of work are going to be forced to rise to this challenge not only by external market forces but also internally by the people themselves. In recent years, our workforce has experienced a steep decline in any trust they had for corporate America; they have seen and felt first-hand the demise of any real job security and the loss of hope in the so-called new economy.

Understand that our best performers and high potentials have not left the scene. They have been highly involved looking for the next big idea, looking for new markets and opportunities. The most talented workers are even more desirable than ever before—they're equipped to be true partners in helping our companies succeed. We had better have high-quality opportunities to offer them in return. And, we had better allow them to be themselves in their own unique way (i.e., high-per-

forming weirdos in the workplace) or they will go somewhere else, where they can excel at being weird.

Weirdos in the Workplace is a fun read, but it is wrapped around some serious messages, which is why I like it. After reading this book, you will look at talent in a different way. You will have a greater understanding of how and when to make the distinction between someone being different for the betterment of the greater good, or just for the sake of making waves. You will have a keen awareness of how adding value is essential to truly finding oneself in the world of work. You will understand the difference between inclusion and discrimination, and when it might just be OK to discriminate.

During my school years, my friends often called me a "weirdo" to my face. And I am sure some call me that, and other names, behind my back now. In any leadership role, not everyone will be president of your fan club, and some days it feels that even when you do everything you can to make things great, your motives may be misunderstood or misinterpreted.

What you do to drive change may seem weird, different, or even bizarre to others. Don't let that stop you. And don't get bogged down by the day-to-day-ness of this kind of work. Keep in mind that you are entrusted with the hopes, desires, and expectations on both the corporate level and by the many employees who expect you to do the right thing. Let that trust be your inspiration!

Now go enjoy *Weirdos in the Workplace* and hopefully you can be one too!

ACKNOWLEDGMENTS

Hello! My name is John, and I'm a weirdo! (Hi, John!) That's the first (and last) step in my recovery program. My weirdness has served me well, but has also created some difficult challenges for me, for my wife, and for others in my life! As you may have read in the dedication, my wife, Loriann, did not want me to embark upon this project, but my weirdness took over, and I did it anyway. Not to spite her, but to surprise her, and more importantly, to prove something to us both.

Without boring you with a dissertation on my personal life, Loriann did not want to see me go through the trauma, both mental and physical, that I experienced during the writing of my first book, *Get Weird*!, and I am sure that she did not want to go through it either. But I learned a lot of painful lessons in that process and planned to overcome them this time around. (That's another story for another time.)

In effect, she was trying to protect me from myself, as she so admirably does so many times. So, I shelved the concept for a while,

but it just wouldn't stay there. As my weird, creative comrades will concur, there are certain seeds that, once planted in a weirdo's brain, cannot be kept from growing. There are some who might say that this is because there is an abundance of fertilizer up there! Who says fertilizer is a bad thing? Again, another story for another time!

Whatever the reason, I could not hold it down any longer, so I decided to try to complete this project on the sly, on the side, and on the fly, in an effort to learn how to contain the stressful side effects, with the ultimate hope that I could spring it on her once I received an advance from a publisher. Money has a certain calming effect, ya know? After all, how else were we going to pay for that cottage on Chautauqua Lake? Debt and fear can be powerful motivators!

Well, I am proud to inform you that I dunnit! And I'm still married … yes, to Loriann! Which brings me to my first acknowledgement (long time comin', huh?), and that is to Loriann. Not just for staying married to me in spite of this sneaky little book, but for sticking with me through all my weirdness to date. It is said that one's strength is also one's weakness, and I know that my weirdness was endearing to her when we first met, but I am also sure that it can be equally taxing at times, and she handles it, and me, quite well.

As you will learn in reading this book, weirdos can be difficult people, and I am no exception. I admit it. Maybe this book is, in some weird way, an attempt to validate myself, or some type of justification for the burdens I place on the people around me. I know that I have to be reined in on occasion. You will better understand this phenomenon when you read about low self-monitoring and high self-efficacy later in the book. It can be a good thing and a bad thing at the same time. Yin and Yang have surrounded me all my life, including my corporate logo for FirStep, Inc. (*www.firstepinc.com*). (The "S" is a yin-yang.)

I am truly blessed to have family, friends, and colleagues who give me enough rope to swing to the edges of life, but not so much rope as to hang myself (yet!). At my best, this "edginess" is what makes me who I am as a writer, speaker, and business strategist and what differenti-

ates me in the world of work. I now get paid to say things that I used to get fired for! So, thank you, God, for the weird brain you have given me, for those who have fostered it, and for the people around me who have even learned how to appreciate it!

OK, enough about me and my problems! On the business and professional side of things, I would be remiss if I did not thank a number of people who were critical players and partners in getting this book into your hands. To begin, I am deeply grateful for the contributions of Eugene K. Connors, Esq., termed by America's Leading Business Lawyers as among the top 15 management-side employment and labor attorneys in Pennsylvania, who provided a unique blend of legal and practical insights into several of the more off-beat cases.

The unique thing about Gene is not only his sense of humor and writing style, but the fact that he didn't even send me a bill! Gene is known for being able to guide companies on how to best balance employer–employee needs to eliminate employment concerns while maximizing management options. Just what we needed for this book!

On a "weirder" note, you need to know just how Financial Times Prentice Hall became the publisher of this book. Long story short, I was one day away from signing with my former publisher. The contract was sitting in my in-tray, awaiting my return from a business trip, and while on a flight home from Atlanta to Pittsburgh, I just happened to be assigned a seat (thank God for that first class upgrade!) right next to Ms. Emily Williams Knight, CIS Marketing Manager for Prentice Hall.

After the cursory "Hello, what do you do?" schtick, we got into more depth about book writing, publishing, etc., and when I told her that I was just finishing my second book, she thought that there might be something to this chance meeting. After a couple of emails and a referral, I was forwarding my manuscript and proposal to Mr. Jim Boyd, Executive Editor of Financial Times Prentice Hall, and within a matter of days, we had a deal! Who says big publishers are slow? So, THANK YOU, Emily and Jim!

And Jim, thank you for making me a better writer. Jim has a way of communicating tough love that doesn't hurt (too badly). I am deeply indebted to all the pre-publication reviewers to whom you sent my manuscript, and to them for having the backbone and talent to give me the whack on the side of the head I needed to make a good book even better. Even though it required a heck of a lot more work, in a very short amount of time, both I and the book are better for it. Thank you!

That should do it! Unfortunately, there are always so many others who contribute to a "successful" book *after* it comes out, but I cannot thank them here because I don't even know who they are yet. So, for all of you who invite me to appear on your talk shows, publish my articles, hire me to speak, etc., thank you in advance!

But most importantly, thank YOU for buying and reading *Weirdos in the Workplace*, because nothing else matters until you, the reader, make it happen. ENJOY!

How Did
We Get Here,
and Where Are
We Going?

Chapter 1 —————

HOW DID WE GET HERE, AND WHERE ARE WE GOING?

A WEIRDO IS ANYONE NOT LIKE YOU! Sad, but true. Let's get this straight right from the start. Which is one reason why there seem to be so many of them out there.

> *A Weirdo is anyone not like you!*

Have you noticed that you can't even count on people who look like you to be normal (like you) anymore? It's every man (or woman) for himself these days.

Whatever happened to the good old days when people just came to work, did their jobs, kept their mouths shut, and didn't rock the boat? And you could count on them coming back the next day, and the next day, and doing it again and again until they got a gold watch and retired. And why is career success becoming so difficult for so many?

Why have workers and workplaces become so weird? Granted, the older we get, the narrower our definition of normal becomes, but it's more than just perception. Something is changing, and it's not just our perception. So what is it? What's the world coming to?

As Goes the World, So Goes the Workplace

The answer to these questions is that *the workplace is a microcosm of society*. The more aware you are of issues in modern society and culture, the more you can become a foreseer of workplace trends and challenges. It's absolutely fail-proof, and history proves it.

But before we go into a history lesson, it's important to understand that society, organizations, and individuals *all* follow a similar adaptive progression that can be captured in the acronym STAR: **S**tifling, **T**olerating, **A**ccepting, **R**ejoicing—particularly when it comes to major cultural shifts, which is what we are talking about here. It may happen at differing speeds, but the steps never change.

Think about it. When a change is thrust upon you that you do not initiate, nor that you want, isn't your first response to attempt to stifle it, to deny its relevance or its validity? But, once you realize that it is here to stay, you have to learn to tolerate it. That's just natural human adaptation. Eventually, if and when you realize it isn't going to kill you, and that you can't make it go away, for your own good, you must learn to accept it. It's a new status quo. A new normal!

It's the *R* in the STAR progression, however, that is the most difficult for most people, and must be set as a conscious goal before it can be accomplished. That is, to eventually learn to embrace the new reality and to find a way to actually capitalize upon it for you and your organization's own benefit and success. It's at this point that you and those around you can actually rejoice and succeed in the new reality. It's not easy, and it may not always be possible, but it is always advisable and desirable.

Now, the history lesson. Let's see how this STAR progression and the fact that "*As goes the world, so goes the workplace*" has been proven over time, and where it is taking us.

The Age of the Organization Man (Stifling)

Let's stroll down memory lane for a moment. It was post-World War II when we saw the advent of the "The Organization Man."[1] There was even a book by that title. If there was ever a period of time that exemplified the opposite of what we are seeing today, this is it. The key to success in the '50s and even the '60s was to conform, to blend.

> *If two people in an organization agree on everything, one of them probably isn't needed*

To be the epitome of the Organization Man not only meant adorning the traditional IBM white shirt and tie, but also required a white face, and a set of testicles. It wasn't considered even remotely discriminatory to hire and promote only white men for the "important" jobs, nor was it considered abnormal to require them to look and act alike, even if they didn't think alike. Organizations were run like an extension of the military, dominated by white men, and no one complained.

Life was good, at least for them, or so they thought. And, in fact, it was probably an appropriate organizational model for the time. Much was accomplished in this period, regardless of how it may look in hindsight. Which is the point. It's all relative. It doesn't matter if you agree with reality, it is reality! You can go back as far as you want in history, and this principle applies (slavery, suffrage, prohibition, etc.).

Yes, in 20/20 hindsight, the Age of the Organization Man was a period of severe stifling (on the STAR progression), but back then, creativity was not as valued a commodity as loyalty and harmony. Creativity and innovation, if and when it existed, came from the top (executives), from outside (the military, NASA), or from well-defined, controllable departments (R&D centers). Everyone else checked his or her opinions at the door, toed the company line, and did what they were told, hopefully until retirement.

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1. *The Organization Man*, by William H. Whyte, New York: Doubleday, 1956.

Team building was somewhat of an oxymoron because in an environment where everyone agrees whether they agree or not, teamwork is confused with harmony. Going along and getting along were the overriding characteristics of a team player. In fact, there was no such thing as team dynamics and team development during this era. It wasn't needed!

Managing was easy as well. Imagine how easy it would be to be a manager if everyone looked, acted, and thought like you. Imagine if "being easy to manage" was considered a core measure of competency. Imagine if you had no one asking for special rights or privileges. No wonder they loved the status quo. But then things began to change.

The Age of Diversity (Tolerating)

Here come the '60s and '70s! Civil Rights. Hippies. Anti-war protestors. Social and political activists and militants. Presidential impeachment. Self-indulgent baby boomers entering the workforce. Drugs, sex and rock and roll. Feminism. Birth control. Legalized abortion. School bus-

> *If opposites attract, then why do birds of a feather flock together?*

ing. Affirmative Action … and the list goes on. Remember, "As goes the world, so goes the workplace."

Take a look at this list of social phenomena and think about how all of these trends combined would have impacted the workplace during this period. This was an age of forced tolerance for forced diversity. It was not an organizational strategy. It was an organizational tragedy…for the traditionalists!

Need I say more? This is when the Organization Man lost his mind. The laments of the day were, "The work ethic is dead!" and "You just can't get good help anymore!" Managing became a nightmare because managers actually had to manage—that is, to make dis-

tinctions and difficult decisions, and they just didn't know how to do it. And they didn't *want* to do it! *This was the advent of weirdos in the workplace*, but at this point, it was just a bunch of square pegs in round holes, and it hurt! It wasn't accepted; just barely Tolerated.

There were Equal Opportunity and Affirmative Action, Age Discrimination in Employment, Americans with Disabilities, the Veterans Readjustment Act, and employment legislation out the wazoo. The multitude of laws requiring organizations to open their doors to *diversity* created great conflict and confusion. And remember that diversity was defined in strict legal terms called "protected classes": minorities, women, the disabled, and other clearly definable groups.

The sad irony was that equal opportunity measures were actually an insult to those for whom the laws were supposed to benefit. They didn't seem to realize that not all blacks think and act alike, not all women think and act alike, and so on. It was both simplistic and difficult at the same time.

Organizations hired specialists to work the numbers, called *compliance* officers (I know because I was one!), more to stay out of trouble than to advance the cause of diversity. It was compliance, not benevolence. Personnel became Human Resources. The glut of regulations also created a multitude of bureaucracies and bureaucrats. And lawsuits proliferated.

But, because this was such a new phenomenon, and it was forced, and still not accepted, these diverse groups learned that, to succeed, it was necessary to continue to try to "blend in" because the Organization Men were still holding the positions of power, and they detested and resisted this invasion of their sacred inner sanctum. They worshiped homogeneity, but were surrounded by heterogeneity. They idolized harmony, but were faced with conflict.

Women tried to become men (behaviorally back then). African-Americans tried to act white. Even WASP male baby boomers and former hippies like me tried to talk the talk and walk the walk of the

traditionalists, not just to get along, but to get ahead. And it was painful…for everyone!

And it never really worked. It worked in terms of opening the front door to formerly ostracized and alienated groups, but the doors to the boardroom, the executive conference room, and other circles of influence remained closed, and the same agenda remained in place, but now with some new players on the field.

Eventually, as the economy soured in the '80s, the traditional value of loyalty, which was an icon in the Age of the Organization Man, was forced out the window. And ironically, it was initiated by the Organization Men. When push came to shove, reductions in force, and other downsizing initiatives ruled the day, and sent a chilling new message to the next generation of workers that it's every man for himself now. Diversity was not only here to stay, but now the economy required some tough choices to be made.

And now the rest of the story.

The Age of the New Economy (Accepting)

Welcome to the '80s and '90s. The last of the Organization Men were retiring or cashing out with golden parachutes, severance plans, early retirement incentive programs, and other ways to escape the reality that diversity and technology were not

Even a dead body will move in a river that is flowing

only here to stay, but were coming of age. Although technology was not the primary driving force behind the exodus of the Organization Man, it was a compounding factor. Added altogether, going to work was no longer fun, and there was no turning back. There were only two choices, accept it or leave it. And leave it many of them did.

In the '80s there were still significant pockets of traditionalists in positions of power and in some of the stalwarts of industry, but baby boomers and other new workers were beginning to acquire greater power, not because they deserved it, particularly in the minds of the Organization Men, but because there was no choice. It wasn't by design, but by default. Who else was going to succeed them?

And, as we moved into the '90s, power was no longer rooted solely in position, but also in knowledge and expertise. Power now came with rare and valued talent and skill. New age techies and other high-achievers and talented individuals started to rule the roost, even if it was only departmental. Some weirdness was becoming an accepted cost of doing business and making money.

Combine the so-called new economy with the dot-com boom and the severe shortage of technical and other talent, and companies were now looking purely for talent, and didn't care what color, shape, or size it came in. Diversity almost became a non-issue because you could be purple with two heads and if you had talent, you had job offers.

It actually got to the point that almost anyone could succeed if they could fog the mirror, because organizations were suddenly desperate for warm bodies. And, because demand outweighed supply, knowledge workers and rare talent were now in the driver's seat for the first time in the history of organizations. And they capitalized on it.

Better offers were streaming in, new companies were being formed right and left, stock options were being handed out like candy, and the new worker went wherever the money and opportunity took him or her. Loyalty was now directed toward a profession, not an organization. Free Agent Nation had been born. Employees could truly become owners, even at the entry level.

And guess what these new workers were accused of? Being disloyal! If it weren't so pathetic it would be funny. But more importantly, with this new era also came new perks, privileges and prerogatives ranging from flex time to casual attire to actually having fun at work.

Blasphemy! The values of loyalty and harmony were now being superceded by the values of creativity and innovation. Ideas and results ruled the day!

This period represented a major transition in the world of work. Regardless of the fact that the so-called new economy may have been a flash in the pan, and that workers may never be "in charge" to the degree they were (which I predict will be true again), there was a new acceptance and a growing awareness of the value of diversity. But now it was going way beyond the traditional, legalistic definition of diversity to become The Age of the Individual.

The Age of the Individual (Rejoicing!)

It is coming. In fact, it is already here, but many organizations just haven't figured it out yet, or may still be hoping it will go away. Forget about it! Look around. And don't forget, "*As goes the world, so goes the workplace*." New workers got a taste of what it is like to be appreciated for their individual value, and demonstrated how hard they will work and

> *There's no "I" in team, but there ain't no "we" either!*

how much they will sacrifice for an organization in which they have a stake and that rewards them accordingly. The work ethic is not dead; it has just been redefined.

In the Age of the Organization Man, the concept of teamwork was irrelevant. In the Age of the Individual, teamwork isn't irrelevant, but it is becoming marginalized, particularly where high performance and rare talent is concerned. Whoever coined the phrase, "there is no 'I' in team," didn't seem to notice that "there ain't no 'WE' either!"

If societal trends predict workplace trends, you don't have to look very far to see where we are going. From reality TV, to "An Army of

One," to professional sports, to style and fashion, to music and entertainment, the individual predominates, particularly if that individual is a star, or thinks he is. Standing out is far more important than fitting in, and the rewards are getting greater and greater.

Think about it. Even in team sports, the individual has become king. It may take a team to win a championship, but it's the individual who is inducted into the hall of fame. It's the individual whose records are remembered. It's the individual who breaks them. It may take a team to play a game, but your star scorer can't score unless she has the ball. Teamwork and the concept of free agency do not mix well.

So why and how can we rejoice in the Age of the Individual? Well, aren't you one? It doesn't mean that people don't still pull together and pitch in for each other. It doesn't mean that we still cannot accomplish more, and be more creative as a group. What it does mean is that organizations must now learn to identify, recognize, and reward their stars, shift their focus and emphasis on individual achievement and on finding, attracting, motivating, and rewarding as many of them as they can. It also means the end of catering to the middle and wasting excessive time and resources trying to teach a rock to swim. It's not an option if you strive to thrive in the Age of the Individual.

Understand that when you hire superstars, you do not have a team. You have a collection of individuals. It's the cold, hard truth. And it isn't necessarily a bad thing, as long as you have them doing what they should be doing. Ask any high performer what they think about depending on others for their success (i.e., a team), and in their moment of truth they will tell you quite bluntly that they would prefer to go it alone. You will learn more about this concept of "self-efficacy" later, so hold that thought.

Let's face it, most Americans are *not* inherently team players. We are not a collective society. Asians are collective. Americans are rugged individualists. We were founded by the malcontents who left the flock. It's just not in our culture to rely on others unless we have to. People

will play the game and play along if it is necessary for them to meet their goals, but they feel stifled. Because they are!

Don't get me wrong. It's not like they want to work in a cave. They still want and need others as resources, sounding boards, and comrades, and they will instantly become a cohesive team in a crisis situation, but they do not want to be shackled (stifled) by being forced to defer to a team or a task force on something that is their true forte. Why?

Because in the Age of the Individual, the burning question inside each person is continually, "What's in it for me?" That's not the ethic we saw in the Post WWII era of the '50s, nor is it necessarily mercenary or narcissistic, but it is a new normal for the realities of today's world. And today's world is where we are living. Like it or not, it is what it is. And this is your wake-up call!

Good News/Bad News

Today's high performers have a free-agent mentality. Even those working for large corporations think and act like entrepreneurs. But the concept is not entirely new. Did you ever hear of Einstein participating on a quality circle team? Did you ever see Edison engaged in a group hug or team-building exercise? I don't think so! Geniuses and rare talent don't do well on teams. Never have; never will.

But now they rule, and they can even rule within organizations, if we let them. They must no longer be confined to working in R&D centers, skunk works or as sole proprietors. And traditional team members don't really like them. So why punish everyone, including yourself?

Even where artistic and creative genius *requires* working together, it's like oil and water. Look at how many rock bands and other performing arts groups, even the most successful ones, break up because of personality differences, clashes in creative concepts, and other non-team-like behavior. Many eventually decide to go out as soloists instead. This isn't really new, but it is becoming more prevalent in society and there-

fore in the workplace, thus making it necessary to learn how to embrace it in the most productive and profitable manner possible.

Those who know me already know that I not only respect weirdness, but actually encourage it. You also know that my respect for weirdos lies in the assumption that their weirdness is rooted in brilliance, high performance, rare talent, or some added value to an organization and/or to society; that they have tapped their "natural weirdness," the very essence of why they were added to the human gene pool. But weirdness knows no boundaries.

There are also weirdos who not only bring nothing of value to the game, but are actually a drain, and whose weirdness should not be fostered or even accommodated. We're talking about the difference between an Albert Einstein and a Charles Manson; a Martin Luther King and an Adolf Hitler. Although they were all weirdos in their own right, that does not necessarily mean they all added value to the world. To quote Albert Einstein, "the difference between stupidity and genius is that genius has its limits."

The point is that some weirdos are good, some are bad, and some are just an annoyance. Some add incredible value to the world, while others are merely a painful lesson to the rest of it. Some deserve to be loved, some should just be left alone, and others need to be lost forever. You will see all three categories in the cases that follow.

The goal is to win the winners, lose the losers, and learn how to tolerate or relocate those in the middle; but the real challenge is to know which are which, and what to do with them once you know. It's time for organizations to get tough about the deployment of human resources. Not everyone's weirdness deserves to be accommodated.

Exalting the Age of the Individual is a double-edged sword. On the one side, it can offer incredible opportunity and rewards to the best and the brightest, but it also requires us to bite the bullet when one's individuality offers nothing or even detracts from the greater good.

Think about it. What modern technology company wouldn't love to hire the next Thomas Edison? What sports team wouldn't jump at a chance to violate their salary cap to recruit just a few Michael Jordans or Tiger Woods? What art school wouldn't give their left ear for a contemporary Van Gogh or Michelangelo? What recording label wouldn't sign a bazillion dollar deal with the reincarnated Elvis? (I think one already did.) But once they got them, would they know what to do with them? And could they tolerate the wild eccentricities that can go along with the manifestation of their genius? In the Age of the Individual, we must learn to do so.

Traditionalists and bureaucrats refer to our society and its organizations as a melting pot. I prefer to think of it as a stir-fry, or a tossed salad. No one stands out in a melting pot. In a melting pot, everything is just fused into an indistinguishable blob. In a stir-fry or tossed salad, each individual component maintains its uniqueness, and contributes to the overall experience without losing its distinctive strength or identity. You can still see and taste the red tomato. You can still see and taste the green pepper. After all, you wouldn't put a bunch of salad fixings into a blender would you? Similarly, there are some things you would never put into a salad or a stir-fry, but they would be perfect in some other dish.

And that's the point! Everything and everyone has its place, but not everywhere! And, wherever that is, people want and need and deserve to retain their uniqueness. The same is true of organizations. You may not stand out, or excel, in one job or company or industry, but in another, you may develop into a real winner. Same person, different context; same vegetable, different dish. And it's up to the individual *and* the organization to participate in this journey.

That's why you will find tools and techniques in Chapter 4 that address this issue from all possible perspectives (changing others, changing organizations, and ultimately changing yourself).

The bottom line is that the world of work has changed, never to be the same again. From the advent of diversity and equal opportunity in

the '70s, to the tech-nerd boom of the '90s, to the increased emphasis on political correctness and hyper-sensitivity of today, no one seems to know exactly how to act, or even *if* to act without fear of retribution or persecution. Vanilla has become the safe flavor of choice in many organizations today. And that has to change. It will change.

Please note, however, that in order to maximize and capitalize on this new mindset, both individually and organizationally, does not imply a new laissez-faire management style. With an increasingly exaggerated emphasis on "tolerance of anything and anyone" rooted in a new carte blanche "non-judgmentalism," combined with the new desire for "freedom without responsibility" with the overarching goal of attaining "self-esteem and fulfillment at any cost," you have a recipe for disaster. Weirdness for weirdness' sake is not the goal of a healthy society or organization.

The perceived politically correct need to treat everyone "equally" has resulted in the institutionalization of mediocrity and to the spinelessness of decision-makers. The era of the meritocracy (i.e., an organization in which one's success or failure is dependent upon his/her contribution and value) is long overdue, which exemplifies the underlying purpose of this book: to recognize, value, and foster the beneficial side of weirdness, while putting the brakes on "anything goes at anyone's expense." It's time to get real!

Why Are So Many High Performers So Weird?

Since understanding high performers is one of our goals, let's learn more about what makes them tick. We will go into much greater depth and detail on this subject in Chapter 3, "What's IN With High-Performers?," but for starters, it will help to understand a couple of basic psychological concepts specific to rare talent.

Everyone behaves perfectly rationally, from their point of view

Many high-level thinkers, creative types, geniuses, and results-oriented individuals are low in something called "self-monitoring" behavior. In other words, they do not look in the mirror and ask themselves, "How do others see me?" They don't care! It rarely even enters their mind. They focus almost exclusively on one, narrow area of their expertise or their interest to the potential detriment of how the rest of the world may perceive them.

I admit that I have been as guilty as anyone of this so-called shortcoming, resulting in the occasional social faux pas. I have even rationalized it afterward by saying things like, "I wasn't really looking for new friends anyway." Rejecting others before they reject you is a form of self-defense and self-preservation. You will see this behavior in many individualists, and particularly in those who can "afford" to be different later in the book.

Some high-profile, easily recognizable examples of successful low self-monitors include the historic figures we've already mentioned, like Albert Einstein and Thomas Edison. But there are plenty of more contemporary weirdos like pop-singer Michael Jackson, the legendary Elvis, shock-jock Howard Stern, and even Herb Kelleher, long-time former CEO of Southwest Airlines. I'm sure you can think of many more in everyday modern life.

Some are respected and even admired, some are disdained, but all are highly accomplished, celebrated, and rewarded in their respective fields and equally odd and curious in many ways. Ironically, they succeed both in spite of and because of their low self-monitoring behavior. Isn't it strange how we are rewarding the most antisocial and perceptually abnormal among us? This is a key principle for you and your organization to understand in order to be able not only to tolerate, but to maximize the value of rare talent.

Traditionally, we think of actors, artists, athletes, and scientific geniuses as the most stereotypical examples of brilliant or talented, but bizarre individuals. But today, that same human enigma is penetrating the everyday workplace. In some cases, the weirdness may not even be

exhibited on the job or even in appearance, but rather after hours in the form of weird hobbies, diversions, perversions, or other kinky outlets pursued to fulfill some latent, unsatisfied need.

Case in point: Google, the highly acclaimed web-search engine company, is a case study in savvy management, a company filled with cutting-edge ideas, and an anomaly in the here today, gone tomorrow world of digital technology. Google spends more time on hiring than on anything else. They look for young risk-takers. They define smart as, "Do they do something weird outside of work, something off the beaten path?" They believe that this translates into people who have no fear of trying difficult projects and going outside the bounds of what they know. They do not fear experimentation or change, but initiate it instead. They live and work outside the box.

But is it an employer's business to concern itself with employees' private lives? It isn't, unless it impacts job performance, the business, co-workers, and/or customers, in which case, it does become the employer's business and at which time the complexities of managing become immense. It also takes courage and creativity to do it right. You will see quite a few examples of this in the upcoming case studies, from the commonplace to the bizarre.

Another psychological commonality of high-performers is something called "self-efficacy" (also called internal attribution), which means that many of these "types" perceive themselves as having greater control over their lives and the lives of others than the average person. They rarely see themselves as victims of circumstances. Rather, they are usually the perpetrators of circumstances. They have a greater than usual tendency to "attribute" success or failure to their own actions rather than to external factors.

They accept responsibility, grab it by the horns, and find it next to impossible to conceive or concede that they may not have, or deserve, complete control. They can be boat-rockers, rebels, and malcontents. This is a wonderful and valuable attribute for an organization that rewards results and change. But it is a not-so-great attribute for those

who do not share these traits, or have to work with, for, or over them—especially in situations in which they do not or should not have control. Again, you will see some examples of these in the upcoming cases, as well.

In any event, they *can* be dealt with, managed, and even capitalized upon. There's energy there that can be directed to awesome ends. That's exactly why some weirdos can be a blessing in disguise. The key is to know who they are and how to realize their value by not stifling it.

By the time you finish this book, you will be able to identify where, when, and how to focus your attention on unusual workplace behaviors based upon whether they have relative value or potential to the organization. You will be able to recognize alternative approaches and to select one most appropriate to you and your organization's success. And ultimately, you will have an increased understanding, acceptance, and appreciation for the ever-changing world around you, be able to see it coming, and hopefully be on the road to tapping your natural weirdness to become a more valuable member of the Age of the Individual.

What Will This Book Do for Me?

Weirdos in the Workplace will change the way you think and act about worker behavior, and will empower you to take appropriate action where necessary. You will learn that it is high time to recognize that discrimination is good!

> *Discrimination is good; discrimination is right; discrimination is necessary!*

The concept of discrimination has gotten a bad rap in recent years, and as a result, has been misinterpreted as a bad thing. If someone says you have discriminating taste, it's a compliment! It says that you are able to make worthwhile distinctions and decisions, and that is what is called for in the Age of the Individual. In fact, discrimination is not only good, but it

is right and it is necessary if you expect to have any hopes of Thriving in the Age of the Individual.

So, why write a book that chronicles and analyzes weird behaviors at work? Well, there are several reasons. On the broadest, most prurient level, people just enjoy observing the human condition in its most rare or extreme form. Look at what sells on radio, TV, and the movies! Think of it as a form of societal/organizational voyeurism, like peeking at an auto accident, or watching reality TV. The cases alone make for a fun, and sometimes distressing read.

On a more focused and pragmatic level, however, since most of us have to spend over half our waking hours working with and for other people, it could come in handy to have a handbook or reference guide for survival and success. At one end of the spectrum, we need to learn how to understand and deal with those who cause us the most challenge, pain, or frustration, while at the other end, we need to learn how to accommodate, retain, and elicit excellence from the most powerfully talented of them all.

I recall in my earlier career as a corporate recruiter how candidates in job interviews would always say, "I like to work with people." I got so fed up with this moronic cliché that I got into the habit of following up with the question, "As opposed to what? Dogs?" I hope you like to work with people, because there are an awful lot of them out there! Regardless of your occupation, you can rarely escape human beings! And remember, a weirdo is anyone not like you. Thus, this book!

Finally, and most personally, once you realize the value of "tapping your natural weirdness," you will want to become a high-performing weirdo of worth, if you aren't already. Chapter 4 covers a concept called AIM, which represents the quest to identify and target the intersection of your Abilities, your Interests, and the Market.

Weirdos in the Workplace is an anthology of real-life case studies, showcasing some of the most bizarre behaviors at work, as well as some of the more common, but still challenging, weirdness that occurs

in many workplaces, but for which most of us have no clear solution. It is, however, more than just a compilation of workplace horror stories, and it is *not just another management book*.

It is intended to transcend the pure human resource, management, and business genre to have general appeal and value to anyone who enjoys studying the human condition and anyone who wants to survive and thrive in today's world of work. In order to make this a truly experiential learning activity, I have collected and compiled a diverse portfolio of real-life workplace cases, which you can read, ponder, and then try to come up with your own solutions. Following each case is an expert analysis, accompanied in Chapter 4 by some universal tools and techniques that can be used to approach virtually any behavioral or organizational challenge.

It's a whole package. In Chapter 2, we start with the challenges created by individuals within organizations and offer some solutions. Then, in Chapter 3 we identify the five initiatives for creating a successful organization in the Age of the Individual. Then, in Chapter 4 we move to the dynamics and conditions of individual behavioral change, followed by a "how-to" tool and process for identifying, categorizing, and initiating organizational change. We will finish with a very personal section on how you, too, can become a high performer, which should be one of your goals while reading this book. As you will learn, the more you're worth, the more you can be weird!

In terms of the cases, as a general philosophy, it helps to understand a basic tenet that I teach students of organizational behavior: "contingency theory," which means that the answer to almost every human challenge is "it depends!" There is almost never just one solution, almost always a second right answer, and always more than one wrong answer, as well! That's what makes it so frustrating and so interesting at the same time. That's what makes management as much of an art as it is a science. It is also what makes it not for everyone. Managing today is not for the timid, the uncreative, or the lazy, particularly in the Age of the Individual.

Let's try a few on for size. Is body odor protected by freedom of religion? Which restroom should a trans-sexual use, particularly during their gender reassignment? May an employee moonlight as a stripper? What if the CEO is one of her patrons? Is it sexual harassment if I like it? Tough questions! Do you have solutions?

These are just a few of the unusual and challenging real-life case studies that are profiled and analyzed, but I have not overlooked the fact that there are more common, but almost equally as challenging people problems that can rear their ugly heads at work, so I have included those types of cases as well, such as the employee who buries porno movies on his expense report, the customer who's not always right and whose tirades are not worth the business, and the employee who is always poking at the system for attention.

Just chronicling bizarre and eccentric behavior in the workplace would be an amusing read by itself, but please understand that voyeuristic titillation is not the goal. Whether you agree with some of the weirdness that is becoming ever more evident in our world is not relevant here. This book is not a statement about religion, politics, or morality. It is a book about reality. It's a human resources serenity prayer.

Whatever your religious, political, or societal values and convictions, you cannot escape the reality that we are not all the same, and that society, particularly American society, is increasingly encouraging and even rewarding individuality and extreme behavior—a "new normal." That can be a good thing or a bad thing, which is a fundamental premise and message of this book.

The definition of "weird" is changing as well. The more weirdos there are, the fewer you actually see. For example, weirdos are more visible in Pittsburgh than they are in San Francisco. Why? Because the definition and perception of "normal" is much narrower in Pittsburgh than it is in San Francisco. Because weird has not become the norm in Pittsburgh.

And, like it or not, our laws, our media, our educational systems, and just about every other symbol and institution of our society are moving toward embracing this "new normal." The "normalization of weirdness" is in process right now, and if it is a given, we have no choice but to create new rules and tools to cope with it, deal with it, and to succeed because of or in spite of it. We cannot change reality. But we can change our reactions to it.

This book is not intended to be politically incorrect, nor offensive. In fact, I think you will find that it is actually just the opposite. It *is* honest and direct, which may be considered politically incorrect by some. But, once you understand that in the purest sense, everyone is a weirdo, including you; that the healthiest and most productive definition of diversity is individuality, not race, sex or some other governmental/regulatory definition; and that we must learn to make distinctions based on this new awareness and value of individuality, then you, the organization in which you work, and society at large will all be better for it.

And finally, the disclaimer.

Please note that the names of people and organizations, as well as some of the circumstances referenced in this book have been changed to protect their privacy. The analyses and commentaries are provided as general information and are not a substitute for legal or other professional advice. Neither the author, publisher, nor any other party to the publication or dissemination of this book may be held liable for the use, misuse, or misunderstanding of its content.

Individuality from Soup to Nuts

Chapter 2———

INDIVIDUALITY FROM SOUP TO NUTS

(Cases and Analyses)

This section presents a series of real-life cases of behaviors and circumstances ranging all the way from just plain annoying to downright astonishing. Your challenge is to ask yourself what, if anything, would you do to address them?

If you are the type who does crossword puzzles with one finger on the answer page and the other on the puzzle, you may want to peruse the Tools and Techniques section (Chapter 4) beforehand, so you can have a leg up on the possible solutions. You will learn either way. In this case, it's not cheating, as long as you're learning!

If you are not that type, you can learn as you go by coming up with your own approaches and then comparing them to the expert analyses. Your approaches may very well be better than theirs! Remember, there are almost always several right answers in the world of weirdness.

The Tools and Techniques in Chapter 4 can also serve as a validation and reinforcement of what you have learned and provide you with a nice,

succinct and universal summation of when, where, and how to approach virtually any human workplace challenge that might come your way!

Blue Suit Bob

Bob was a brilliant, high-potential, entry-level college graduate engineer, hired to work in the corporate headquarters design department of a leading Fortune 100, transnational manufacturing company. He was recruited on the campus of a prestigious engineering school, and made it through all his interviews with flying colors—primarily blue. He made the right appearance, wearing a standard-issue, conservative blue "interview" suit, blue-and-white power tie, and shined shoes, was clean cut, and came across as a "good fit" for this conservative, professional image-conscious organization. He got the job offer!

Bob was the type who kept to himself, spoke only when spoken to, and was clearly not a boat-rocker. Several months into his tenure, however, people started to notice that Bob was more than just the stereotypical introspective technical type, which they were all used to. The grapevine had him clearly labeled as a weirdo, not only because he seemed the stereotypical eccentric analytical, but particularly because he was never seen wearing anything but his original blue interview suit. Every day. Every week. Everywhere.

The dilemma was that he looked just fine. His attire was not only perfectly appropriate, but would actually be the quintessential "dress for success" look that every conservative corporate headquarters would love to clone. But please! Every day? Eventually everyone but Bob seemed to be aware of the situation, which eventually led to his manager coming to the Human Resources Department for guidance.

Appropriately so, the HR representative suggested a one-on-one, diplomatic, confidential discussion between the manager and Bob in which the manager should mention the situation, and the fact that, as a highly paid professional, he should be able to afford more than one outfit.

The manager did exactly that, to which Bob responded quite glibly, "But I do have more than one outfit! I have five!" They are all blue! Five blue suits, five white shirts, and five generic blue-and-white ties.

When the manager asked why he had such a "weird" wardrobe, Bob said that since his college placement counselor indicated that this was the most appropriate business attire, and since it apparently worked for him in the interview, he decided to just buy multiples of the same outfit. This way he wouldn't have to think about what to wear every day, could interchange them, and therefore apply his brainpower to more important things, like design engineering. Kind of like Einstein! What now?

Analysis

There are a couple of approaches one can take next with Bob. The first one is to do nothing—just leave him alone. In Chapter 4 (Tools and Techniques) you will find a decision-making tool called the Behavioral Change Map, which would have led you to this conclusion. Let's begin by looking at the first step of the Change Map (Figure 2.1) to see how it applies to Bob:
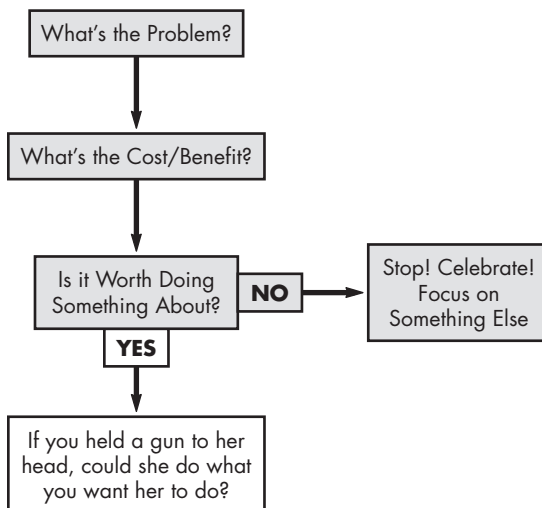
FIGURE 2.1   First step of the Change Map.

If you follow this logic and ask, "What's the problem?" you are really asking "What is it costing the organization?" or "What is the harm in Bob wearing blue suits?" It has no legitimate bearing on his co-workers, as long as he and his blue suits are clean, right? Is he reliable? Is he contributing? Is he doing his job? If so, the first approach is to focus on what Bob does for a living, and let him live.

There is a critical learning point here. Many people, and especially managers, obsess over things that don't deserve that much time and attention. In fact, many times the cost of intervention exceeds the cost of the perceived problem. This is where you learn to let go.

If, however, you determine that the cost/benefit of doing nothing *is* out of whack (customer complaints might be an example), then it would be within the right and purview of the employer to counsel again with Bob, and you might request that the next time he goes suit shopping, since no one can wear the same five suits forever, that he jazz up his wardrobe a bit.

You might even give him a complimentary copy of a dress-for-success book; or better yet, spring for a one-time personal fashion consultant to take him shopping. Most of the finer department stores offer this service for free, since they are going to make money on the purchases they select.

As you will discover throughout most of these cases, this is a case where maintaining one's self-esteem is essential. These counseling sessions should be conducted behind closed doors, and no one but you and Bob need to know that he is receiving such guidance. It is appropriate, however, to let Bob know that his co-workers (without naming or revealing anyone's identity) and your customers have lamented about his weird fashion statement, thus making it job-relevant, and not just a personal attack on his lack of good taste.

Finally, if he really wants to hold onto his Einsteinian logic for choosing his attire in the morning (i.e., requiring no thought), have the fashion advisor teach him how to label or color-code his wardrobe so

that he automatically knows that if he chooses to wear suit "A" that there is a corresponding tie, belt, shoes, socks, etc., all labeled with a corresponding "A" so all he has to do is pick out all the "A" clothes and put them on. Left-brainers like Bob love this idea! Voilá! Solved!

Hey, you may even want try this yourself! Saves a lot of early-morning brainpower!

A Boy Named Sue

Sue was born Stu. A rough-and-tumble boy who became a rough-and-tumble man. He was a real man's man—a Harley-ridin'- beer drinkin'-ass-kickin' dude who had a knack for fixing engines to the point where he became a professional mechanic, working on the big rigs as a career.

But Stu had a secret. A deep, dark secret. For years, he yearned to be a woman. Not just a cross-dresser, but a full-fledged woman…physically. Eventually, his medical advisors agreed to support his need, determining that it was in his best interests, psychologically, to pursue the long and difficult process of "gender-reassignment" (i.e., a sex change).

Together, they petitioned Stu's employer and ultimately won approval for his surgery to be covered by the company medical plan. Stu was on the road to becoming Sue. So, what's the problem? As word got out and the process had progressed to the point where Stu was receiving hormone therapy, it could no longer be kept a secret. Issues arose among Stu's co-workers. One can only guess the number and types of issues, real or imagined, but we are going to focus on the first one.

One of the first issues to arise via a mechanics' union grievance was the question as to which locker room Stu/Sue should use, and when. It was a Catch-22 among the workforce. Neither the men nor the women were too keen on getting naked and showering next to him/her, particularly during the in-between stages of the process. And when does he officially become a she? A decision had to be made. What's yours?

Analysis

Believe it or not, this is actually a fairly easy one. The employer can defer this decision to the medical profession; specifically his/her own personal physician/psychologist team, as to when an employee uses which locker room while undergoing gender-reassignment. In other words, once Stu/Sue provides a letter of approval or recommendation from his/her doctor(s) that the procedure is advanced to the point where s/he can be considered a woman, then that is when the transfer should occur.

That's all well and good, but let's be practical here. It is still going to be a hard sell to Sue's co-workers. So, in order to ease the transition for everyone, it would also be advisable to inform co-workers as to the basis for the decision (i.e., legal and medical, not arbitrary) and some "sensitivity/diversity" training would be in order, as well. This is not easy for anyone: not for the employee undergoing the transformation, and not for his/her co-workers. There is no denying it; no pretending it will go away; no reason or advantage to side-step reality. It is what it is, and it needs to be out of the closet, just like Stu…or is it Sue?

And before you start crying the blues for Sue, understand that this was her decision, that she got the support of the company medical plan, and that part of her transition counseling includes dealing with all of the personal and emotional issues surrounding such a decision. It's your employees who are being blind-sided and for whom we must also show empathy and provide education.

This is the time to remind *all* workers of what constitutes sexual harassment and hostile environment and the consequences of it, as well as all the potential legal ramifications of working in today's "new nor-mal" world of work. It doesn't have to revolve exclusively around the issue of Stu/Sue, nor should it, although most people will probably fig-ure it out. Ideally, this type of training and awareness should have been taking place as standard procedure before a case like Stu's ever devel-

oped. If it hasn't, this is the time. But even if it has, this is a good time for a refresher course.

As a final aside, this might also be a good time to look at your locker room configurations, and if there is one large, common shower and dressing area, it might be worth considering partitions and more private accommodations. Regardless of the Stu/Sue scenario, most employees would rather dress, undress, and shower in private anyway, male or female. Wouldn't you?

A Boy Named Sue (Part 2)

OK, so now we've dealt with the locker room and sensitivity issues. But the saga continues. It's a year later, the gender-reassignment process is complete, and Sue is wearing dresses and make-up and using the ladies' locker room. Things have settled down somewhat, but now there is a job posting, and Sue bid on it. It's a promotion to a higher-grade position; one which s/he feels qualified to perform.

The job went to another bidder, a man (who has always been a man). Sue felt that she had been a victim of sex discrimination based on her new sex, and she filed suit against her employer. Is this possible? To be sued (no pun intended) by a female employee on the basis of being discriminated against as a woman, that the company subsidized to become a woman?

Analysis

Of course! You can sue for anything in this country! But can you believe that such a complicated case can actually be so easy to resolve? Yes, once again, the decision is an easy one. This case was tested beyond the Equal Employment Opportunity Commission (EEOC) level all the way to the courts, and the ruling has stood that, for purposes of enforcement of Title VII of the Civil Rights Act, employees

are considered to be their sex at birth, regardless of gender-reassign-ment or any other effort at changing their real or perceived sex.

In other words, in the eyes of the EEOC, Stu is still Stu, and there-fore cannot be protected by law as a woman. He can still sue for sex discrimination, but it would have to be as a man. Born a man, you can only be protected as a man. Because another man got the job, there was no basis (*prima facie*) for a discrimination case on the basis of sex.

As an aside, it is interesting to note that employers are increasingly adopting nondiscrimination policies pertaining to what are now being called GLBT (Gay, Lesbian, Bisexual, and Transgender) workers, who generally have had no legal protection from being fired if they express a nontraditional gender identity on the job. The Human Rights Cam-paign (HRC), a Washington, DC-based advocacy group, now publishes a Corporate Equality Index that rates companies on their policies regarding workers with nontraditional gender identities.

The Devil Made Me Do It!

Ben the Baptist was also a cop. Not a problem, until he was assigned to provide law-enforcement services at a casino. As a Baptist, Ben's belief was not only that he must not gamble, but also that he should do nothing that would help others to do so. Providing law enforcement services, in his mind, would be facilitating others' gambling, and thus he asked for a different assignment. The police department refused his request, so Ben felt he had no choice but to refuse to report for duty, and just stayed home. Does Ben have a religious right to refuse to work in a casino?

Analysis

No. Ben can be disciplined or even terminated. He is not being termi-nated or disciplined because of his beliefs. He is being terminated or

disciplined for insubordination, for failure to report for duty. Allowing Ben or any law enforcement officer to pick and choose his or her assignments is an unreasonable expectation for the employer. It could even have an adverse impact on public safety, to which he and his fellow officers have a sworn duty.

Freedom *from* Religion?

Here's a new slant on freedom of religion….How about freedom "from" religion? Agnes was hired to be an executive housekeeper for a brand new hotel. One of her duties was to put a copy of the Gideon Bible in every room. During a meeting with her manager and the Gideons, they began to pray and read from the Bible. Agnes, who had no particular religious affiliation, was uncomfortable with the situation, and walked out of the meeting.

When her supervisor called her into his office to discuss this indiscretion, Agnes became quite belligerent and said that she is not required to participate in or be witness to a religious activity, particularly since she is not even a religious person. The conversation went downhill from there, which ultimately led her supervisor to fire her for insubordination. Is Agnes on terra firma or is she going straight to hell?

Analysis

Agnes' downfall is not her religion, but her lack of religion. She cannot claim the hotel discriminated against her because of her beliefs, because she doesn't have any! How can she force the hotel to accommodate her religious beliefs, particularly since the hotel cannot be expected to accommodate every contention that some aspect of a job violates some undefined religious belief?

Case dismissed! Now go straight to purgatory!

Minimum Coverage (Part 1)

Elizabeth, a divorced mother of two, was hired as a receptionist by a prestigious professional services firm, not only because she had the basic skills to do the job (keyboarding, filing, and telephone etiquette), but also because she possessed what used to be called "front office" appearance (before feminism defeated sexism in the world of employment law). Let's be honest. She was a hottie! OK? That doesn't make you a sexist!

Now that we have that established, the plot thickens. Being a divorced mom, Elizabeth worked two jobs to try and make ends meet and to save for her kids' college. In the old days, when it was still legal to hire someone for the front desk because they weren't ugly, holding a second job was called "moonlighting" because it was considered taboo and disloyal, and it was usually done at night. In this case, both might still be true. Why?

Because Elizabeth-by-day was "Betty Boop" by night. She was an exotic dancer. OK, she was a stripper. She wasn't performing in an off-Broadway version of *Cats*; she was twirling her tassels and bearing it all for tips. Enough said?

The grapevine at work was running rampant with stories and whispers intended for everyone to hear about "Betty's" other job. Eventually the human resources department felt it had no choice but to come out of denial, and to find a way to address the issue head on. Can they? Should they? And if so, how?

Analysis

From a purely legalistic, human resources point of view, it's none of their business. Unless, of course, her late working hours are causing Elizabeth to miss work, come in late, or not be attentive to her job. As you will learn, this will be one of the common answers to a lot of these cases, particularly those which involve an employee's "off-duty" behavior.

If it is not job-related and is not having a significant negative impact on the ability of others to perform or on the overall effectiveness of the organization, generally you should leave it alone. You don't have to love 'em, but in some cases you should just leave 'em alone.

Regarding the grapevine, about all that can be done, without exacerbating the situation, is to meet with all department heads and ask them to remind their employees in staff meetings that it is improper and unprofessional to engage in rumor-mongering and that what people do "off the clock" is generally none of their business. Any good manager should be in touch enough to know which of his or her employees are fertilizing the grapevine, but covering the subject in general as an agenda item at a staff meeting prevents finger-pointing and embarrassment, and is a good first step.

In order to avoid "highlighting" this case, it might be best to communicate the company position along with other periodically required policy announcements and reinforcements, such as sexual harassment policies, confidentiality agreements, conflicts of interest, and safety procedures. Otherwise, making a special issue out this situation could actually make it a bigger one since the grapevine is already well fertilized and receptive to even more manure.

As is the case with most "off-duty" behavior issues, it is next to impossible to create black-and-white policies to anticipate or to address all of them. To attempt to govern all questionable off-duty behavior would not only punish good people in the process, but it could also be viewed as "Big Brother-ism" and do more harm than good for the organization at large.

If, in fact, Betty Boop's job performance is suffering, you should address that, and that alone. You gain nothing and open the door to more problems by "assuming" her night job is to blame. Being a manager doesn't make you a psychic. There could be many causes of tardiness, absenteeism, poor performance, and the like. How do you know she doesn't have a substance abuse problem, or a child care problem, or some other issue?

The bottom line is, it really doesn't matter. Address the performance, give her a deadline for correction, and treat it like any other performance management challenge. As we discovered with Blue Suit Bob, by walking through the Behavioral Change Map, the rule of thumb is that the more one's off-duty behavior negatively affects workplace performance or the business as a whole, the more valid counseling, discipline, and even termination become as an option.

However, there are many federal and state laws that restrict the "at-will" doctrine of employment ("at-will" means you can be fired for any reason or no reason, as long as it's not illegal), and many employment experts believe it is morally wrong to fire people because you do not agree with their behavior or do not like what they do in their spare time.

Minimum Coverage (Part 2)

It gets better (or worse, depending on your perspective)! During a private counseling session with Elizabeth, she said, "I don't see why it is such a big deal that I perform at the club at night, especially since it is OK for the CEO to put ten dollar bills in my garter belt for personal lap dances!" *What*?

Yes, the CEO was a patron of the bootie club, and wasn't even aware that she was an employee of the firm. Not that it mattered, but now what? What response do you give "Betty" and what, if any, action should be taken regarding the CEO's extracurricular activities? Geeeze!

Analysis

Neither Betty nor the CEO are breaking the law (we assume it is a legal club in their jurisdiction), so technically it is no different than any other off-the-clock behavior that you may find abhorrent. You don't have to like it, but maybe they don't like some of the clubs you belong to either! And he is the boss!

Using the cost/benefit approach of the Behavioral Change Map (see page 140), an optional intervention that may be worthwhile would be to have either the top human resources executive or a close confidant of the CEO talk to him about his after-hours activities, particularly since he seems to be unaware that he is putting greenbacks into the G-string of one of his own employees.

It could even be couched in terms of the potential he has to compromise himself and the company since she is an employee of the company he leads. Putting a little fear of vulnerability in front of a CEO usually has some impact. You may even ask him what he would do if the media got hold of such a story. Again, even though he has the legal right to ogle boobies, he may come to the realization that this is not the type of image he may want to portray as the CEO. Ultimately the CEO sets the tone for everyone in the company, and if he is truly CEO material, he should be able to figure this out. If not, then you have bigger fish to fry.

If all else fails, a well-placed photo can be worth a thousand words! (Just kidding…maybe!)

Hoof-in-Mouth Hal

Hal is a very competent, talented techie. He is also a co-founder of Computergeeksolutions.com which is a company that essentially serves as a contract IT Department for small to mid-sized businesses that cannot afford to, nor justify, having their own IT Departments. His partner, Katie, is also a very competent technologist, and particularly good at sales and marketing calls. They have a staff of tech support personnel who answer customer support calls and go into the field when necessary.

CGS is in its third year of business, and Katie has been quite successful in lining up prospects and leads and "almost" closing deals. The problem is that Hal feels a need, and also a right, to accompany Katie on

these sales calls, since he is a co-founder and partner of CGS. Unfortunately he is a one-stop-shop of political incorrectness and tactlessness.

Hal not only says the absolute wrong things at the wrong times to the wrong people, he doesn't even know when to shut up. Just when Katie has them warmed up to buy, Hal manages to stick his hoof in his mouth, and cannot seem to extricate it before the deal sours. Katie has them ready to ask, "Where do we sign?" until Hal gets them to say, "Don't call us, we'll call you!"

Whenever Katie tries to debrief a sales meeting with Hal, in an effort to get him to see the error of his ways, he just discounts everyone else who may be offended by his off-color, sexist, or political remarks as being uptight, too sensitive, or some other more disparaging label. It's never his problem! Remember low self-monitoring?

But it is Katie's problem because they are losing potential business, not to mention the impact it could eventually have on their reputation. It has reached a breaking point with Katie, but she is at a loss as to how to intervene and correct this situation, particularly since Hal is her "equal" business partner.

Analysis

There are actually several possible avenues available and/or necessary to deal with Hal. Before we explore them, however, let's go to the Behavioral Change Map again (Figure 2.2), and see where it takes us.

Although the flowchart tends to direct us to the conclusion that Hal's motivation is the issue, let's not be hasty. There is the possibility that he may lack some skills, so this case poses a caveat.

If Hal has never been diplomatic or politically correct, how do we know he can be? So, the first line of attack may be to convince him to take some type of interpersonal relations training (Dale Carnegie, et al.) and see if it sticks. That's one approach. But, knowing Hal, he may
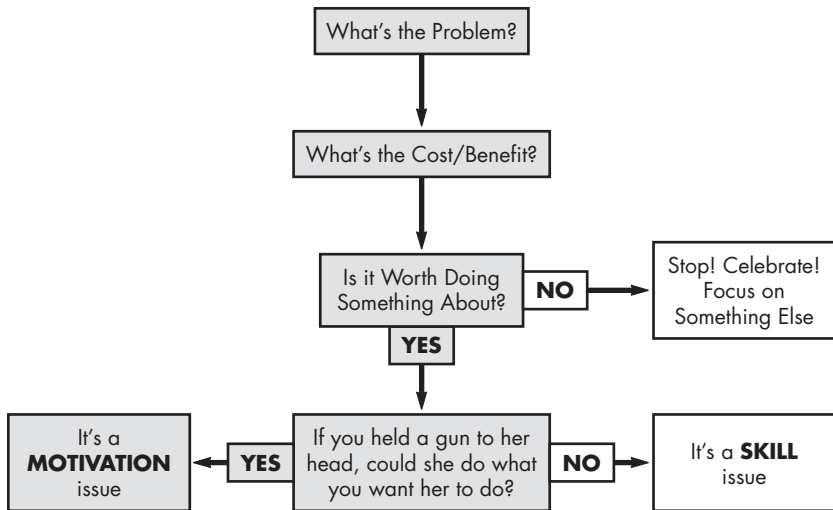
FIGURE 2.2

not be receptive to self-improvement, because, in his mind, it's every-one else who needs to change.

So, if that does not work, Katie may have to have a woman-to-man reality talk with Hal, to see if there might be a better place to use his *skills* to help grow the company, such as a more technical arena. But, since Hal may not be receptive to hearing this from Katie, an even bet-ter approach might be to solicit input from a board of directors, a small business advisory service, SCORE (Service Corps of Retired Execu-tives), or some other non-biased, third-party business growth consult-ant or organization.

Regardless of who it is, they will tell them that one of the first rules of a successful business partnership is for the partners to have non-redundant skill sets. This is particularly necessary when you are lean staffed, because you do not have the luxury of allowing two people to do the same thing at the same time (i.e., double team sales calls), unless each brings enough of a unique value to the table. That is not the case here. Hal adds nothing to the situation. Just don't tell him that.

Finally, if Hal does not respond to interpersonal effectiveness training (i.e., it is not a skill issue), and Katie and the consultants can-

not "motivate" him to bow out of the sales side of the business, perhaps a trial period of Katie and Hal going on separate sales calls (use productivity as an ego-saving ploy) for a period of time to see who has the best success might convince Hal of the virtues of change. After all, as a co-founder, Hal has to be motivated by business growth, so if he can see that his own wallet will be fatter if he applies himself where he is most valuable, the proof will be in the pudding!

This may be a good time to look at the "AIM" Venn Diagram in Chapter 4, because if you drill down as to why Hal may be so flippant about sales, it may be because deep down he knows he is not very good at it or just doesn't like it. But with his ego and defensiveness, it is easier to just discount it to save face. Few of us love to do something that we cannot do well, particularly on a regular basis. It is particularly troubling if Hal has neither the *A*bility nor the *I*nterest.

Bottom line: You will be doing Hal a favor by finding a graceful way for him to bow out of the sales call process. Tap his real abilities and interests such as analyses, written proposals, projections, cost-benefit analyses, etc., and find a way to weave those into an asset to the sales process so he still feels like a contributor, his ego is protected, and both of you can be successful.

If all of these approaches fail, Katie should just buy him out!

Note

The relationship between the Behavioral Change Map and the AIM Diagram: the Behavioral Change Map forces you to make a distinction between one's "skills" and one's "motivation." They either can't do it, or don't want to do it. The AIM diagram drives the point home that without "abilities" (i.e., skills) and "interest" (motivation) one's long-term success is limited. See the correlation?

If You Want the Job Done Right!

Rodney was a creative genius, a budding inventor, and an entrepreneur. He spent several years on his own, on a product that he developed and had patented, and that appeared to hold the promise of fame and fortune. He also spent those years as a loner, by choice. In spite of several highly successful businessmen's offers of support, both financial and professional, Rodney just couldn't share his baby with anyone. He not only feared that someone might steal his secret, but also believed that no one could do things as well as he. He was wrong.

After years of financial ruin, he never really gave up on his invention. That could never happen. But reality finally required that he go back to work for a company. And Rodney found what appeared to be the perfect compromise: a technology development company that prided itself on repeated *successful* new product introductions to the market. Innovation, capital, and implementation all under one roof!

Being highly self-motivated, Rodney did quite well at first, working diligently on a promising new proprietary chemical compound. He not only met his new employer's deadlines and budget, but did so with aplomb. So what's the problem? The problem is that Rodney refused to let anyone else in the innovation chain of command participate in any of it, including the later stages of development—prototypes, packaging, market research, etc. It didn't matter that he had no proven expertise or even any accountability for these responsibilities.

Rodney's "close to the vest" mentality that sank him as an entrepreneur was haunting him still. Once again, he was trapped in the mindset that no one but he was as qualified or capable of taking a project from beginning to end. But this time, it wasn't his call.

But how does an employer capitalize on Rodney's innovative brilliance without driving him away? How do we keep control of the process without losing Rodney in the process?

Analysis

Since Rodney is already on the payroll, and you already know he has value, we need to find a way to tap his talent without stifling his motivation. The first and most effective way (see Behavioral Change Map in Chapter 4) is to manage the consequences; in this case, money (compensation, bonuses, and incentives)!

It may be too late to restructure his base salary (i.e., to reduce it), so we need to find a way to dangle a win-win carrot in front of him, something that we can afford if he meets the objectives, such as a bonus for getting the new product to market by a certain date, or cooperating with certain other key members of the team, based on feedback reports and tangible, indisputable measures. This way, he will have no choice but to "let go" and to learn that he is not the only one with a brain and valuable talent.

Simultaneous to this strategy, you should put Rodney through a psychological assessment process. Let's call it personal development. It's less threatening. You will learn what you already know, that he is a creator, not an implementer, *but he needs to learn it too*! He also needs to learn how others can actually help him succeed. Right now, Rodney would rather fail than admit that he cannot do it all.

Ideally, this issue should have been nipped in the bud, at the point of hire. Not only because it is common for creative and innovative geniuses to also be prima donnas, but also because there are ways to predict and even prevent these behaviors, through psychological testing and profiling. Granted, it may not change Rodney (or anyone like him), but it does afford a reality check up front as to what to expect, and allows you to structure the job and its compensation (consequences) to drive the appropriate behaviors.

For example, some people are creative thinkers like Rodney, while others' strengths may lie in the area of development or advancement of an idea, taking an idea and turning the concept into a reality, while others are implementers, taking it to the market and selling it, and so forth.

Very, very few people, even geniuses, can excel at all of these functions (see AIM to Be Weird, Chapter 4) because they may lack either the ability or the interest to some degree, thus making someone else more qualified.

Once your team recognizes this reality, they can then see the value, both to them and to the organization, of how a true innovation team can and should be formed. With proper assessment and placement, you can create a truly whole-brained team in which no one feels threatened, but all feel enlightened.

Al Naturale

All in favor of diversity, say Aye! All in favor of tolerance, say Aye! All in favor of body odor, say…

Yes, Technerd Industries, Inc. was a company that exemplified the concept of diversity and tolerance. They hired engineers, scientists, and every other skilled trade from around the globe. They even facilitated and subsidized immigrants' efforts at gaining citizenship in order to stay in the U.S. and work for their company. They valued talent, period! Bring us your huddled masses! And it worked. They hired the best and the brightest, and had fewer recruitment challenges than most of their competitors. When you worked at Technerd, you knew that diversity and tolerance of others were the hallmarks of their culture.

But, there was a limit, at least in the eyes (and noses) of the "sweet smelling" camp. It was just expected that everyone would come to work in the morning smelling fresh or not smelling at all. But, it became common knowledge that a detour was necessary when travel-ing the halls and cubicles of Technerd if you did not want to experience the sensory sensation of Mr. Al Naturale. Bottom line: He had extreme body odor, and no amount of incense or air freshener could cover it up. That would be like trying to spray perfume on a piece of poop.

Finally, a group of standard-smelling serfs stormed the Human Resources office to file a formal complaint. They made it clear that it

was not only offensive, but also a deterrent to their productivity and morale. One comment made was, "What ever happened to majority rule? Al is in a distinct minority, and not only in the legal sense of the word. Something has to be done!"

What would you do?

Analysis (Part 1)

Every organization should seek diversity. Diversity means different points of view, and different points of view mean more ideas and greater potential for creativity. But diversity has limits. Those limits include not having to put up with someone's body odor, which makes it difficult to concentrate and work effectively.

Just as an employer has the right to set minimum typing speeds for typists, it has the right to decide whether its workplace is smoke-free or odor-free. Here Al's co-workers found it difficult to maintain productivity and morale. Why? He smells bad! This has nothing to do with disliking how someone "different" looks or acts. Al's smells weren't just different. They were offensive, and Technerd has a right to have him shape up or ship out.

Having to tell an employee that his body odor offends others is not a pleasant task, but ignoring the problem is only going to create more problems down the road with his co-workers. Before meeting with Al, it would be prudent to investigate the allegations, assuming you have never been downwind of him yet, to confirm that the complaints are legitimate.

Upon confirmation of the stench, schedule a private meeting with Al to address the issue. Be sensitive, but direct. Treat it as you would any other job-related issue, because it is. If the opportunity presents itself, suggest measures for correcting the problem, like bathing daily and wearing deodorant.

One caution, however: Do not suggest possible medical causes for body odor because doing so could lead to implications related to the

Americans with Disabilities Act (ADA). If Al volunteers such informa-tion, i.e., that the condition is medically related, ask for a physician's certification to determine if, in fact, he does have an ADA-protected dis-ability. If so, then you must determine if a reasonable accommodation is feasible. For more information on ways to accommodate employees with medically related body odor, see the web site of the Job Accom-modation Network, a service of the U.S. Department of Labor's Office of Disability Employment Policy at *www.jan.wvu.edu*. The page on body odor is at *www.jan.wvu.edu/soar/other/bodyodor.html*.

Al Naturale (Part 2)

Upon counseling Al, his supervisor discovered that Al's culture and religion do not believe in the use of perfumes or other artificial sub-stances on their bodies. Is Al's right to smell protected by law, as a reli-gious freedom or right to free expression?

Analysis (Part 2)

It may sound un-American, but legally speaking, if Al works for a pri-vate employer, he has no right to freedom of expression in the work-place. Private means not part of the federal, state, or local government system. Federal and state constitutions protect folks from *government* abuse. Al has no constitutional rights, such as freedom of speech or expression, subject to protection from a private employer.

But claiming religious preference and religious discrimination makes the situation more interesting. Hasidic Jews, as an example, are an extremely orthodox branch of the Jewish faith. As a matter of reli-gion, they use no soaps or perfumes. On a hot summer day in a New York subway, dressed in dark, heavy clothing, they can get a bit "ripe." But they can do that, free of discrimination, because the transit system ordinarily is owned or authorized by a local government, and travelers have constitutional rights to freedom of religion and expression.

But a private employer like Technerd is different. It probably is subject to Title VII of the Civil Rights Act, state, and local laws which forbid religious discrimination. Put another way, Technerd cannot treat people adversely because of their religion and must reasonably accommodate people's religious convictions.

But what if an employer has a job-related reason for something that unintentionally impacts a person's religious convictions adversely, or someone's religious observance causes hardship to the employer? The law permits such "discrimination." In Al's case the hardship to Technerd's business is evident. His smells make it difficult for employees to concentrate at work. If Technerd cannot force or persuade Al to eliminate or control his odor, employees will not be able to work effectively and otherwise efficiently. That would hurt the business, and that permits Technerd, within reason, to clamp down on Al and his smells.

But what if Al works alone in his own office and a ventilating system could make virtually all of his smells disappear? What if Al works strictly on a computer with no human contact, customer or employee? In either situation, and if Al's smells are driven by religious belief, the employer may not suffer a sufficient hardship to "de-skunk" him. In that situation, or in a disability case (Al may smell because he has some disease), Technerd should engage in a dialogue with him to learn about his smells, their root, the detrimental effect they are having on the business, and balancing odor and business.

Why? To explore and hopefully find a way to eliminate or drastically reduce the problem with the least effort, cost, and infringement on Al. If Technerd does this, it is on a far firmer legal footing, regardless of its final decision.

Chatty Cathy

Cathy is an accomplished creative writer. She works in a cubicle. So do her neighboring co-workers. Unfortunately for them, Cathy's way of

processing concepts is to think out loud. She talks to herself, all day, almost all the time. Whether it's just a nervous habit, or her way of thinking and problem solving, no one really cares. All they know is that it is annoying and distracting.

After a while, her co-workers started to listen more closely to see if they could eavesdrop on her self-talk and see if they could get her into trouble for something. However, all they could hear was her talking her way through various projects, brainstorming alternative creative commercials, rehearsing her next phone conversation, and other non-descript but job-related banter.

But that didn't make it any less irritating. The troops managed to get their collective bowels into an uproar, and eventually Nellie, who works in one of the adjacent cubicles, was nominated to go to her boss to see if he could put a muzzle on Cathy. She claimed that it was an infringement on their personal peace and space, and that it was just weird, and that she and her fellow eavesdroppers were sick of it.

Should Cathy be muzzled?

Analysis

This has to be a common phenomenon in today's open office environments. But why should Cathy's self-talk be any more distracting than if she were on the phone all day? The bottom line is that Cathy's co-workers are bothered more by her weirdness than by her talking. Unless Cathy is screaming, or spewing obscenities, or truly creating a hostile work environment, it's no one's business that she has a weird habit of talking to herself. Not to mention the fact that she has a successful track record of idea development, thoroughness, and other performance indices that prove that her method works for her.

There is a solution, however, for anyone working in such an environment. It's called white noise. Many companies, unbeknownst to anyone, pipe in a constant shhhhhhh sound that is amazingly effective at canceling out or covering up conversation. It is more for privacy purposes than

anything else, but it does work. In fact, in my early days in labor relations, and before the technology of white noise existed, we would caucus in the bathroom of our hotel room next to a running shower in case the room was bugged. Low-tech white noise! Same principle.

Assuming Cathy's company does not want to invest in white noise, Nellie and her nosy friends can buy their own personal noise cancellation headsets, which do the same thing, but even better. They aren't for playing music, unless you want them to, but they do cancel out extraneous noise. Some people use them on airplanes so they can sleep while their noisy fellow passengers hoot and holler.

There are plenty of personal solutions that Nellie and friends can pursue such as mini-waterfalls, low music, etc. without having to embarrass or inconvenience Cathy, who is harming no one. Otherwise, tell Nellie and her friends to pay more attention to what's going on inside their own cubicles and maybe they won't be so easily distracted.

Walking Art

Art is a Gen "Y" individualist whose hobby is to "personalize" his body. He has a bolt through his nose, a stud in his tongue, rings through his eyebrows and tattoos in all the right (or wrong) places. Art thinks of himself as, well…exactly that… living, walking "art."

The problem is that Art is a front line service worker in an assisted living facility for senior citizens, and his appearance scares the bejeepers out of these poor folks. One man almost had a heart attack when Art walked into his room one night to clean his bathroom. Residents walk on the opposite sides of the hallways when Art approaches. It has become a recurring topic of conversation in the dining room, and elsewhere in the community among the residents.

Art claims that his "body art" falls into his right to personal freedom of expression, and that he has a lifestyle outside of work that respects and even admires his sense of style, and that people just need

to lighten up, be more open minded, and get used to the "diversity" of today's generation. After all, we always talk about tolerance and acceptance of diversity, so why should he be "discriminated" against? Shouldn't people just learn to adapt?

Analysis

NOPE! Self-inflicted diversity is not a protected class. Art wasn't born with a bolt in his nose, or a naked lady on his forearm, so just give up on the diversity angle. Art can express himself as painfully as he wishes when he is off the clock, but given the nature of the customer and the business, it is no different than requiring the wearing of hair nets in the kitchen.

After all, some organizations legitimately and legally prohibit beards for those who may have to wear respirators in an emergency. Other companies prohibit the use of foul language to prevent creating a hostile work environment for others. Art can express himself somewhere else.

A reasonable solution may be to have Art remove his hardware and to cover up his tattoos with long sleeves and pants to whatever extent is possible while on duty. He is not impressing senior citizens with his personal expression, and he is not being denied his so-called right to express himself in the outside world.

Ultimately, if he cannot put a lid on his self-expression, your decision becomes one of placement elsewhere, like in the kitchen or some other less visible position, if he is worth keeping at all. It is job-related, period!

Somebody's Got to Do It!

Hardcore Software, Inc. is a leader in servicing a multitude of clients in the X-rated, adult e-commerce and web-based entertainment industry with everything from web design, merchant account processing systems, video streaming, and even content development. In other words, they serve the purveyors of Internet porn.

In the process of providing these services, it is an inescapable reality that employees are subjected to graphic sexual images and activities, and, as in any service-related company, they are also expected to have positive interactions and to even schmooze with client representatives on occasion.

Mary, a junior staff member, has been with HSI for six months, and has managed to avoid all contact with clients. She conveniently makes herself unavailable for company/client activities such as trade shows, sales meetings, socials, and other gatherings, by always having a "personal" excuse like a family emergency, doctor's appointment, spontaneous vacation plans, personal business, etc.

Her opinion of the clients and the industry are well known, as she continually makes pejorative comments to her co-workers about them both, with utter disgust. But the job pays well, it meets her needs geographically, and offers her the flexible work schedule she needs. So, she has decided to tolerate the "other" issues.

Mary's savvy at being invisible around the client and at never being available for other business development activities has started to rub her co-workers the wrong way. It has also come to a head with her supervisor, who feels these roles are a necessary and required part of the job.

Upon meeting with Mary about these issues, Mary said that she was hired to do a specific job, and that she does that job well. To participate in these extra-curricular activities with people she considers lewd and lascivious goes against her values and her religious upbringing and that if she is forced to do so, she will file a charge of sexual harassment by reason of hostile work environment.[1]

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1. There are two bases for filing sexual harassment charges: 1) Quid Pro Quo: occurs when an employer or supervisor links specific employment outcomes to the individual's granting sexual favors, i.e., sleep with me and you'll get that promotion, and 2) Hostile Environment: occurs when sexual harassment has the effect of reasonably interfering with employee work performance or psychological well-being, or when intimidating or offensive working conditions are created.

Analysis

If, in fact, networking and schmoozing are an integral part of Mary's job, this issue can be dealt with as purely a performance issue, which is the preferable route for Hardcore Software. Ideally, this would have been part of her original job description and even part of any new employee's orientation program.

An effective new employee orientation program should be about more than just how to fill out benefit forms or where the restrooms and cafeteria are located. Orientation programs should be used to instill values: specifically, company values. And the values of a company like HSI are not hard to understand. Difficult to respect, maybe, but not hard to understand.

And long before an employee is hired, at any company, but especially one like HSI, it is critical that employment candidates be given something called a "Realistic Job Preview," or RJP. Too many companies see recruitment as more of a sales pitch and only tell people the good stuff, rather than as an opportunity and an obligation to have both parties assess whether they will be a fit for each other.

An RJP gives candidates the good stuff, but also makes sure they are aware of the potential downsides of working at a particular company. Whether it is extensive travel, difficult customers, odd hours, challenging conditions, or whatever, it does neither party any good to hide the bad and the ugly parts of working there only to have them revealed after they are hired. For Hardcore Software Inc., it is particularly important to be sure that candidates understand the nature of their clientele, their products, services, and expectations.

In extreme cases, some employers have even been granted a special exception, called a BFOQ (bona fide occupational qualification), which actually allows them to discriminate on otherwise illegal bases and exempts them from potential employment discrimination claims.

For example, a man might not be able to sue a lingerie catalogue for refusing to hire him as a model, even though it was obviously based

upon his sex. Their customers do not want to see a guy's marble bag wrapped in silk. Or, a black cosmetics company might discriminate against a Caucasian to demonstrate their line of products, even though it is clearly discrimination on the basis on race.

Additionally, there have been cases (*Ocheltree v. Scollon Productions, Inc.*, 4th Cir., No. 01-1648) in which the courts have ruled against a female employee who complained of offensive sexual conduct and language by male co-workers, holding that sexually explicit jokes and language directed at and offensive to *both* genders cannot constitute discrimination because of sex. An employee is discriminated against "because of sex" only if the conduct would not have occurred but for the employee's gender, the court held.

Although anyone can sue anyone for anything in this country, unless there was some targeted activity toward Mary causing her emotional distress of a sexual nature, she would be hard pressed to be able to make a claim of hostile work environment. And, to reaffirm, if the nature of her job requires socializing and interacting with clients, HSI would be perfectly within its rights to counsel her based upon not meeting the performance expectations of the job.

What's It to Ya?

Cliques are nothing new. They form at school; they form at work; they even form at church. But one clique in particular seems to trouble everyone who isn't in it. Every day at lunchtime, Stan and a handful of employees gather at one table and pretty much shun everyone else. They seem to always be planning something together for evenings, weekends, etc. And they seem to have a real attitude about it.

So what? Others are on bowling leagues together; they go to sporting events, picnics, and all sorts of other "group" activities. Why so much fuss about this clique? Just because they are all white men with

shaved heads, risqué tattoos, muscle shirts with swastikas, and narrow views on the roles of minorities and other protected classes in society?

Exactly! They were Ku Klux Klan, white supremacist skinheads! Now what?

Analysis

The employer here is almost certainly subject to federal, state, and/or local laws forbidding workplace discrimination, including, in particular, prohibiting racial, national origin, and religious workplace discrimination. That means that an employer has a duty to keep its workplace free of discrimination by everyone, not just its supervisors, but also its employees, vendors, and customers.

It is illegal and also unwise (and loony!) for an employer subject to these laws to allow an organization like this one to advocate white supremacy at the workplace. Our "equal employment" employer therefore needs to clamp down on this clique, by written policy and warnings of discharge. In no uncertain terms, our EEO employer has to make absolutely clear to this klan that it has no right, in the workplace, to act upon or even voice any deep-seated feelings that run contrary to our equal employment laws. *If* they want to stay employed!

To the extent any of these supremacist skinheads manifest anti-race, anti-national origin, or anti-religious actions or words ever again, we can say "sayonara" to them, once and for all. Saying goodbye in Japanese would be an ironic send-off to let everyone and anyone know that diversity is *good* and for them to make themselves "diverse" by leaving the workplace, never to return.

But what of their freedom of association, expression, or speech? As mentioned earlier (see Al Naturale), there are no such animals if our equal opportunity employer is a private (i.e., non-government) company. But even if it is a public employer, employees making up the KKK clique have no *unlimited* right of association, expression, or speech, where it will or can cause dissension, confusion, or outright

violence in the workplace. That is the reason why no one, for instance, has a right to yell "Fire!" in a crowded movie theatre because the ensuing panic could kill or injure people.

Abused and Confused

Suzie was the receptionist at a major financial services firm. She greeted folks as they came into the main office, managed the switchboard, and did some filing and typing in between. Her attendance was good, her skills were fine and she was well liked by everyone. But apparently things weren't going so well for Suzie at home. She would come to work wearing long sleeves in the middle of summer, heavier make-up than usual, and even tinted glasses on occasion. She was even heard crying in the ladies room when she thought no one was around.

Eventually the grapevine was quite fertilized, and there was no avoiding the issue any longer. It was obvious, even to customers and other outsiders who came to visit, that Suzie was being abused by someone. So, her supervisor asked Human Resources for assistance. What could they do to help Suzie without prying into her personal life? Do they have a right to talk with her about it? Her job performance continues to be fine, but it is causing tension and distraction among employees and particularly with customers, vendors, and others with whom the firm does business.

Analysis

Let's go back to the Behavioral Change Map one more time (Figure 2.3).

In this case, we don't need to waste a lot of time defining the problem or doing a cost/benefit analysis or even belaboring whether this is worth doing something about. One's life and limb may be at stake here, not to mention the negative impact this has on customers, clients, and co-workers.

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                    ┌──────────────────┐
                    │ What's the Problem? │
                    └──────────────────┘
                              │
                              ▼
                    ┌──────────────────────┐
                    │ What's the Cost/Benefit? │
                    └──────────────────────┘
                              │
                              ▼
        ┌──────────────────┐              ┌──────────────────┐
        │ Is it Worth Doing │  NO  ──────▶ │ Stop! Celebrate! │
        │ Something About?  │              │ Focus on          │
        └──────────────────┘              │ Something Else    │
              YES                          └──────────────────┘
               │
               ▼
┌───────────┐      ┌──────────────────────┐      ┌──────────────┐
│ It's a    │ YES  │ If you held a gun to her │ NO │ It's a SKILL │
│ MOTIVATION│◀──── │ head, could she do what  │──▶│ issue        │
│ issue     │      │ you want her to do?      │    └──────────────┘
└───────────┘      └──────────────────────┘             │
                                                          ▼
                                                 ┌──────────────┐
                                                 │ Can you make  │
                                                 │ it easier to do? │
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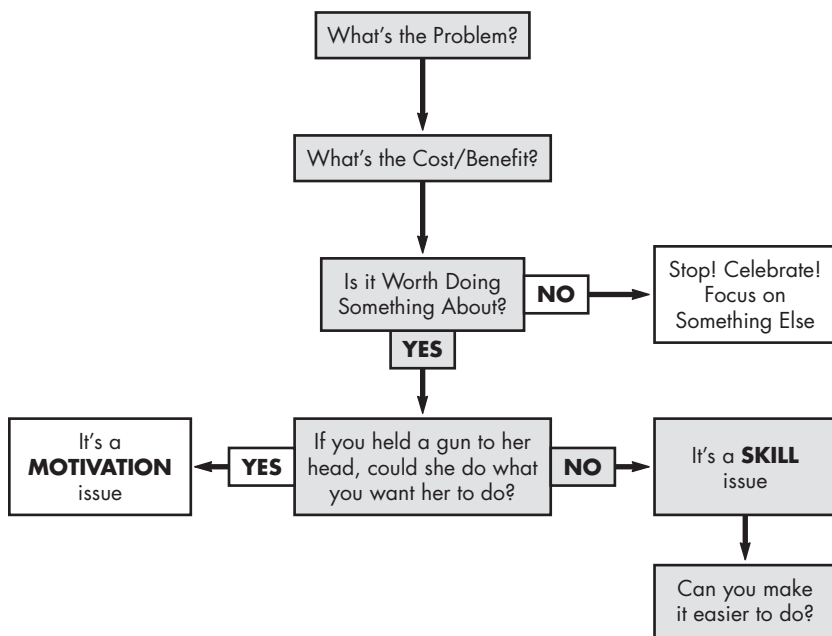
FIGURE 2.3

And believe it or not, many individuals in this situation are completely blinded by it, and cannot even see any options for dealing with it, so it's certainly not a motivation issue. So, if it's a skill issue, the next question is, "Can you make it easier for her to do?" And the answer is "Yes."

Analysis (Part 1)

Human Resources suggested referring Suzie to the Employee Assistance Program (EAP), a confidential, third party provider of counseling and referral services, and tried to avoid getting into the specifics of her personal life. They decided that it would be okay to let her know that they were concerned about her well-being, but they could not force her into counseling or to seek legal counsel.

There was no denying that she was coming to work bruised and battered, so whether she wants to admit to the cause or not is up to her.

From a human resources perspective, since her job skills were not lacking, and her attendance was not suffering, there was no basis for "performance counseling." So Human Resources, along with her immediate supervisor, agreed to sit down with Suzie and make her aware of the obvious, and to suggest she contact the Employee Assistance Program provider.

Abused and Confused (Part 2)

When Suzie's supervisor and HR sat down with her to make her aware of the EAP, she just clammed up. She refused to acknowledge that there was any problem at all, and even suggested that her bruises were due to a fall and then from some extra-curricular sports activities. When confronted about her crying in the ladies room, she said that she has always had mood swings, that maybe it's some hormonal thing.

It was obvious that Suzie was in total denial and was probably afraid to reveal the true nature of her situation and cause of her injuries. HR and her supervisor were also in no position to insist upon any further action at this time.

As might be expected, Suzie's situation did not improve. In fact, things only got worse. It got so bad that her supervisor actually pulled her off the job one morning when she was obviously injured to tell her that she had to deal with whatever the issue is because it was beginning to detract from her effectiveness on the job, with her co-workers and with the public. In this regard, and to this degree, it *is* job-related and not just personal any more.

She finally confessed that her boyfriend was the jealous, possessive type and that he was always accusing her of all kinds of suspicious activity, and that no matter what she said or did it always ended the same way. She would deny it but then he would call her a liar, blow up, and then beat her up. She said that he would always apologize later and promise that it would never happen again, but eventually it always did.

To complicate matters even further, she was now in fear for her life. She said that she could not go to the Employee Assistance Program because her boyfriend would never permit her "airing their dirty laundry" and that this would make him look bad, and only make matters even worse for her and her daughter. He made it quite clear that if she ever breathed a word of their domestic situation to anyone that she and her daughter would regret it, so she is between a rock and a hard place.

Analysis (Part 2)

Now that Suzie has confirmed her situation with her employer, they and/or the Employee Assistance Program (EAP) personnel are in a position to give her appropriate counsel. Ideally, it should come from the EAP to keep it confidential, and because that is what they are paid and trained to do.

Although it may not happen, the logical next step is to get Suzie to separate herself from this guy, and to get a restraining order against him. Each year, over a million employees become victims of violent crime at work, according to the U.S. Department of Justice. When violence from domestic partners threatens to spill over into the workplace, employers should use every tool available to protect themselves and their employees. It's no longer personal; it's their business!

One of these tools is a court restraining order barring an aggressor from the workplace. Although we see them violated time and time again in the news, restraining orders are still one of the only legal and necessary tools available in the fight against abuse, whether at home or at work.

Restraining orders are creatures of state law, and as such, vary widely from one state to another on a variety of issues. Therefore, it is best to seek specific advice from an expert in employment law in your state. And, once again, this should be something that your EAP should be able to orchestrate.

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