

by Boyd Byers

Bad Employees Teach Good Lessons

The end of the year is a time for reflection. And every year, the world of HR and employment law seems to get stranger. Here are a few examples of bad employee behavior that made the news over the past few months — and what you can learn from others' misfortunes.

Paid time off while doing hard time?

Philip Giordano, former mayor of Waterbury, Connecticut, sent the city a letter demanding \$61,000 for unused paid time off he says he earned during his three terms in office. He claims that under city policy, he could accumulate unused time off and cash it out when leaving, so the city owes him for 13 weeks of vacation, 99 days of sick leave, and 27 personal days.

While there's nothing unusual about a terminated employee seeking unused paid time off, there's more to the story in this case. Giordano's employment ended abruptly when he was arrested for molesting two preteen girls in his office. His demand letter came from prison, where he's serving 37 years to life on federal civil rights charges (and awaiting trial on state charges for the alleged molestations).

The city, not surprisingly, denies the claim. It says it doesn't provide vacation, sick, or personal days for elected officials.

This story serves as a reminder to ensure your paid time off policies are written clearly and address various contingencies: When and how is paid time off earned and accumulated? When can (or must) it be used? Can it be carried over to subsequent years? If so, are there any restrictions? Can it be cashed out and, if so, when and under what circumstances? Will employees be paid for unused time when employment ends? If so, are there conditions or limitations?

Under Kansas law, once an employee has met all prior conditions to "earn" paid time off, you can't withhold it or take it away. And if your policy isn't clear about a particular point, it likely will be construed to employees' benefit.

Supervisor's discipline method a big hit

You think your boss is tough? A supervisor in Hollywood, Florida, was arrested on felony charges for hitting one of his employees several times on the chest and back of the head with an aluminum baseball bat. Witnesses say the incident resulted when the supervisor became upset over the way the employee was performing his job, which led to an argument and then a fight.

This year, take extra time to train supervisors how to properly discipline employees. Teach them techniques for dealing with insubordinate or problematic employees. (Hint: Physical violence shouldn't be one of them.) Also, make sure your workers' compensation and general liability insurance premiums are paid up!

Turn up heat on fake degrees

Resumé fraud made headlines again in 2006. RadioShack CEO Dave Edmondson resigned after a Fort Worth, Texas, newspaper reported that his resumé contained false information. His resumé said he had two degrees from a college in California, but the school had no record of that, and he later admitted the information was "incorrect."

Resumé fraud remains rampant, with one study showing that as many as 40 percent of workers exaggerate or lie on resumés and applications. Make the effort to check with schools, past employers, and other references to ensure applicants provide accurate information and meet job requirements. (Don't forget to comply with the Fair Credit Reporting Act's requirements if you use a third party to perform background checks for you.) A little work on the front end can reduce problems and turnover later on, saving you time in the long run.

Happy hookers, unhappy coworkers

Shang Hsiung, a (now former) federal government employee in Maryland, faces prison time after admitting he stole coworkers' credit card numbers to hire prostitutes. The U.S. Attorney's Office says he racked up nearly \$40,000 in charges to escort services over a five-year period.

Identity theft continues to be a major problem. Take proper steps to safeguard your employees' social security numbers, financial account numbers, and other confidential information. And don't forget that a new Kansas law requires you to notify employees and other individuals if electronic records containing their confidential information have been improperly accessed or misused.

He said it

"Those who fail to learn the lessons of history are doomed to repeat its mistakes."

— George Santayana