

“BRONIES” AND A MACHETE MAKE FOR INTERESTING HR

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The world of human resources, people management, and employment law is often mind-numbingly dull. Contract interpretation, policy enforcement, compliance seminars, benefits calculations, peer evaluation processes...it's enough to put you to sleep sometimes. But fear not! This month I have collected four of the oddest stories from around the country that should capture your interest and teach you a few valuable lessons. Without further ado, let's dive right in.

PARANORMAL ACTIVITY IN THE OFFICE

Two employees for a county in Montana were reprimanded recently after it was discovered that they had installed hidden cameras in the office that could have spied on co-workers. Their explanation? They were working with the Butte Paranormal Investigative Team in an effort to capture ghosts on video and decided the best way to go about it was to install a few recording devices in one of the building's little-used rooms. Unfortunately they forgot to tell anyone else, and after their sleuthing failed to uncover evidence of the supernatural, they forgot to take down the cameras. A few months later a co-worker spotted a camera and reported it, fearful that someone was spying on workers. County managers concluded that no laws were broken and were satisfied that the surveillance was not sinister in nature, and rather than fire the offending videographers, they decided on a strong reprimand.

Lesson: Leave the ghost hunting to the professionals. And keep it out of the office. Employers have the right to monitor

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public areas of the workplace by video, but it is always advisable (and sometimes legally necessary) to warn employees in writing – and by public signage – that the areas are under video surveillance.

CAN YOU FIRE SOMEONE FOR BEING A “BRONY?”

If you have to ask what a “brony” is, you obviously didn’t follow one of the more interesting stories that surfaced on the internet in October. An anonymous poster to the popular Reddit.com website reported that he had been terminated from his white-collar office job because of his love for the show My Little Pony – he and other like-minded adult male fans of the show call themselves Bronies (mashup of the words “bro” and “pony”). He reported that his boss talked to him about how uncomfortable he was with the worker’s desktop background of Applejack the Pony, and then ultimately fired him after he was having a conversation with other co-workers about his love for the Brony culture. As of now the worker has not initiated legal proceedings, but that could change any day now.

Lesson: Generally employers have the right to fire at will employees for any reason as long as its not an illegal reason, and as of yet being a Brony is not considered being part of protected class (but I’m sure someone in California will start a petition soon). However, employers need to be careful not to stereotype their employees when it comes to preferred gender characteristics and lifestyles. Many lawsuits have been filed by female workers who were told they needed to look more feminine, or male workers who were instructed to stop acting effeminate. If the employer’s termination was based on the fact that the boss thought the man should act more like a man and stop playing with ponies, a lawsuit could find some traction.

“WELCOME TO YOUR NEW JOB! HERE’S YOUR MACHETE.”

Most employers take pains to ensure they provide a safe working environment for their employees. Besides OSHA requirements and legal obligations, your average employer cares for the well-being of its workers. This is especially true if you are in industry that has above-average safety concerns: those in the construction, sanitation, production, and transportation industries in particular. And if you employ those in risky endeavors where a weapon may be

needed because of a possible criminal element – law enforcement, security workers, taxi drivers, convenience store workers, etc. – you have an extra set of concerns. A New York area convenience store solved this problem by arming its workers with a machete kept behind the counter. And when an armed robber entered the store late one night last month, the clerk grabbed the machete and chased off the intruder. Video surveillance shows the clerk chasing the robber off through the store parking lot, fleeing without any loot.

Lesson: If your security measure involves a sharp weapon of any kind, you may want to rethink your workplace policies. While it is great to have foresight and think ahead regarding risks and threats your employees might face, you probably want to adopt a safety policy that is perhaps more measured and less risky than a sharpened blade. All workers should be trained on what to do in the face of a security threat (hint: don't chase someone with a machete) and you should consult safety/security experts if you have doubts.

“ISN'T IT IRONIC? DON'T YA THINK?”

Finally, the life of a celebrity isn't always perfect – sometimes even the beautiful people face the same employment troubles that you and I do. Last month, pop singer Alanis Morissette was served with the jagged little pill of a wage and hour lawsuit filed by her former nanny. The nanny claimed that she was never paid overtime and not allowed to take meal or rest breaks while working 12 hour shifts caring for Alanis' son for several years, including being forced to stay in the bedroom while the child was napping to watch over him. The lawsuit seeks to reach into Alanis' pocket and take over \$100,000 for wages and emotional distress.

Lesson: You oughta know that you have to pay your employees for all of the overtime they work, and that you need to comply with your state's laws when it comes to meals and rest breaks. Plaintiff's attorneys love to take these lawsuits because they are notoriously difficult to defend and often very fruitful for them, so if you don't have a well-documented policy that is closely followed and monitored by your supervisors, you could be running a serious risk.

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