

Grin and Bear It? Jill's Dream or Demise

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ABSTRACT

This case is about a professional woman nearing retirement age who was put on a performance improvement plan (PIP) and eventually was offered a severance package to leave her company. The reader explores the issues facing the employee and the employer as they navigate this difficult terrain. Was this a forced or voluntary separation? How did Jill go from her dream job to her demise? Did Jill deserve to be separated based on performance? The Teaching Note (TN) provides expert opinions from the legal and human resource perspectives on the topics of discrimination, employment law, and unjust dismissal. A series of case questions and answers, three suggested teaching activities, and additional resources are included in the teaching note.

Walking Into a Mess

It was my dream job and I loved every minute of the workday. I was in an interface role between the Information Technology department and the accounting department of a major insurance company that employed thousands of employees worldwide, with hundreds of employees at our headquarters in Hartford, CT. As a result, I had access to important company information such as sales, financial results, payroll information, and our clients' and customers' insurance claims. I am a hard worker and a very conscientious employee. At age 58, I've been in the workforce over forty years and I have high expectations for myself and others. Therefore when I observed my coworker Janice throwing away client claims or simply ignoring them in order to reduce her workload in order to meet her numerical targets for the month, it really bothered me. I blew the whistle on Janice, and since the company had a policy that claimed no retaliation, I knew I would be protected. They fired Janice after investigating her claims' log. Luckily the company was able to reestablish those claims that she had physically destroyed.

There's One in Every Company and I Found Her

I was promoted after I blew the whistle and was noticed for my commitment to the company and attention to detail. I really wanted to get ahead in the company so I went back to school to earn a bachelor's degree in Business Administration. My boss in my new job, Carole, only had a GED. After working for her for about two years, it became apparent that she was envious of my education and achievements. When she left on maternity leave, I took over her job. During that time, I received a great performance

evaluation and got a huge salary increase that tripled my pay. Immediately upon Carole's return I was promoted over her, and Carole stayed in the same position. I skipped two grade levels and felt that I was finally being noticed and appreciated by upper management as a result of my job performance during Carol's maternity leave of absence.

In Group or Out Group?

The culture at the company was very stressful: tight deadlines, constant pressure, and long hours to meet month-end, quarter-end, and year-end financial 'closes.' I worked long hours and many times had short notice of when I would have to stay late to get a job done. It was not uncommon for me to be told by my new boss, Marilyn, at 4:30 on a Friday afternoon that I had to come in Saturday morning to finish the books. Marilyn treated me like I was a non-person who had no life outside of work. Not only did she infringe upon my personal time, but also she asked me to 'cook the books' and change a few numbers in our month-end reports and make other unusual accounting adjustments. I guess she assumed I did not know the difference since I am not an accountant, or worse they needed a safe person to blame if they were caught misrepresenting the financial results.

I felt conflicted and guilty when I was asked to do unethical tasks at work. I've always been the type of person that respects authority. And questioning a superior seems disloyal to me. I like to think that they know what they're doing and I don't demand that they explain everything to me. But I had never been put in this kind of a compromising position before, and I started to withdraw and isolate myself. I stopped talking to friends at work for fear that I might slip up, say something about these requests, and get myself or Marilyn in trouble. As a result, I found myself left out of lunch invitations, and people stopped talking to me like they used to. I even got uncomfortable feelings when I entered the lunchroom and my team members got quiet. I felt isolated and not a part of the team.

Unwelcome and Unwanted

Eventually I got so fed up with the long hours, the weekend work, and having no free time that I went to Marilyn and told her, “I want a life!” I was not prepared for her reply—in fact it still shocks me to this day. She said, “Jill, you don’t need to find a man. You should sleep with a woman since it’s a lot less hassle. I’ve tried it and, believe me; it’s great with a woman.” I have never felt more uncomfortable in my life. Where did this come from? Was my boss coming on to me? Was she testing my sexuality? Was she questioning my sexual preferences? I’ll never know. There was no one around. I had no witnesses. It was my word against hers in kind of a ‘she said, she said’ situation. I was too stunned and embarrassed to report her harassing comment or even talk to anyone about it. It wasn’t in my personality to report a superior. Who would have taken my word against hers and believed me? I never complained to Human Resources and decided to grin and bear it.

Performance Review: Appraisal or Nitpicking?

When it came time for my review, I was flabbergasted. I was criticized for crazy things like speaking too loudly, and there were ‘nitpicky’ and silly things in my review that Marilyn did not mention in anyone else’s review. She pointed out minor spelling errors of mine and was keeping track of all of my breaks to make sure I was putting in the hours. I had given my heart and soul to the company and even cancelled doctors’ appointments when they needed me at work, and this was the thank you I was getting for it. I was given a 2.5 out of 5 rating and was not given a raise due to the poor performance appraisal. In the past I had had great reviews, typically getting 4.5 out of 5s. Some appraisal this one turned out to be. I thought a performance appraisal was supposed to be developmental and focus on strengths AND weaknesses, not just shortcomings. After getting the 2.5/5 appraisal rating, I was put on probation with a performance improvement plan (PIP) that gave me thirty days in which to improve my job performance. Of course, my work performance had slipped with all the stress I was under. I could not concentrate and found myself making simple transcription errors. I was constantly nervous and had lost confidence in myself and my abilities. My reputation and popularity seemed to go downhill after I blew the whistle and took over Carole’s job during her maternity leave. In my heart I think my reputation was harmed by ‘bad-mouthing’ from my former supervisor and was perpetuated due to her jealousy. Carole even spread a rumor about me leaving the area and moving to Florida to be with my family when it was not true. Was I being targeted for termination because they thought I already had ‘checked out’ and was planning to move out of state?

A Fun and Games Corporate Culture

In my entire career I had never worked in a company that allowed all of the bantering and games at work that were encouraged or tolerated. Even though we faced tight deadlines and constant pressure, management encouraged fun and games as a way to relieve stress at work. But it was worse than an old boys’ club, it was like a college frat house with constant jokes and comments. There was a juvenile mentality that played

out in the 'cubes' and in the hallways. Guys would play catch, toss a football, and practice their golf swing and putting skills right in the office. In a supposedly professional workplace, they even had rubber band fights right over my desk. I could be on the phone and find myself littered with rubber bands. It got to the point where I was fearful that I'd be hit in the eye with one. I felt tormented with this childish bantering and the dangerous games played out around me. When I complained to my manager, nothing was done. This behavior not only was tolerated but also was encouraged by my manager as a way of building 'esprit de corps' and relieving tension. Again, I didn't feel comfortable going to Human Resources or taking the complaint further up the chain of command. I decided to just grin and try to bear this as well.

Threats to Mental and Physical Well-being

I began to deteriorate physically from the stress at work. I gained a lot of weight, developed acid reflux that the doctor called GERD, and constantly had an upset stomach. I was throwing up from the anxiety, and not eating healthy foods. I constantly grabbed fattening junk food and ate unhealthy fast food all the time. At one point I was hospitalized with severe stomach problems. Due to my weight gain, I was ostracized even more and became extremely depressed. I found myself at the 'breaking point' mentally. At times when I was driving to work I would find myself distracted and one day as I was driving home, I was so distracted by the stress that I somehow crossed two lanes of traffic and didn't know how I had gotten from the middle to the far lane. The only sympathy I had from people at the office was a comment from a senior executive who had known me for the past ten years. When he learned of my deteriorated physical and mental health and heard of my hospitalization he commented, "How did we do this to Jill?" He did not say this directly to me but to a group of people who were discussing my week-long hospitalization and month-long illness. At times it was impossible for me to focus on my work and all I could think about were my health problems. I was alone and constantly worried about going back into the hospital.

On the One-way Street to Separation

When I got back to work after being out ill for five weeks, I was asked to train someone else on how to do my job. They said it was in order to cross train and provide coverage so that someone could back me up, but I sensed it was because they were trying to get rid of me and wanted someone else to take over my job. When I asked the person I was training she said she did not even want to learn my job and had enough to do with her own job. Some people want to get ahead and take on more but she made it clear that this extra work was too much for one person. I then suspected that they were preparing to fire me and needed someone ready to step into my job.

The Grand Finale: The Final Review

At the end of the thirty days, I was given another review and scored 1.25 this time on a scale of 5. I knew I was going to lose my job when I got the monthly budget reports and saw that the budget line for salary for my department had been reduced by exactly the

amount of my salary. The others in the department all made 'six figures,' so it was clear that the reduction was my salary being eliminated for the next budget cycle. There also was a suspicious looking extraordinary charge in that month's accounting which I suspected was an accrual for my severance. I knew Marilyn could justify firing me as a restructuring and cost-savings action, since part of my job could be absorbed by the Information Technology department and other part could be absorbed by the accounting department. We were always laying people off and restructuring at the company and looking for ways to trim costs.

In hindsight, maybe I should have gone to Human Resources and complained, but I never did. Even after being in the workforce for almost forty years, I honestly didn't know what to do and who to go to. I was overwhelmed and immobilized. I was physically and emotionally traumatized.

The Offer

A few days later I met with Scott, the HR representative. He clearly set forth three options. These were to: 1) accept a multi-level demotion, 2) stay in my current position but at the risk of being discharged in the future, or 3) accept a severance package and sign a waiver forfeiting my right to sue the company. I guess I expected it at that point after the final review, but Scott said things that made me uncomfortable when he described the three options open to me. First he discussed offering me a lower-paying job at \$10.00 an hour. That was my hourly pay seven years ago! What a slap in the face to be reduced from \$58,000 a year to an insulting hourly wage that was near the minimum wage. After ten years at the company plus a pending bachelor's degree, I deserved better. This would be a multi-level demotion for me! To add insult to injury, the job would be working again for my former supervisor Carole, whose maternity leave I had covered. Carole's envy of me was well-known, as well as the fact that I would never work for her again. I suspect they offered me the demotion knowing I would not take it due to the bad blood between me and my former supervisor. I could not live on a fraction of my salary since I support myself and had huge medical bills to contend with.

The second option Scott presented to me was to stay in my current position and run the risk of being fired if my performance didn't improve. Scott then stressed all that I would lose if I were terminated instead of taking the lower-salary job or taking the severance, the third option. As he explained; if I were fired, in addition to having no salary, I would lose my health insurance and the company would likely contest paying unemployment compensation. The way he presented my three options, the severance package seemed intriguing compared to the other two options. Should I accept the severance package and resign? Normally the company offered one week for every year of service, and they were offering me two weeks for every year plus health benefits for 20 weeks based on my ten years of service if I signed a release saying I would not sue them. In hindsight, I felt trapped and threatened by the way in which the three options were presented to me. I believe this was done intentionally to get me to immediately resign and take the package. The package did come with added severance pay if I signed away my right to sue the company under the Age Discrimination and Employment Act

and any other type of discrimination or employment related claims. However, it definitely seemed like I was being given an enhanced severance package in order to guarantee the company would not face a lawsuit.

I felt so vulnerable due to my probationary status, my poor health, and my desperate need for ongoing health insurance. Scott made the advantages of taking the severance package very clear and painted a grim picture if I chose not to take it. He was quick to remind me that the company was an employment-at-will company and that I had signed the employment-at-will agreement on the application form when I was hired. But if I took the package I would have to give up my right to sue under age discrimination and workplace harassment. I supported myself and had no other source of income other than my job. I had no savings to speak of and was in desperate need of health insurance. I did not know what to do.

Teaching Note

Case Synopsis

Jill had found her dream job, working in an interface role between the IT and accounting departments at a major insurance company. She had been a threat to her former boss, Carole, and found herself ostracized by her coworkers. Both unreasonable demands and unethical requests were made of Jill by her current boss, Marilyn, who Jill felt was harassing her. The culture of the company tolerated bantering and the creation of in/out groups at work, and Jill found herself the target of bantering from the 'in' group at work. Her mental and physical health began to rapidly deteriorate due to the stressful work environment. After ten years of strong performance reviews, she received a poor performance appraisal and was placed on a performance improvement plan (PIP).

Soon after her thirty day probation ended, a Human Resources representative, Scott, presented her with unacceptable multi-level demotion or a severance package to leave the company, strongly indicating all she would lose if she were terminated involuntarily instead of taking one of these options. In effect, she had three options open to her—a multi-level demotion, a severance package, or continuing in her current job with a high likelihood of eventually being fired if her performance did not improve. Jill chose the severance package and immediately signed a waiver not to sue the company under ADEA.

Learning Objectives

- To recognize and understand how interpersonal and political issues in the workplace can lead to stress that negatively impacts performance.
- To recognize the subtleness of potentially sexual harassing behavior and the difficulty of establishing that it occurred.
- To assess the appropriateness and fairness of discipline up to and including separation.

- To understand how the ADEA and FMLA apply to workplace discrimination.
- To understand the definition and manifestation of workplace bullying.
- To recognize the significance of important group norms in a corporate culture and the consequences to those who violate them.

Case Research Data

This case was related to the authors by the individual who lived through it. The names and locations have been disguised to assure privacy. The case is based on discussions and interviews with Jill. Jill first discussed her story in a course taught by one of the authors. Jill shared her story in a class discussion on workplace bullying and then amplified upon it in an oral research presentation on bullying. Subsequent to that, both authors undertook an extensive interview with Jill to gather more details of the incident. The epilogue describes how Jill handled her dilemma.

Intended Audience

The case can be used in undergraduate or graduate courses in general management, organization behavior, business ethics, and human resource management or legal aspects of human resources. The case is set in the U. S. and draws upon U. S. employment laws and practices. The case points to issues of workplace culture, the role of human resources, legal aspects of termination, workplace harassment and discrimination. Students are challenged to consider the moral and ethical obligations of an employer to an employee. The references to company culture encourage the discussion of diversity, identity, trust, and stigma in the workplace. Teaching time can be as little as one hour or as many as two class periods depending on the use of assigned readings and the three optional activities suggested in the teaching note.

Teaching Options

Students should be given the case and questions to prepare ahead of class, so that they are familiar with the facts of the case and the issues within it. For further information on employment laws and discrimination, students may be assigned to visit the many Web sites listed in the reference section of the teaching note. The instructor also might ask students to interview someone who has been terminated or has taken a severance package and compare their experiences with Jill's. A classroom debate might be structured to determine whether the company would have been justified if they subsequently had terminated Jill if Jill had declined the package or demotion. Students may be assigned to explore legal and workplace practices in different countries, especially those countries that are heavily unionized or socialized in their employment practices. In this way, students will gain a broader exposure to employment practices across cultures. If students are in the workforce, they might be assigned to bring their own company's policies to class for discussion of differences by company and industry.

Classroom Experience with Jill's Dream or Demise

The case was used in a graduate course on the topic of human resource management and the law. It also has been used in undergraduate business ethics courses on the topic of employee rights and workplace discrimination. Discussion of the questions generated lively dialogue and helped to demonstrate applicable workplace harassment and age discrimination laws. The case lends itself to a debate on whether Jill's situation was her fault or the company's. Students may be assigned sides or be allowed to naturally fall on both sides of the issue.

Epilogue

I felt like I was being held over a barrel with a dark abyss below me, and the only way out was to grab the package. What I never thought was possible had happened to me. In the end, helping the company had destroyed me, had forced me to resign, and ultimately had ended my career. But that's what happened and that's my story of the demise of my dream job. In hindsight, however, I don't know if my decision to 'grin and bear it' was the right one.

Note: Jill took the package offered by the company and left the company where she had worked for over ten years. She decided to go back to school full time to complete her degree in the hope that she could secure a new supervisory job at a different firm. Her health slowly improved, she lost weight, and her stress level dramatically was reduced after leaving the situation behind.

Suggested Questions and Answers

In responding to these questions, students should assume that Jill did not belong to a union, nor did she have an employment contract.

1. If you were Jill, what would you do? Should she take the severance package? Why or why not?

Jill needed the services of an employment attorney to make this decision and a mental health provider to help her stay together through the decision process in order to document her plight. Apparently she sought neither. Instead, she suffered in silence and isolation. Were Jill of sound mind and body, she may have been better off keeping the job and finding another one as soon as possible. Jill had well-founded fears for her continued employment, yet she neglected to explore alternate employment. Even at the \$10/hour 'slap in the face' pay, Jill would have continued her health insurance coverage and would have had a job. It is usually much easier to get a job when you already have one. Since Jill mentioned that she had no savings, she might have taken the \$10/hour job, very aggressively sought new employment, and begun to work with a mental health professional or a career counselor.

Proof that she was forced to 'cook the books' for fear of being fired would have been valuable documentation to have preserved. It would have given her lawyer something to

work with, but Jill did not protect herself in that regard. Jill was neither forced nor coerced against her will to perform tasks she may have deemed as unethical. Public opinion often favors the individual, but that can sometimes work the other way because it is common sense that companies wouldn't be stupid enough to torture and fire someone who they wanted to silence. So the 'cook the books' claim sounds flimsy in retrospect. Jill is 58 years old, so she might not have enough time left to become vested in a pension at another company before retiring. Although not mentioned in the case, this may represent a valid concern for her. Jill should both sign and sue; she was forced into an immediate decision, and usually companies cover themselves by giving at least twenty-one days to sign or not. In summary, Jill should take the package. She admits to poor performance . . . "my work performance had slipped with all the stress I was under. I could not concentrate and found myself making simple transcription errors." Furthermore, Jill did not demonstrate to the company's satisfaction improvement during her thirty day probation period.

2. In your opinion, does Jill have a workplace harassment claim that can be substantiated by the Equal Employment Opportunity Commission (EEOC)? Does her claim fit under the definition of sexual harassment? If so, what type and how?

Jill would have a difficult time proving a claim of sexual harassment. While she reported the bad conduct of her colleague (though not the requests made of her to 'cook the books') as well as the childish conduct of her coworkers, she did not report any incidents of sexual harassment by her coworkers or supervisor(s). In general, sexual harassment involves sexual content, in the form of unwelcomed verbal or physical conduct of a sexual nature, that makes submission a term or condition of employment (*quid pro quo* sexual harassment) or has the purpose or effect of creating a hostile work environment (*hostile work environment* sexual harassment). Here, the most troubling exchange from the company's perspective occurred when Jill went to her female supervisor to express frustration about her long work hours. The supervisor's response to Jill's complaint was of a sexual nature and clearly inappropriate. Jill was uncomfortable and confused by the supervisor's comment and did not know what significance to attribute to it. Jill may have been uncomfortable with statements of a sexual nature made by her boss, Marilyn, but she did not state her discomfort nor report it to anyone. Had she reported the incident to Human Resources, an investigation would have taken place. Later on, the Human Resource representative pointed out to Jill the clear possibility that she might well be terminated ('fired for cause') if she chose to remain in her current position and her performance did not improve. It is the professional responsibility of Human Resources to explain the disciplinary process (if such a policy exists) and ultimately the possibility of termination if performance standards are not achieved.

After the exchange with her supervisor, Jill's reviews were poor. As a result, one might ask whether the exchange with Jill's supervisor constituted *quid pro quo* sexual harassment. That would depend on whether a court could find that the supervisor made a sexual demand on Jill which was reasonably perceived by Jill to be a term and condition of employment. It appears that Jill perceived the statement to be sexual

harassment and perhaps a demand that was indeed a term and condition of her employment. However, Jill indicated that she attributes her termination of employment to her whistle-blowing activities (even though she was promoted twice after engaging in such activities), not to any sexual advances from her boss. Finally, she failed to report the incident, which typically is a factor that weighs heavily against a plaintiff in such a case.

In terms of a hostile work environment claim, it is highly doubtful that the treatment of Jill at work would rise to the level required to support such a claim. A hostile work environment claim requires *extreme* conduct in order to be actionable. Courts have said that simple teasing, offhand comments, and isolated incidents (unless extremely serious) will not support a hostile work environment claim. As a result, one must look at the totality of the circumstances to determine whether a hostile work environment has been created. This includes the frequency of the conduct, its severity, whether it is physically threatening or humiliating or merely an offensive statement, and whether it unreasonably interferes with the employee's work performance. It is unlikely that a court would find the environment in which Jill found herself to be hostile. The only sexually motivated or retaliation based situation that is potentially hostile was the sexually-charged comment from Marilyn (her current boss). The tight deadlines, ostracism by her peers, sexually-charged comment from Marilyn (her boss), the overly critical and non-supportive performance reviews, bad mouthing from her former boss Carole, the proposed demotion option, and the threatening tone of the HR representative were indeed all very stressful for Jill. However, they did not rise to the level of the extremely bad conduct that is required in order to support a hostile work environment claim.

3. Was the company justified in the poor performance reviews and putting Jill on a performance improvement plan (PIP)?

From a legal perspective, we care about whether the company was justified in its poor performance reviews of Jill and the subsequent placement of her on a PIP. Did the company follow employment policies and procedures in dealing with Jill's situation?

We can claim that the company was justified in the performance reviews and putting Jill on the PIP. Jill readily admits to poor performance and making errors towards the end of her tenure with the company. The company's performance improvement plan should clearly define any necessary improvements Jill needed to make within the thirty day period. At this point, the company is not terminating Jill. Subsequently, they offered Jill a lesser paying job and a multi-level demotion that conformed more closely with their perception of Jill's deteriorated skill level, as evidenced by the poor performance given to her in her current position. If she chooses not take this position, the company also has offered a severance package. Severance packages are an agreement between two parties, the company and the employee. The employee agrees to leave and will receive a monetary sum in exchange for their resignation. This is not the same as termination with no compensation. If Jill chose to remain instead and continued to exhibit poor performance, the company would be justified in terminating her. There is no 'hard' evidence that the company was trying to get rid of Jill. They have documented her

performance and have provided a chance for her to improve through the PIP. It appears that their actions were legal and just. Because there is no mention of an employment contract, the company or employee may end the employment at any time according to employment-at-will (EAW) doctrine. Under EAW, the company would have been on solid legal ground to fire Jill for good reason, for no reason, or even for bad cause.

4. In your opinion, would the company be justified in separating Jill for poor performance? Would a less severe form of discipline (such as a written warning) be more appropriate? What work reasons could be cited for a justified separation? What aspects of the separation might be labeled unjust?

Because Jill was a long-term employee, with a substantial and respectable prior work record, the company left itself open to several possible lawsuits even though they had some documentation to demonstrate recent and poor job performance. Therefore the company seemed to make management mistakes in how they handled the situation. The suddenness of the events suggests that due process might not have been exercised in this instance. We would need to see if there were violations or deviations of company policy in how her situation was handled. The company needed to do its own due diligence to ascertain whether the supervisor's performance evaluation of Jill was fair. Regardless of union or contractual protection, there is a tacit agreement that employees will be treated fairly. If the accusations that resulted in her 2.5/5 performance evaluation were unfounded or exaggerated, then the company is leaving itself needlessly exposed. Regardless of the legal protection of PIP, in reality employees placed on probation usually fail to demonstrate the necessary improvement. If the intent is to rehabilitate the employee, PIP isn't the best tool to use. Other disciplinary measures (formal and informal) ideally should be undertaken to give the necessary feedback to improve.

In this instance, the company was lucky, as Jill did not have a financial cushion to call upon in defending herself legally. On the other hand, the company did. It could stall a court date, throw legal challenges her way, and basically force her to settle or just string her along for years. While she might eventually win a lawsuit, the monetary reward would likely be a long time off, placing Jill in an impossible financial bind given daily living costs (food, shelter) that she had to cover. Jill worked for about forty years and is close to retirement age, so it will be difficult for her to gain employment at the same level if at all. Typically courts have to consider the evidence; and companies do have substantial resources that a financially-strapped individual like Jill does not. Her eventual 'win' in court is unknown. The 'deep pockets' of a company usually give it the upper hand. What work reasons can be cited for a justified separation? Performance is all the company needs to cite which they adequately did by using the performance improvement plan as a part of the disciplinary process. The PIP gave Jill a thirty day timeframe within which to improve, but according to her evaluators, her performance only deteriorated. We do not know if she received counseling or help from her manager, but it seems she did not. The point of a PIP is to allow for improvement while also being a step in the progressive disciplinary process toward termination. PIPs normally have a short timeframe and stipulated improvements that must be made within that timeframe.

PIPs also include a closing terminology indicating that 'failure to comply' can result in up to and including termination of employment. While a fairer (and kinder) approach might have been a verbal or written warning; nonetheless, the poor performance reviews constituted a written document of failing work.

Jill is an employee at will. This means that she can be fired for no reason or any reason, as long as the reason is not an illegal one. Under EAW, an employee may be dismissed for good reason, for no reason, or for bad cause. An illegal reason can be broadly defined to include termination based on violation of a state statute, state constitution, federal law (including the U.S. Constitution), public policy, or implied contract. The company likely stated in its policies that it was an EAW employer and so it is not required to follow its disciplinary policies or progressive discipline. So it is unlikely her firing would meet one of the EAW exceptions. If the company failed to follow its employment policies (and it is assumed that the company had such policies in effect) in terminating Jill, Jill may sue the company for wrongful discharge. In this regard, we would have to take into account whether the performance reviews (PIP) and termination of employment were carried out in accordance with the company's policies. That is a question of fact; however, if we believe Jill's account, much of what the company did appears to be suspect. In particular, the HR representative's actions in presenting Jill with the three available options are extremely questionable. As a result, Jill might have a claim for wrongful discharge.

5. Did the company act in an illegal manner in trying to get rid of Jill? How might the Age Discrimination in Employment Act (ADEA) apply?

Assuming Jill's choice has been narrowed down to leaving the company without the package or leaving the company with the package, she should take the package. This is based on the fact that the ADEA waiver is not likely valid, which means she can take the package, sue her employer for any applicable employment claims she may have, and not have to return the added benefits (including severance pay and any company-paid health insurance coverage) she was given in exchange for signing the waiver. In order to be a valid, an enforceable waiver under the ADEA has to be 'knowing and voluntary.' To meet this requirement, special notice and review procedures apply as follows: (1) Jill must be notified of her right to consult an attorney prior to signing the waiver; (2) she must be provided with a written disclosure of her rights under the ADEA in plain, understandable English; (3) she must be given at least twenty-one days to review and consider the waiver; and (4) she must be given seven days to revoke the waiver after signing it. The facts of the case (as described by Jill) would not lead one to conclude that all four ADEA requirements were met. In fact, the facts suggest that the waiver was anything but 'knowing and voluntary.' As a result, the ADEA waiver would likely not be valid and enforceable. Therefore, taking the package would be the better option if Jill felt that it would be withdrawn if she did not immediately agree to it.

It would be wise for a lawyer representing Jill to explore all possible claims of discrimination, including the ADEA since she was near retirement age. In addition, her illnesses could be explored further to see whether there was any connection between her performance issues and her medical condition, including her hospitalization/leave

for illness. In this regard, the Americans with Disabilities Act (ADA) should be consulted. A contradictory opinion might find Jill's termination justifiable if the company avoided violation of the following laws. Using the ADA, no 'reasonable accommodation' seems to have been requested by Jill. Without a request from the employee for an accommodation, the company is not obligated to accommodate. As far as the ADEA, Jill's being over forty can be assumed by the company requiring her to sign a release. There was no indication that her age was a factor in Jill's demise, other than her mention of the younger workforce; however, we know she was in the workforce for forty years and is approaching retirement age. No data was presented to support that the worker assigned to replace her was younger than Jill. Had that been the case, an ADEA claim would be much easier to support.

6. How might the Family Medical Leave Act (FMLA) apply to this case?

The FMLA of 1993 (www.dol.gov/esa/regs/statutes/whd/fmla.htm for full text) allows eligible employees to take up to twelve weeks unpaid leave in any twelve month period because of the birth, adoption, or foster care of a child, or the need to care for a child, spouse or parent with a serious health condition, or because the employee's own serious health condition makes the employee unable to perform functions of their job (Jackson and Schuler, 2003). The leave may be taken all at once, intermittently, or the employee may work a part-time schedule. The employee's health benefits may be maintained during the leave, and he/she is entitled to return to the same or equivalent position. The leave cannot result in loss of any benefit by the employee (Mathis and Jackson, 2000). The Act applies to employers that have fifty or more employees, the employee must have been employed for at least a year and worked at least 1250 hours during the past twelve months (Bohlander, Snell, Sherman, 2001). Jill may have been granted time off under FMLA if she had requested it from her employer. She worked for a large company with more than fifty employees at one location, and she certainly worked more than 1250 hours a year. The case does not indicate that she made a request. If granted, she would have received no pay during her FMLA leave, but her job or equivalent would have been protected when she returned from her hospitalization or leave. Jill would have had to take any paid vacation time or paid accrued sick time prior to FMLA coverage kicking in. Certain designated 'key employees' are exempt from the provisions of this Act and therefore can be denied leave if they are among the top 10 % of the highest paid employees at the worksite. Jill would have been covered since she was not among the top 10% of compensated employees at her company.

7. Assume that Jill chose to resign; do you believe this to be 'constructive discharge'? Why or why not?

A 'constructive discharge' is not an independent cause of action, i.e., this is not a legal theory on which a claim can be based; it is a concept linked to a violation of a substantive law. It describes the situation where a seemingly voluntary resignation by an employee is in fact (as proven by factual circumstances) nothing short of an employer's intentional discharge of an employee. For example, an employer may intentionally make life so difficult for an employee that the employee is 'forced' to resign.

In such a case, the employee 'quits,' but only because the employer 'forced' her to do so, i.e., the employer constructively discharges her.

The problem is that the 'constructive discharge' is not per se unlawful. Under the employment-at-will doctrine, an employee can be fired without justification, expressly or constructively. What must be analyzed is what the employer did to lead the employee to quit, was *that conduct* unlawful? For example, if the employer did not remedy a sexual harassment situation as required by Title VII of the Civil Rights Act and thereby 'forces' an employee to quit, then that would be considered illegal. The underlying conduct must violate the law and then, in that context, you can argue that the forced resignation is as good as a discharge. Jill has no underlying claim; accordingly her 'constructive discharge' argument, even if accurate, is irrelevant.

A contradictory response to the case question might find the company liable. Why did Jill fail to seek out and use the formal grievance procedure in the company and take her complaint of bullying up the chain of command? With ten years of tenure at this company, was Jill oblivious to the corporate culture that appears to condone bantering, or did the harassment become more salient to her as she began to 'circle the drain?' What about HR, General Counsel, Ombudsperson, manager's manager? Jill did not take the complaint higher to other parties in the company who may have officially helped her.

If Jill can document that she was clinically depressed, i.e., under treatment with a doctor for 'talk therapy' or medication, she would have established a firmer footing for herself. Is her situation real or imagined? Jill knows about the upper management person who sympathized with her deteriorating health and asked, "How did we do this to Jill?" Why didn't she discuss her situation with this person who may have been in a position to help her? Jill seems to have missed many opportunities and succumbed to her plight in this downward spiral. Jill easily could have made a case for disability; she admits (to the reader, but not the company) that she cannot perform her job. She would qualify for short-term disability (STD) or long-term disability if offered by the company and elected by Jill. Although not a focus of this case, Jill might have a workers' compensation claim as well.

Overall, this may have been Jill's biggest missed chance. She was not proactive; she did not take advantage of other options/alternatives open to her—researching short-term disability or long-term disability, seeking legal advice, reporting of grievances up the chain of command. She simply allowed the company to take charge of her destiny as she was immobilized by her deteriorating situation. Jill could be easily disposed of under a 'job elimination' or 'restructuring' at this point, and the company would not have to expose itself to claims of wrongful termination over Jill's job performance. Her job easily could have been divided between two departments (IT and accounting) and those two departments could have absorbed Jill's job after she left. To separate Jill as they did through the use of performance reviews was ill-advised, or vindictive. If Jill could make a case for 'constructive discharge,' she may be eligible for unemployment compensation, and COBRA would become available to her for health insurance.

8. How did the corporate culture at the company contribute to Jill's situation?

Strong cultures are linked to organizational effectiveness. (Denison & Mishra, 1995) In a strong culture, the impact on individual behavior is powerful and has an impact on turnover of members. Values and codes of conduct are widely held and shared by large numbers in the organization.

The more members who accept the core values and the greater their commitment to those values is, the stronger the culture. A strong culture will have a strong influence on the behavior of its members because the degree of alignment and intensity creates an internal climate of high behavior control. (Robbins & Judge, 2007) Formalization also regulates the individual's behavior with rules and regulations that restrict unacceptable behaviors. A highly formalized institution has greater predictability, orderliness, and consistency. Culture is composed of many factors and does not operate in isolation. Galbraith's star model describes the interrelated design levers of strategy, processes, structure, rewards, and people that affect behavior and hence organizational performance and culture. (Galbraith, 1995) Jill's company seems to have a culture low on 'people orientation' due to its lack of zero tolerance policies that prohibit bullying and aggression (Robbins & Judge, 2007)

According to Jill's description of her current boss, Marilyn is not a model manager in terms of establishing trust and allowing for open communication. They had not achieved what Williams terms 'identification-based trust.' An environment of trust and open communication is built over time. As a role model, the manager sets the tone in his or her department for standards of communication and respect. Five behaviors compose trust: operating with integrity and honesty, demonstrating competence, being consistent and fair in decisions, practicing loyalty, and being open to hear criticism or suggestions from staff. Having an open door policy will encourage staff to approach managers with work-related issues. The responses of the manager and his/her behaviors may demonstrate one of three types of trust: (1) deterrent-based trust is based on fear of reprisal and where one inconsistency can destroy the relationship; (2) knowledge-based trust relies on information and predictability of behavior over time, and (3) identification-based trust exists when there is an emotional bond and connection between the parties. Identification-based trust is the ideal form of trust between colleagues and managers. (Williams, 2002)

9. Was Jill bullied by her supervisors, HR personnel, or her coworkers?

It seems clear that Jill was bullied by at least one of her supervisors, Marilyn. That may have been either due to Marilyn's lack of good management/leadership skills or Marilyn's deliberate singling out of Jill for mistreatment for reasons that are unclear from the case. It is less clear whether Jill was bullied by her former boss, Carole, or by Scott, the HR representative. And not knowing any better, some of her coworkers acted as bullies. A recap of some of the literature on bullying is important at this point to determine the level of bullying aimed at Jill and by whom.

Bullying is defined as emotional abuse that causes humiliation and distress and interferes with work by harassing the victim. Keashly and Jagatic identified seven components of behaviors that can be considered bullying: verbal or nonverbal, repetitive or patterned, unwelcome and unsolicited, violations of appropriate conduct, harmful or causing psychological injury, intended to harm, and exploiting power over the victim. (Keashly and Jagatic, 2003) Workplace Bullying Institute Director, Gary Namie defines bullying as “repeated, health-harming mistreatment of an employee by one or more persons, manifested in verbal abuse, threatening and intimidating conduct that interferes with work and undermines legitimate business interests.” (Namie, 2007) Researchers have categorized bullying into the following eight broad groups of behaviors: stigmatizing or placing the victim in an out group; using targets as scapegoats that can jeopardize the professional status of the victim; harassment by someone with more power; increasing work pressure and work load beyond what others are expected to produce; isolating victims by withholding information, career advances, or separating the victim physically or emotionally from the group; demoralizing the victim in front of peers by not supporting or ridiculing; repeated reminders of failures or setting the victim up to fail or not giving victims credit for success; and finally physical harm or abuse that results in mental or physical health problems and chronic conditions. Neuman distinguishes aggression as an act intended to harm an individual either physically or psychologically. He defines bullying as deliberate, hurtful and repeated mistreatment most commonly by a superior to a subordinate. Although aggression may be a single act, bullying is repeated making all bullying aggressive but not all aggressive acts are bullying (Newman, 2009).

Drawing from these definitions and the common components of bullying behavior, Jill was definitely bullied by Marilyn and to a lesser extent by others in the organization, as follows:

- Jill was in the out group at work; coworkers stigmatized her and seemed to have fun at her expense. On a repeated basis, the fun and games atmosphere—especially the ‘rubber band fights’—disrupted Jill’s being able to concentrate on her work and instilled fear in her that she might be blinded by a careless shot. Jill’s management did not intervene to stop the childish conduct. Management not only did not condone it, they actually seemed to encourage it even though Jill had complained to them about it. Being an unwilling participant (a victim) in these ‘games’ and not being able to get them stopped constituted emotional abuse, as it caused humiliation and distress to Jill and interfered with her work.
- On a recurring basis, Marilyn exercised her power over Jill to undermine her mental and physical well-being. The case provides several examples of this: the last-minute notifications to come in on Saturday, the ever-increasing workload beyond what others were expected to handle, the aforementioned humiliation of Jill by not stepping in to end the ‘rubber band fights,’ ridiculing Jill’s complaint about being overworked by offering

an off-hand and sexually-charged comment as a dismissal, setting Jill up to fail by virtue of the 'out-of-the-blue' 2.5/5 performance rating that triggered the PIP, and the general 'piling on' of stress when it should have been evident to Marilyn that Jill was in a fragile state emotionally and physically.

- Jill also was victimized (or allowed herself to become a victim) when she was told repeatedly to 'cook the books.'

There also are determinants in a culture that relate to the degree of bullying such as: operating procedures, norms of behavior, rules of appropriate conduct, corporate values, symbols of importance, unacceptable taboos, styles of heroes and the degree of expected civility and formality of the culture. (Bond, 2004) Factors in a work environment that promote bullying are leadership ineptitude and lack of training, improper supervision based on poor work design, social and power inequities that reward the behavior and low morale in a culture that learns to tolerate bad treatment. (Sparks et al, 2001) Jill's company tolerated bantering and promoted individuals like Marilyn to supervisory positions who speak inappropriately and unprofessionally to employees. Cultures that focus on making the numbers and recruiting aggressive individuals that use fear to dominate are more prone to tolerate a bullying corporate culture. Workers today are quite sophisticated and most are not blatantly harassing others. However, some researchers feel that humiliation has been driven underground with tones of voice and ugly looks that can intimidate and humiliate victims. (Sandberg, 2006) Note that Marilyn's sexually-charged comment was made 'behind closed doors,' which exacerbated Jill's confusion and humiliation. The comment not only belittled Jill's concern with being overworked, but also it instilled fear in Jill regarding the true intent of the comment. It reinforced in Jill Marilyn's superior status over her in the organization and the risk she would be undertaking if she reported Marilyn's comment to anyone.

The bullying that Jill was experiencing immobilized her from taking meaningful action as her situation at work worsened. She saw only negative consequences and little chance for redemption. If we speak in terms of the positive outcome for the company, our team, or customers by confronting a bullying manager we will be more likely to act than if the victim frames the outcome as loss of respect, or fear of work retaliation and job loss. Potential negative consequences can limit a choice of action and cause the victim to accept the status quo. Weick argues that people define problems in a way that immobilizes them and overwhelms their ability to do anything about the problem. Victims become frustrated and feel helpless when faced with changing an insurmountable obstacle (Weick, 1984).

10. Did Jill blow the whistle when she reported her teammate discarding claims? How did reporting her teammate constitute whistle blowing according to Boatright's five questions? How might this have contributed to Jill's demise?

Should she have reported Marilyn's sexually-loaded comment, or the request by Marilyn to 'cook the books?'

Technically, 'blowing the whistle' involves going outside the organization with the allegations of bad conduct, so Jill merely 'blew the whistle' internally with respect to Janice's abdicating her job responsibilities. But it can be argued that Jill satisfied the spirit of Boatright's guidance on whether 'blowing the whistle' is justified. Boatright (2007) lists the following questions one should consider before blowing the whistle.

- Is the situation of sufficient moral importance to justify whistle-blowing?
- Do you have all the facts and have you properly understood their significance?
- Have all internal channels and steps short of whistle-blowing been exhausted?
- What is the best way to blow the whistle?
- What is my responsibility in view of my role in the organization?

We can surmise that Jill reasoned along these lines when it came to whether she should have reported her teammate, Janice. Janice was getting away with a lower workload, but reporting that would have been merely 'squealing' on Janice, perhaps to Jill's advantage. Where the moral importance came in was the fact that Janice's actions were detrimental to the company, to its clients, and to its customers. Jill probably felt reasonably sure that she knew the facts of the situation and knew their significance to the company. She witnessed the act, "I observed my coworker Janice throwing away client claims . . ." Jill felt it was her responsibility to report the infraction and seems to have followed (and been aware of) company policy, as she trusted there would be no retaliation. Janice's subsequent dismissal supports the appropriateness of Jill's deciding to internally report the problem.

Of interest is the fact that Jill failed to internally or externally 'blow the whistle' when she was asked to 'cook the books' and when she was the recipient of a sexually-loaded comment from Marilyn. Three possibilities seem to emerge: either Jill felt so bullied by Marilyn that she could not act, or Jill was not convinced that those behaviors passed Boatright's threshold of being appropriate for whistle-blowing, or Jill was unable to be disloyal to her boss and the company. A recap of whistle-blowing may help us understand Jill's behavior and decision-making.

Whistle-blowing is generally defined as the release of information by a member or former member of an organization of illegal or immoral conduct that is not in the public interest (Applebaum, Grewal, & Molson, 2006). 'Going public' with the information that is damaging to the organization is violating the obligations of a member of an organization to that organization. The whistle-blower is attempting to

gain public attention to a significant problem of substantial importance. Employees are instructed to report instances of improper conduct to their immediate superiors or follow a policy on how to report misconduct internal to the organization. External whistle-blowing occurs when the misconduct is reported outside of organizational channels to an appropriate authority who can take action to remedy the situation. Whistle-blowers are not required to take action; they do this voluntarily as a moral protest (Boatright, 2007).

The issue of loyalty is critical to this topic. Is blowing the whistle an act of loyalty or disloyalty to the organization? If following orders and not disrupting is loyalty, then whistle-blowers are disloyal. As suggested, Jill may have considered it disloyal to disobey her boss when she was requested to change the reported numbers for the company. However, many who blow the whistle are loyal members of an organization who are committed to seeking genuine change for the greater good. What is best for the organization is not always clear. Whistle-blowers are not disloyal to the organization, but their action violates trust between members or superiors. Hirschman (1970) argues that dissatisfied individuals can exit an organization or they can use their voice to speak up and bring about change. He argues that voice is a more loyal reaction because loyalty keeps people from exiting. But Jill was not an assertive, take-charge individual. She did not use her 'voice' to effect change within the company. She neither questioned the requests to 'cook the books,' nor did she feel secure to object to or report the sexually-loaded comment made by Marilyn. Whistle-blowers are often poorly treated in order to get them to leave voluntarily, but unfortunately staying within the organization is the only way to make positive changes. Loyalties also can come into conflict between loyalty to self, to family, to organization, to peers, to the team, or to superiors. Jill undoubtedly felt loyalty to a company where she had worked for ten years, and may well have not reported Marilyn because she was her superior and had power over Jill and Jill's future.

Jill may have felt or rationalized that Boatright's criteria for whistle-blowing did not apply to the 'cook the books' request and the offensive comment made by Marilyn. If indeed there was a significant 'cooking of the books,' as opposed to changes of financial estimate, which are commonplace, then this obviously would have been a situation of moral importance, and given her role in company—where she was had a liaison role between the accounting and IT functions and therefore was privy to some of the facts—she at least had a responsibility to question the directive. On the other hand, since she was not in a top position at the company, we can argue that she had less responsibility to blow the whistle than someone in the upper ranks of the firm. Her failure to act in any regard to 'Marilyn-induced stresses' undermined Jill's self-confidence and contributed to her isolation in the workplace. She allowed herself to become a victim and felt paralyzed to do anything, including seeking advice from inside or outside the organization.

Whistle-blowers have a difficult role, and they must make choices that are not easy. They are often faced with decisions that can risk personal relationships, jobs, or future goals and careers. What behaviors do we not tolerate? Do we report a work

colleague who is stealing office supplies? Do we clock someone into work when they are late? What about observing a teammate throwing away claims to reduce her workload? When and how do we make the decision to go to the authorities—at school, at home, at work, in the community? At what point do you decide that you must listen to your conscience as a moral being and act according to your personal integrity? At what point does personal honesty outweigh the negative consequences of telling the truth about inappropriate behavior? At what point does the penalty of blowing the whistle no longer matter? ‘Whistle-blowing’ is a painful and desperate course of action. But sometimes, it is heroic and necessary. Most of us will, at some times in our lives, work for a corporation or an institution with flaws. At what point might we feel justified, indeed even compelled, to speak out? Are we ever justified in violating our own sense of loyalty—and others’ expectations of loyalty—to go outside the company? (Ciulla, Martin, & Solomon, 2007)

Jill felt compelled to report Janice for discarding claims, but she was fearful of losing her job and never reported Marilyn regarding the ‘cooking the books’ requests or the sexually-charged comment made by Marilyn.

Jill’s self-concept may have prevented her from reporting Marilyn and may have contributed to her self-imposed isolation at work. Our self-concept is an internalized set of perceptions that each of us has about ourselves that are relatively stable over time, and of central importance to us. (Athos and Gabarro, 1978) It is composed of our beliefs about ourselves—who we are, our personalities, what is important to us, perceptions of how others see us, and so on—in fact, everything that makes us unique. The self-concept is sustained through ongoing social interactions with others, so that Jill’s sense of personal control and her ability to deal with the challenges of work depended on maintaining the social perception of others that she was a competent, professional woman. (Caproni, 2001)

With illness, identity is altered via the image of difference that is reflected back to the ill self. Illness is a stigmatizing condition, since it threatens perceptions of competence, reliability, and credibility. This stigma may not actually exist, but the ill person may believe that others hold stigmatized views. Jill was not a part of the in group who enjoyed the fun and games corporate culture and was easily intimidated by the games played around her work space. Most people have a complex collection of multiple identities, depending on the different social relationships in their lives. One’s professional identity is considered to be one of the most stable, and may serve as a positive function in maintaining and restoring the overall identity of ill people. (Beatty, 2001) Jill’s deteriorated physical and mental health contributed to a spiraling negative outcome. Jill’s dream job unfortunately became her demise.

Note: The authors wish to thank Richard Pate, Esq., Carolyn Shea, Esq., and Barbara Vallara for their legal advice and assistance in interpretation of this case.

Teaching Activities

1. Students can be placed into teams to explore issues of responsibility. The instructor may assign students to individually rank who is responsible for Jill's situation and then compare answers to determine a team answer to the ranking. These can be posted and discussed in both mixed gender as well as same gender groups in order to determine differences in perspective. Question: Who was ultimately responsible for Jill's predicament? Who did this to Jill? Consider the following possibilities in your ranking of who/what contributed the most to Jill's dilemma:

- First female manager, Carole
- Jill
- HR representative, Scott
- The company's culture
- Last female manager, Marilyn, who delivered the last two performance reviews
- Others?

2. The class may extend the discussion of the case to focus on workplace harassment and continue with a discussion of current workplace practices for remedy and prevention. Students can use an Internet search to read the latest information available on the U.S. government's Web site, search national or regional newspapers for news articles about harassment, and review corporate Web sites for policies and procedures.

[Link to the Equal Employment Opportunity Commission \(EEOC\) for Information:](#)

The U.S. Equal Employment Opportunity Commission
http://www.eeoc.gov/types/sexual_harassment.html (accessed 6/09)

[Links to national newspapers for information:](#)

The New York Times (www.nytimes.com), *The Los Angeles Times* (www.latimes.com), or *The Washington Post* (www.washpost.com).

[Examples of corporate policies and procedures on sexual harassment:](#)

- Sexual harassment training
http://www.business.com/directory/human_resources/employee_development_and_training/sexual_harassment_training/ (accessed 6/09)
 - A resource for additional SHRM (Society for Human Resource Professionals) materials <http://www.shrm.org/books/investigatingharassment/excerpt.asp> (accessed 6/09)
3. A good whistle-blowing learning activity is Comer, D., & Vega G. (2006) Unsavory problems at Tasty's: A role-play about whistle-blowing. *Journal of Management Education* 30(1), 251-269. This is a role-play exercise that makes the topic of whistle-blowing personally salient. Students identify with the prospective whistle-blower, whose decision affects several stakeholders. The protagonist merely suspects her manager of stealing, until she hears concrete evidence of his thefts from her assistant manager, who does not want to take action. The exercise helps prepare students to decide how to act if they observe wrongdoing in the workplace.

4. Additional Relevant Web sites:

- www.usdoj.gov/crt/adea/adeahom1.htm
- www.eeoc.gov/adea/adeahandbook.html
- www.disabilityInfo.gov
- www.shrm.org
- [www.dol.gov.esa/regs/statues/whd/adea.htm](http://www.dol.gov/esa/regs/statutes/whd/adea.htm)
- www.familyleavesurvey.homestead.com
- www.usdoj.gov/crt/fmla/fmlahom1.htm
- <http://workplacebullying.org/press/html>
- www.employmentatwill.org
- www.WorkRights.org
- <http://www.rbs2.com/aiwill.htm>
- www.usdoj.gov/crt/ada/adahom1.htm
- www.usdoj.gov/crt/ada/pubs/ada.txt

Additional Resources for Instructors

- Cihon, P., & Castagnera, J. (2002). *Employment and labor law* (4th ed.). Cincinnati, Ohio: West/Thomas Learning.
- Holley, W., Jennings, K., & Wolters, R. (2001). *The labor relations process* (7th ed.). Orlando, Florida: Harcourt College Publishers.
- Kubasek, N., Browne, M. Herron, D., Giampetro-Meyer, A., Barkacs, L. (2009). *Dynamic business law*. New York, NY: McGraw Hill Irwin.
- Leopold, J., Harris, L., & Watson, T. (2005). *The strategic managing of human resources*. New York, NY: Pearson Prentice Hall.
- Lussier, R. (2005). *Human relations in organizations: Applications and skill building* (6th ed.). New York, NY: McGraw Hill.
- Noe, R., Hollenbeck, J., Gerhart, B., & Wright, P. (2007). *Human resource management* (2nd ed.). New York, NY: McGraw Hill.
- Puder-York, M., & Thompson, A. (2006). *The office survival guide: Surefire techniques for dealing with challenging people and situations*. New York, NY: McGraw Hill.
- Ryel, B., Greatrix, S., & Enright, C. (2006). The case of the guilty victim: The effects of gender of victim and gender of perpetrator on attributions of blame and responsibility. *Sex Roles*, 54 (9/10), 639-649.
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- Twomey, D. (2002). *Employment discrimination law: A manager's guide* (5th ed.). Cincinnati, Ohio: West/Thomson Learning.
- Vega, G., & Comer, D. (2005). Bullying and harassment in the workplace In R. E. Kidwell & C. L. Martin (Eds.), *Managing organizational deviance*. Thousand Oaks, CA: Sage.

Additional Resources on Corporate Culture

Additional resources for instructors and students on the topic of corporate culture are indicated below:

Clement, R. (1994). Culture, leadership and power: The keys to organizational change. *Business Horizons*, 37(1), 33-39. (Article available through *Business Source Elite* database, 6/09).

The article above takes a managerial perspective to discuss three elements of organizational change: (1) the importance of dealing with organizational culture, (2) the role of leadership, and (3) organizational power and politics.

Fitzgerald, T.H. (1988). Can change in organizational culture really be managed? *Organizational Dynamics*, 17(2), 5-15. (Article available through *Business Source Elite* database, 6/09).

The article above takes a critical look at the possibility of managing changes in an organizational culture. The author questions whether 'culture' can be managed without a better understanding of processes by which underlying

values are relinquished and replaced. If it is culture that must be changed, the process must at least start with top management's rethinking of its current values and deciding to be guided by other orientations.

Additional Resources on Workplace Bullying

For further understanding of organizational bullying or the general concept of hostile work behaviors, students can be asked to read:

Salin, D. (2003). Ways of explaining workplace bullying: A review of enabling, motivating and precipitating structures and processes in the work environment. *Human Relations*, 56(10), 1213-1232. (Article available through *Proquest ABI-Inform Complete* database, 6/09).

The article above summarizes the literature on workplace bullying, including different labels and definitions used in different countries. The proposed model, with three groups of factors associated with bullying, can be applied to Jill's situation. Students will be able to recognize (1) the antecedents or enabling structures and processes, (2) incentives for bullying colleagues as motivating structures and processes, and (3) triggering circumstances or precipitating processes that contributed to Jill's perception of her situation.

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