

Labor Letter



## March Mayhem Bracket For Employers: Biggest Workplace Headaches

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About this time of year, most of your employees will start wasting a good chunk of their day filling out brackets in anticipation of the NCAA college basketball tournament. Why try to beat them when you can join them? Fisher & Phillips has created a bracket for employers, but instead of predicting basketball results, we want you to tell us your biggest headaches for employers.

It's simple – just like picking basketball games, we want you to go through the bracket below and let us know which is your biggest headache for each matchup. For example, in the "Medical Issues, Leave and Attendance" Region, which annoys you the most: employees on intermittent leave, or having to figure out the "rolling backward" leave year? The winners advance, until you are left with a "Final Four" of the biggest workplace headaches, one from each Region. Then, email your Final Four to [finalfour@laborlawyers.com](mailto:finalfour@laborlawyers.com), and next month, we'll offer some practical tips for dealing with the four biggest workplace annoyances as chosen by you.

But please – no wagering. Happy Bracketing!

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**Documentation, Discipline And Discharge Region**

- (1) Redactions in force
- (16) Past employees who refuse to give references
- (6) "I refuse to sign that warning"
- (8) Supervisors forgetting to complete evaluations
- (9) Employees refusing every corrective action
- (12) Employees making disparaging remarks about work on Facebook
- (4) Supervisors forgetting to document warnings
- (13) Late final paychecks
- (6) Withdrawn
- (11) Personnel file management
- (3) Document retention policies
- (14) Ungrat employment applications
- (7) Discharges
- (10) Failure to follow internal complaint policies
- (2) Insubordinate employees
- (18) Dress code violations

**Litigation, Potential Litigation, And Administrative Agency Region**

- A visit from OSHA (7)
- Unemployment claim (16)
- A visit from the police (8)
- ERCC Complaint arrives in the mail (6)
- Off the clock allegations (2)
- Union grievance filed (13)
- Outrageous demand letter from employee's attorney (4)
- Garnishment request (13)
- Misclassification issues (independent contractor) (6)
- "Hostile work environment" allegations (11)
- Union organizing drive (3)
- Multistate compliance issues (14)
- Departing employee takes customer list (7)
- Employees taking inappropriate photos (10)
- Class action lawsuit threat (2)
- Employees sending inappropriate emails (18)

**Medical Issues, Leave And Attendance Region**

- (1) Employees on intermittent leave
- (16) Figuring out the "losing backward" leave year
- (6) Employees on perpetual leave
- (8) Unreadable doctor's notes
- (4) Vaguit doctor's notes
- (12) No call / no show
- (4) Hangnail workers' compensation claims
- (13) Unreasonable lifting restrictions
- (6) Telecommuting requests
- (11) Unexcused absences
- (3) Medical marijuana requests
- (14) Drug tests with inconclusive results
- (7) Stress claims
- (10) "I had car problems" and other attendance excuses
- (2) Stress claims right after a poor evaluation
- (18) Leave needed beyond FMLA leave

**Immigration, Benefits, And Everything Else Region**

- Meal and rest period abuse (1)
- Employees who hard to sign up after open enrollment closes (16)
- Employees spreading rumors about other employees (6)
- Employees texting and on cell phone all day (6)
- Employee theft (3)
- Harassment in the office (12)
- Employees telling each other about their pay (4)
- Intimidation of coworkers (13)
- Employees who try to drop medical coverage (6)
- Employees on parental leave (3)
- Employees giving you a new "employee" (16)
- Employees creating their own "employee" (16)
- Inconsistent job performance (10)
- Employees signing up for health insurance (10)
- Employees waiting time on health insurance (10)
- Madness pools (18)

