

Don't 'Baby' Employees Who Have Personal Problems

By Jathan W. Janove

Could your benevolent acts lead to a discrimination claim? Absolutely. Here's one example.

Bill, a salesman, developed cancer. In addition to the debilitating effects of the cancer treatment, Bill had other ailments that left him unable to drive, lift or carry anything of consequence and unable to focus for no more than brief periods. But Bill wanted to continue working, and his boss, Peter, the sales manager, was a kind person. Peter readily acceded to Bill's request and said that everything possible would be done to accommodate Bill's limitations.

Despite Peter's best intentions and the sympathetic support of Bill's colleagues, Bill effectively ceased to function, and department productivity eroded over the next eight months. Yet Bill continued to receive his full salary and all commissions on his assigned accounts although he had nothing to do with the sales generated. And, through Peter's help, Bill received payments from the company's self-insured, long-term disability plan, even though he had suffered no decline in regular income.

Eventually, top management noticed the money Bill was costing the company, the loss of two of his accounts and increased resentment of other employees, who were doing his work without compensation. As a result, executive management instructed Peter to discharge Bill.

Peter later explained that he had sheltered Bill from the problems. Peter never communicated the workforce disruptions, lower productivity, higher costs, resentment of other employees or customer dissatisfaction. He did not mention these problems in the termination interview and instead noted "disability" as the reason for Bill's discharge. Finally, Peter provided Bill with a generous severance package but didn't ask for a release of claims in return.

Much to Peter's surprise, shortly after cashing his last severance check, Bill filed a claim under the Americans With Disabilities Act (ADA).

I tried to help Peter understand Bill's anger by asking Peter to imagine having raised one of his children as he had managed Bill. After a childhood where his parents "broke or bent every rule in the book" on the child's behalf, what kind of adult would such a child grow up to be? What would this adult ultimately think of his or her parents?

This analogy helped Peter to understand a paradox that had misled him and that continues to mislead many compassionate managers. They sympathize with an employee's health problems, emotional problems, family problems or other personal issues or challenges and subsequently relax or even abandon their expectations of the employee's conduct and performance. Yet not only do they and their workplaces pay a price in terms of productivity and morale, the employee seldom finds a happy outcome. Instead, the

employee often becomes embittered and ends up suing his employer or engaging in other harmful acts.

Eventually, when action must be taken, the employee refuses to accept responsibility for the problem, sees himself as a victim and turns to the legal system for redress of grievances. Even if the situation doesn't result in litigation, misguided management benevolence still leads to negative situations.

For example, Susan, the controller of a small but rapidly growing equipment rental company, had an aversion to computers and resisted learning how to use sophisticated financial tracking software despite repeated admonitions from the general manager to do so. In the face of her resistance, the easy-going general manager backed off. Eventually, a multistate company with sophisticated computer systems acquired the small company. Guess who was "downsized" in the transition?

These examples don't mean that managers have to be ogres. The key to any successful employer-employee relationship—and especially one in which you feel sympathy—is to communicate your expectations. That's what former National Football League coach Don Shula did when he faced a similar situation in 1989. The coach of the special teams of the Miami Dolphins, Mike Westhoff, developed bone cancer and underwent chemotherapy. Westhoff wanted to continue doing his job despite the cancer, and Shula was willing to give him the opportunity. But unlike Peter, Shula didn't "baby" Westhoff. When Westhoff went to training camp in July, he was pale, emaciated, "with crutches, a giant brace and no hair." He frequently had to leave his office to vomit. Yet Westhoff persisted. One day at practice, he and Shula argued over the relative merits of a kicker. Shula "made sure I'd done my homework," Westhoff recalls.

Westhoff reported going home that night and for the first time in a long time, eating a full meal and digesting it. He went on to coach successfully and win recognition from the NFL for his inspiring personal example. Westhoff credited Shula with his triumph. "Don Shula never looked at me as if I were handicapped," Westhoff says. "He sees what you can be, not what you are." The Dolphins provided accommodations to Westhoff based on his physical limitations, but the accommodations never replaced the expectations of the organization or Shula of Westhoff's performance. Instead, they helped him meet these expectations.

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