



Let's Get Ready to Rumble...

Handling Employee Disputes In & Outside the Workplace

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Two Scenarios

Employee disputes and bad behavior occurring at work and outside of work can impact the workplace and require HR to step in and address.

This presentation involves audience participation and discussion to identify the risks, outcomes and best practices. Each table has copies of the scenarios. Each table can elect a spokesperson. You can also make individual comments.

Please ask questions!

Employee Disputes Outside of Work

Tom and Jerry both work as Chef de Cuisines at Boka's--the swankiest restaurant in Tumon. Tom is in charge of getting out the appetizers, while Jerry is in charge of getting out the entrees. They both supervise their own staff. Tom and Jerry are the best of friends at work and their fantastic working relationship is what has made Boka's the most popular restaurant on-island. Because of their close relationship, they often hang out together after work, sometimes with their co-workers.

After an especially hectic night of service, in which customers complained about slow service from the kitchen as well as their entrees being cold, Tom and Jerry decide to go out to a nearby bar to unwind. Tom and Jerry announce to their respective staffs that they will be going to the White House Bar to discuss service matters. Some of their subordinates, including Bugs, join them at the bar. After a couple of drinks, Tom and Jerry start talking about the night's service and the customer complaints.

Tom and Jerry continued

- Jerry tells Tom that his entrees were cold because it took too long for Tom and his staff to get out the appetizers. Tom becomes upset and while getting up to walk away, he spills his drink on Jerry. Thinking that Tom threw his drink on him, Jerry stands up and pushes Tom, who then falls back and knocks down Bugs, a kitchen helper. Tom and Jerry start hitting each other until they are pulled apart by bar patrons.
- The next day Tom and Jerry show up at work amid the whispers of their subordinates. Tom has a visible black eye, while Jerry has a swollen lip. Bugs is unable to report to work because he sprained his ankle when Tom fell back into him knocking him down. The fight makes the news the next morning.

HR! What should we do?

- **Can Tom and Jerry be disciplined for their fight if it occurred outside the workplace?**
- **What if Boka's has a policy that allows discipline in the case of conduct that may reflect poorly on the image of Boka's?**
- **What about the injury to Bugs? Was he just unlucky?**
- **What if Jerry starts sending Tom text messages about their fight and Tom starts to feel uncomfortable about the texts?**
- **What, if anything, can HR do to try to control the situation?**

I need a break

- The bar and restaurant business is good, but as an HR manager I am tired of all the drama. One of Guam's most prestigious private schools has offered me a job as HR Manager. Collegiality, idealism, making a difference in a young person's life - this is what I want. I will accept the offer.

Employee Disputes into the Workplace

- Jack and Jill both work at a private school in Guam. Jack is the principal of the school and Jill is a new teacher who recently arrived from off-island to teach. After Jill disciplined her daughter in class, Mrs. Shoe complained about Jill to Jack. As Mrs. Shoe is on the school's Board of Trustees, Jack went to talk to Jill about the incident and to tell her to lay off on disciplining Mrs. Shoe's daughter. He found Jill in a meeting with other new teachers.
- As Jack was talking to Jill about the incident, he noticed that Jill looked unhappy about their discussion. As Jill started to explain her side of the story, Jack cut her off and put up his hand to stop her. Jill rolled her eyes and continued to explain her side of the story. At that point, Jack became irritated and threw an eraser in Jill's direction and snapped, "You girls think you know everything." Jill was visibly upset and left the room.
- The next day, worried that Jack may throw something else at her, Jill goes to an attorney and the attorney goes to court and obtains a temporary restraining order ("TRO") against Jack. The TRO prevents Jack from coming within a 100 feet of Jill until Jack appears in court later in the week.

HR! What should we do?

- **Jack goes to the HR Office and asks whether he may come to work. What action should HR take with regard to the TRO?**
- **Same facts except the TRO does not have a distance prohibition but does have a no contact order. Jill comes to HR to ask HR to enforce the TRO against Jack. What action, if any, should HR take with regard to the TRO?**
- **What if Jill complains to HR that Jack is not abiding by the terms of the TRO? What action, if any, should HR take?**
- **Any other issues?**



There will be (many) days like this.

Thank you.