

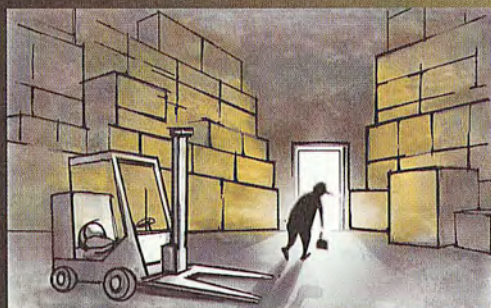
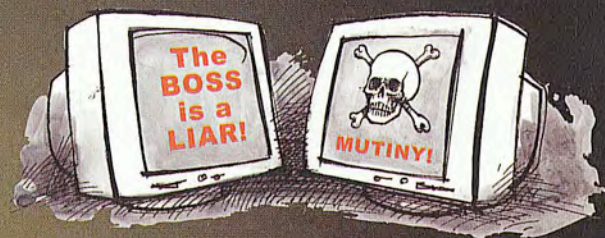
# ACROSS THE BOARD

Larry Bossidy  
Pulls Out All the Stops

How PowerPoint  
Lost Its Power

Keeping Exclusive  
Knowledge Exclusive

# Tough Issues

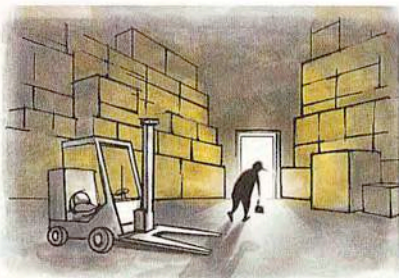


Pornography, Internet libels,  
multilingual friction —  
did these employers  
do the right thing?

MAY/JUNE 2002  
TEN DOLLARS

WORKPLACE FLEXIBILITY  
DIDN'T FAIL - MANAGEMENT DID.  
SEE OUR ARTICLE ON PAGE 54.

# Tough Issues



Pornography, Internet libels, multilingual friction—did employers handle these and other nasty problems correctly?

By Vadim Liberman

VADIM LIBERMAN is assistant editor of *Across the Board*. He wrote "The Pith of the Perk" in the Sept./Oct 2001 issue.

**T**here's a training seminar for just about everything, from anger management to people management to time management. You'd think that all of the workshops, role-playing, and roundtable discussions would prepare executives to handle any problem that arises in the workplace. And yet tough issues continue to boggle the minds of managers.

Sometimes problems center on diversity, begging the question: Can a workplace become *too* diverse?

Other times, employee use of the Internet creates havoc, forcing companies to repeatedly rethink their Web-related policies. For example, should an organization control employees' home Internet use?

And would you fire someone because he doesn't eat meat? One company was forced to face this unsavory issue.

We've taken a close look at five difficult cases that organizations have recently faced and solved—for better or for worse. The issues raised call into question the roles of technology, diversity, privacy, and religious expression in the workplace. Without explaining how the companies actually resolved the issues, we presented the cases to a panel (identified in the box at right) of HR and diversity consultants, as well as a lawyer, to see how they would handle these dilemmas. Think of these topics, along with the views of our commentators, as a guide to solving your own company's sticky situations.

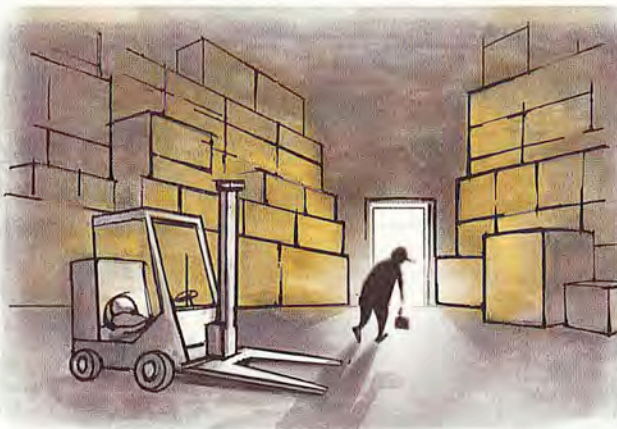
David Bowman is an attorney, specializing in labor and employment, at the Boston office of law firm Seyfarth Shaw.

Taylor Cox Jr. is associate professor of organizational behavior and HR management at the University of Michigan School of Business, a consultant, and author of, most recently, *Creating the Multicultural Organization: A Strategy for Capturing the Power of Diversity*.

Sybil Evans is president of Sybil Evans Associates, a New York-based workplace-consulting firm, and author of *Hot Buttons: How to Resolve Conflict and Cool Everyone Down*.

Ed Kaplan is president of Personnel Dynamics, a Highland Park, Ill.-based HR consulting firm, and former director of corporate HR at Quaker Oats.

Alan Shefman is president of The Edge Quality/Communications Consultants, a Thornhill, Ontario-based employment consultancy.



## Picture Imperfect

Many companies offer extensive work/life benefits to help you manage your life. Some companies go even further, Herbert Robinson believes, and try to control your life.

For 17 years, Robinson had operated a forklift at a Polk County, Fla., warehouse for Publix, the nation's sixth-largest supermarket chain. His performance had always been exemplary, and on a few occasions he was offered a supervising position, which he turned down because he liked his current job. But Robinson and his wife, Tammy, a waitress, had

an extracurricular hobby. "One night we were fooling around with a digital camera that my wife had bought, and I took some racy-type pictures, and they turned out pretty decent," he says. "I wasn't really crazy about posting them on the Internet at first, but we started getting pretty good at it."

So the couple set up an erotic Website and began posting the photos. Visitors to the site would have to pay a fee to access completely nude pictures of Tammy, including images of simulated sex. The site brought in some extra money (Tammy claims to have attracted some 5,000 paid subscribers), though it was hardly a gold mine for the couple.

Some friends and co-workers knew of the off-color moonlighting, either through gossip or because the couple told them. But all of Polk County found out about their hobby when the two were arrested on obscenity charges for violating local pornography laws. (The authorities learned of the site's existence from Tammy herself, who contacted them after receiving an e-mail from someone threatening to rape and kill her children.)

Publix, needless to say, was peeved by the news of the Robinsons' avocation, which appeared to violate a corporate policy requiring workers to

uphold the company's wholesome image both on and off the job. How can Publix best deal with this situation?

**Ed Kaplan:** People are arrested for lots of things, from drunkenness to loitering. In my world, naked pictures may be inappropriate, but they're not illegal. I would ignore it. The employee probably didn't do anything illegal, absent any financial damage to the company due to negative publicity, which would be impossible to prove. It is ludicrous to believe that you can regulate everybody's behavior. He didn't do anything to damage the company. He didn't do it under their auspices, he didn't say that they endorsed it, and he didn't attack the company. The whole thing would go away in three weeks if the company would ignore it. The company should not even ask him to stop posting. For a moral company, to discipline him or fire him under false pretenses would be an immoral thing. And why throw away a loyal employee of 17 years for nothing?

**Taylor Cox:** There is precedent and research that says that image can impact revenues, but the company's policy is vague, which to me means it's unfair to apply it here without more specificity. The company needs to get more specific, which should include a policy on Internet pornography. In the meantime, in this case, they need to warn the employee that they consider this behavior a violation of this policy, and should it happen again, it will involve dismissal. And the company should better communicate such a policy to employees for future situations. I think that it's reasonable for a company to have some policy about off-site behavior, but there are a lot of gray areas with that. That's why the company should have some specifics to point to things that are completely unacceptable.

**Sybil Evans:** Since it's a rule to have employees uphold company image both on and off the job, the employee is violating company policy. If the company has a wholesome family image, it has the community to think about. Because you have people in the community who would find what he did really offensive, the company would have to weigh in favor of their family image and fire him—as long as it's also willing to take potential consequences, such as the involvement of the American Civil Liberties Union.

### What Happened

Two days after the Robinsons' story saturated the local news and began to make national headlines—and after the couple was released on bail—Herbert Robinson returned to the Publix warehouse. His boss immediately fired him, without mentioning the Website, the arrest, or any reason at all. "I've talked it over with Human Resources," Robinson remembers his boss saying, "and they recommend we let

you go.' There was never an explanation for why or anything. At the time, I didn't ask why, because it was pretty obvious to me." In Florida, as in most states, an employer can fire an individual at will, meaning that no specific reason is required for an employee's termination. In fact, the ACLU estimates that 200,000 Americans are fired at-will each year. Publix—one of *Fortune's* "Most Admired Companies" and listed in the top 10 in the book *The 100 Best Companies to Work for in America*—offered Robinson no alternatives, nor did he offer to stop posting photos.

The criminal charges against the couple were eventually dropped, since, according to the Robinsons' attorney, Larry Walters, prosecutors would have had a difficult time proving that the couple had violated the vague antipornography laws. Afterward, "I thought about filing a lawsuit against Publix for wrongful dismissal, but any company can let you go at any time in Florida," Robinson says. "I think the law is kind of wrong. I've been there for almost 17 years with a spotless employment history, and, for something I'm not even convicted of, I lose what I've worked for my whole life. It's wrong."

The couple eventually moved to a different part of Florida, where Robinson now works at an aluminum shop, making far less money; his wife works for a realtor. "It's been hard, but we're making it," he says. In their spare time, they continue posting photos on their Website. Despite his termination and his feeling that the supermarket wronged him, Robinson still feels that Publix—which refused to comment for this article—is a great company to work for, mainly because of its excellent benefits.



### Angry Workers Anonymous

Independent Internet message boards provide employees with a forum for discussion and debate. In good times, workers may praise their companies' management or air complaints, whether niggling or major. But when a company suffers, employees sometimes transform their keyboards into weapons, firing damaging words at each other and the organization itself.

Since going public in 1997, Startec Global Communications Corp., a Potomac, Md.-based technology-communications firm that offers international phone service, has witnessed its share price plummet from \$30 to just four cents. Delisted from the Nasdaq in June 2001, the company merged its overseas and U.S. operations, downsized from 900 employees to 400, and filed for Chapter 11 five months later. During the plunge, with morale sinking, disgruntled current and former employees began posting negative comments about top management on a Startec-focused Yahoo! message board.

One person posed as the CEO, imperiously defaming various individuals. Others attacked, by name, the competence of particular employees: "You have become a worthless, ineffective Manager without a cause. Everyone laughs behind your back. No one has any respect for you. Do yourself a favor and leave."

A few left racist comments: "The Indians I encountered at STGC were racist, jingoistic, and narrowminded." A number of postings accused management of reverse discrimination, in that Indians were the favored group. (The CEO and several top executives are Indian.) A few messages, apparently written by Indians, accused management of disgracing their people.

And many posted bitter insults and accusations: "There is nothing human about HR, they are all cold witches," wrote one. Another called an executive, by name, "a bankrupt alcoholic with no business sense"; another described a worker as the girlfriend of an executive, whose first name was given: "How does it feel knowing that the only reason why you are still around is because you are sleeping with [the executive]?"

It's one thing when competitors lash out at your company and quite another when your own employees start turning on each other—and on the company itself. How should Startec broker a cease-fire?

**David Bowman:** You need to look at your legal and business issues at the same time. I would recognize that this kind of conduct is hurting my business in the marketplace, and these are potentially defamatory statements that I want to get rid of. But the question comes up: Do I have the control or ability to censor off-campus conduct? Yes. You have the authority to identify, investigate, and discipline disgruntled employees who are under your control for conduct that's specifically directed at individuals in your company. Contact the authorities to try to figure out who's posting. You're not going to have the right to yank people's computers and hard drives out of their homes, but often this conduct will loop into computer systems at work, which you do have control over. If you can identify the offenders, I wouldn't necessarily fire them, but I would discipline them.

Your goal is to reduce any legal liability you may have, because the people whom these messages were about can have an action in court if you don't take prompt, effective

action to secure a safe, comfortable work environment. If you can't find the posters, then take what steps you can to ensure a safe environment. Retrain your workforce with regard to an anti-harassment policy, and talk about general practice, such as: Plain and simple, we don't want people impersonating the CEO.

**Sybil Evans:** You need to have a total look at the environment in the company—a cultural audit. Such a survey isn't meant to reveal who posted; it's to reveal the extent of the problems raised. You want to find out if this is typical or atypical of how people are feeling. A lot of times, these incidents are really cries for help because employees don't feel that they have a voice. Companies need to pay attention to the four hallmarks of a collaborative environment: trust, respect, inclusion, and fairness. Companies have to value diverse opinions, so all of these cries are a wake-up call for the company to find out: What aren't we doing right? Why aren't folks' grievances being heard properly? This problem arose because employees aren't being heard or recognized, and somehow or other they feel marginalized or devalued. Behind their childish behavior are some very deep-seated feelings that aren't being valued or respected.

**Ed Kaplan:** If I could confirm who was posting, I would terminate them immediately based on employment-at-will. There's really no reason for an employee to take this kind of hostile action. It doesn't make a difference whether someone posted at work or at home. This is clearly defamatory; they did damage to the company's image and goodwill. If the company can't identify the employees who were posting, then I would do an internal communication laying out how disappointed the organization is in the behavior of those individuals.

And telling employees not to access the site is like telling your 2-year-old not to put beans in her nose. Besides, since workers are already likely to know about the board, what's the point in telling them not to look at it? I'm not worried about employees knowing about the board; I'm more concerned about the affected individuals and their reputations.

### What Happened

According to Startec spokesman Chris Diller (who recently left the company to work toward his doctorate), gossip surrounding the message board had been so widespread that management felt that all of the employees knew about it. "Most of the people being targeted were executives and public figures anyway," Diller says. "People were going to come after them regardless of whether or not they were doing a good job. Yes, there were messages that we'd rather not see, but what can you do?"

During a staffwide meeting, the CEO made a brief statement asking employees not to visit the board. But the company did not attempt to identify the offending

posters: Management viewed the posts as juvenile and unprofessional, choosing to ignore the problem rather than make it a larger issue. "I was called a racist on the board too," Diller says. "It was just personal, petty attacks, and a non-issue as far as we were concerned. It wasn't worth our time to be chasing this thing down."

Although the company blocked access to the board from internal computers, people continued to post from their homes and find ways to bypass the company block at work. "We discouraged employees from using the board, from paying attention to it, but we didn't have the technology to create a Yahoo! message-board police here and check everybody's keystrokes," Diller says.

Despite—or due to—the organization's actions, inflammatory postings continued. Eventually, the tone shifted from personal attacks to lamentations about the company's downward spiral.

Finally, the situation resolved itself. "It's your classic good-news-bad-news story," says Vijay Rao, VP of corporate communications. "When Startec was delisted from the Nasdaq, Yahoo! removed the message board, and once the board was taken down, it solved the problem. We obviously weren't happy about the delisting, but it's a not-so-bad side effect."

But what about the right to free speech? While many of the negative postings defamed specific individuals, others attacked the company. And there may be a legal difference. In a related case, a California federal court in May 2001 dismissed a suit filed by Global Telemedia International Inc., a telecommunications company, that accused individuals of posting libelous comments about the company on a message board. The organization claimed that the posters had engaged in defamatory commercial speech that had caused economic damage to the company. The court ruled that individuals cannot be sued for posting disparaging statements about a public company (as opposed to specific individuals) if the statements are clearly opinion rather than fact.

Last November, a California appellate court took on a similar case, brought by ComputerXpress, a computer-equipment seller, and likewise affirmed posters' right to comment about public companies. But in December, a California superior court went the other way, fining two ex-employees of a medical lab \$775,000 for posting 14,000 Internet messages that the court deemed malicious and fraudulent.

## ¡Déjeme Hablar!

Diversity is great for the workplace—or is it? While consultants and executives praise the benefits of a diverse workforce, one company faced problems as a result of it.

Hartford, Conn.-based Beauty Enterprises Inc., the country's largest distributor of minority-targeted cosmetics, employs a diverse group of employees—from Russian and



Vietnamese to Hispanic and African-American. When the company was founded in 1967, workers spoke to one other in their respective languages on the job. But according to BEI president Robert Cohen, there was a problem: Individuals felt excluded and feared that they were being talked about behind their backs, creating friction in the workplace. In addition, Cohen says, there was miscommunication when filling orders, impacting negatively on productivity. What, then, is the language of corporate communication?

**Taylor Cox:** First, it's important to know whether the president is right in his assessment of the situation. There are two pieces here: One is that he believes that there is a political fallout, in that people think they are being talked about and they're not sure what others are saying about them. The other is that this is directly impacting the effectiveness of the work. It's important to separate those. The first piece, in my judgment, does not require any accommodation: I don't think people should be restricted in terms of the language that they are using if all it accomplishes is causing certain people not to be paranoid.

However, there are more objective ways of getting at this solution than simply the president saying it's so. Are there actual case incidents that he can cite? Is this an anecdote or a systematic problem? If it's a matter of one order being mishandled, do you really go after that? If we assume that he's right, there is justification to establish a language-restriction policy if it is necessary to protect the needs of the business and get the work done—a policy that says that everyone should use English for direct work-related communication.

**Ed Kaplan:** I don't like to restrict what language people can speak. Whether they're speaking English or Polish, it's the language that they're most comfortable with. But for actions directly related to business, people need to be able to understand and communicate sufficiently in English

to do their jobs. If the company has thousands of employees, I'd urge plant managers and foremen to have informal communications with workers. If there are hundreds of thousands of employees, there's really a point where you can't do anything—it's not worth the financial commitment. It's hard to legislate legal but unpopular behavior.

**David Bowman:** We know that diverse workforces can be more effective than homogeneous ones, but it's not an easy road to get there. And it's not easy to address issues like English-only rules. First, I would have the company identify the parts of the job where it's really necessary for employees to speak one common language. In those situations, like filling orders, it can even be a job requirement. If I have customer-service reps in a primarily English-speaking area, it's certainly appropriate for me to require that they speak English when they are communicating with customers—likewise with colleagues, if it's in the course of doing business. However, when the job does not require English only, it's a great opportunity to allow people to be individuals, and to further promote a diversity initiative within an organization.

To deal with paranoia, you should reaffirm that, regardless of what language is being spoken, people should not be talking inappropriately about each other. If that's going on in the workplace, you handle it as you would any other performance issue. So you investigate on a case-by-case basis to see if inappropriate things are being said. For those people who are paranoid, they have to get over it. People sometimes feel uncomfortable being around people who are not like them. Often, diversity training can help people reduce some of those fears, so that people don't assume that a difference is an affront to them, unless they have some reason to believe there's inappropriate conduct going on.

### What Happened

"English," Cohen insisted. "They must speak English." For nearly two decades, company policy has dictated that all employees must speak English while working, although they have been free to converse in any language while on breaks or in the restroom. According to Cohen, the English-only policy cuts down on paranoia and friction and increases productivity, especially necessary now that his workforce has grown to an even more diverse 350 employees. Although the policy remains in place, the Equal Employment Opportunity Commission (EEOC) filed suit against the company in December 2000 on behalf of five Hispanic employees who allege that the rule discriminates on the basis of national origin.

Complaints to the EEOC about mandatory English policy in the workplace have increased more than sixfold since 1996. The Commission's guidelines state that a company must prove a "business necessity" to require English—usually involving reasons of health, safety, or customer communication,

often difficult for a company to prove legally. The prevention of linguistic cliques does not qualify as a necessity.

Although the courts have yet to rule on the BEI case, in fall 2000 the EEOC won settlements for others who have faced similar circumstances. An English-only policy at DeSoto, Texas-based Premier Operator Services Inc., a former long-distance-operator service, cost the company \$700,000 when it was forced to pay 13 Hispanic workers for firing them for speaking Spanish. And Watlow Batavia Inc., a manufacturer of aluminum radiators and other products, shelled out \$192,500 to eight Hispanic former workers at a suburban Chicago plant. The individuals were unfairly disciplined and terminated for speaking Spanish to co-workers. In fact, one assembly-line worker was fired after greeting a co-worker by saying "good morning" in Spanish.

In the meantime, the lawsuit hasn't discouraged BEI from employing more minorities, says Cohen, who cites a local labor shortage as the primary reason for hiring people regardless of ethnic background. But they still had better speak English at work. "We're sticking by our guns," he says. "Since installing the policy, we've never had a problem until now. This was to make our workplace a happy environment. If you woke up and came to a workplace where everyone was speaking different languages, would you think that's conducive to running a business?"



## A Headache for the Holidays

The holiday season often brings companies together. Sometimes, it also splits them apart. For years, Darden Restaurants, parent company of the Olive Garden, Red Lobster, and

## What Happened

Bahama Breeze chains, adorned the entryways to its 14 headquarter buildings in Orlando, Fla., with holiday decorations. While decorations generally invoked Christmas, the company kept them secular (such as a Christmas tree instead of a nativity scene). But not all employees were pleased. Some complained that decorations were *too* secular, insisting that “Christ was being taken out of Christmas”; others griped that the “holiday” decorations still carried an obvious Christmas theme, ignoring other faiths. “What about *my* holiday?” they asked, leaving Darden to ask how it should keep its family of diverse workers happy.

**David Bowman:** My recommendation is to allow people to celebrate their holidays. It creates a more inclusive environment; employees appreciate it. Anytime you’re providing a more comfortable work environment for people, you’re going to see increases in productivity and employee loyalty. I would not allow employees to put up their own things; the company should take on the role of putting up certain decorations that reflect the holidays observed by its staff. I’d make it a combination of secular and nonsecular decorations. What you absolutely do not want to do is to allow some and disallow other religions, including those that you fundamentally disagree with, like witchcraft. But in my experience, when employers have opened displays up to all religions, they have not ended up involving an overwhelming number of religions.

**Alan Shefman:** In general, this kind of decision depends on how diverse your company is. Is your company very diverse, or is it fairly Christian? If the company is predominantly Christian, it may be appropriate in that workplace to have a more Christian perspective for decorations. But as a general corporate policy, my approach would be that we are a company representing a vast diversity of individuals, and we want to recognize and celebrate the holiday season. While you may urge workers to celebrate their various holidays in the manner that’s appropriate for them in their homes, in the office you may have a variety of festive decorations—but not religious-type ones. I’d keep it secular.

**Taylor Cox:** If you want to be proactive, one solution is to celebrate the various holidays and involve employees in figuring out what those holidays should be and how to celebrate them. This is problematic because of the number of religions. There is a practical limitation as to how many holidays you’re going to celebrate, so one way to address that is simply to say that we want to address the holidays that are important to a large proportion of a significant number of employees. Most people will see some reasonableness to that. But who is really benefiting by having the display? This strikes me as a lose-lose situation. The easiest way out, what makes the most sense, is to get rid of all the holiday decorations.

“What is a holiday celebration?” Deborah Ashton, Darden’s senior director of workforce diversity, asked herself. “What was done up until that point was something nondescript that celebrated no one, in order to not offend anyone,” she adds. “And there was concern whether there was a more validating way to celebrate the season.”

From Ashton’s past experience, most employees preferred nonsecular decorations, so Darden e-mailed all 1,200 people working at headquarters about the company’s desire to accommodate the various religions practiced by its employees with decorations during “holiday time” (October through February). By asking employees which holidays they wanted celebrated, Ashton felt the organization was promoting inclusiveness. Consequently, employees enjoyed pitching in to concoct appropriate nonsecular decorations for their respective holidays—with no further complaints. Twelve celebrations were represented during the last holiday season, from Vietnamese to Indian to Chinese to Jewish to American Indian. “Our employees who are from Muslim backgrounds were very pleased that we acknowledged their faith,” she says.

But what about Wicca, a religion of witchcraft? It wasn’t depicted—because no one had requested that it be celebrated. If someone had asked for Wiccan decorations, Ashton concedes, she likely wouldn’t have allowed them: “It would probably not be represented, since it probably wouldn’t coincide with corporate values.”



## Beef With the Boss

Christianity. Judaism. Islam. Taoism. Buddhism. Vegetarianism. Which of these doesn’t belong in this list of religions? The answer may surprise you.

In 1996, the Los Angeles-area Orange County Transportation Authority ran a promotion with Carl’s Jr., a fast-food



restaurant chain, that required OCTA bus drivers to hand Carl's Jr. coupons to passengers as they boarded the bus during the four Tuesdays during the month of June. The coupons entitled riders to a free Carl's Jr. hamburger for riding the bus on that particular Tuesday.

However, Bruce Anderson, an OCTA bus driver for more than five years, refused to participate in the promotion. A vegetarian, he told his supervisor that he would not hand out the coupons, because doing so would violate his belief that it's wrong to kill animals for food. How should the agency steer this issue toward resolution?

**Alan Shefman:** This guy has some honest beliefs, whether or not I agree with them or understand them. They're not hurtful beliefs, but they're also not covered by law in the sense of being protected by any human-rights-type code. I would try to accommodate his needs without disrupting his job: I would try to arrange his schedule so that he has Tuesdays off; or if there's another role that he could play during those Tuesdays, I'd perhaps assign him that. Obviously, if he is absolutely required to do that job on that day, then I would require him to hand the things out. I would explain to him that this is part of his job, just like it is to give change on the bus, and he has a choice here: I'd ask him to take vacation days on the promotion days if he doesn't want to do it, or I'd formally discipline him.

**Sybil Evans:** The driver's request not to participate in the promotion is reasonable, and the company should make a reasonable accommodation. If an employee is asked to participate in something that violates his personal beliefs, he shouldn't have to do it. While this may wind up inconveniencing someone else, this often happens in the spirit of diversity—like with people who have religious issues, such as Orthodox Jews, who can't work at certain times. In general, the company should say: If we have a policy that violates your religious or personal philosophy, then we invite you to come and tell us, so that you don't have to participate in something that violates your personal beliefs.

**Taylor Cox:** The request by the company is not an infringement on the employee's rights in the workplace; he has no right to refuse based on the fact that he is different. He should comply with the company's request, and if he doesn't, then disciplinary action would be appropriate. I wouldn't necessarily go so far as to fire or suspend him, but I would consider it a performance issue and an act of insubordination. I would reprimand him by putting this in his file and keeping it in mind when it's time to do a performance evaluation.

### What Happened

On the first Tuesday of the Carl's Jr. promotion, Bruce Anderson was removed from his route midday and suspended

without pay for not handing out the coupons. At this point, Anderson's and the OCTA's stories diverge. According to Anderson's attorney, Gloria Allred, after being pulled off his shift, Anderson met with representatives from the OCTA and his union. He offered several accommodations to the OCTA, including desk duty for the remaining three Tuesdays of the promotion or having coupons on the bus in a basket for passengers. However, Allred says, the OCTA refused to accommodate Anderson's beliefs and fired him.

The OCTA, on the other hand, claims to have posted a notice a month beforehand informing drivers of the promotion and that the agency would work around any problems that workers might have with it. "For example, we had some Hindu bus drivers who had religious issues with the promotion,"

## "He has no right to refuse based on the fact that he is different."

says OCTA spokesman George Urch. "We offered them and other operators who contacted us ahead of time the chance to either change their days off, or to allow them to put the coupons in a rubber band and put them atop the fare box, or to take a personal holiday or vacation day on the days of the promotion." According to Urch, Anderson waited until the last minute to come forward.

In addition, Urch claims, Anderson was a problem employee who was trying to stir things up. "Still, we offered him all these accommodations, and he said no," Urch says. "He basically wanted to sit in his office and get paid to do nothing. So we let him go for insubordination."

The EEOC filed a lawsuit against the agency on Anderson's behalf, on the grounds that the OCTA violated Anderson's religious rights under Title VII of the Civil Rights Act, which states that an employer must reasonably accommodate a worker's religious observance unless the company will suffer undue hardship. Furthermore, the EEOC defines religion more broadly than one might expect: as including "moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views."

The EEOC found in favor of Anderson and obtained a \$50,000 settlement for him. The EEOC's ruling states that the agency should have made an attempt to reasonably accommodate his vegetarian philosophy. "It's not that vegetarianism is a type of religion, but Anderson held his beliefs with the same amount of feeling that a person has about his religion," Allred explains. Additionally, the OCTA agreed to modify its employee handbook, adding the phrase, "as defined by the U.S. Equal Employment Opportunity Commission" to all references to religious discrimination. "We settled the lawsuit," Urch explains, "because it would have cost us more in attorney fees to go through with the case."

Anderson, dropping his request to be rehired, reportedly moved to Northern California. ♦