

At Work: Employee puts her needs over clients'; some people deserve to be fired

by *Lindsey_Novak*

Q: I've been going to a gym for two years now, and I am having a problem with one of the employees. She is a part-time yoga instructor, and she spends several hours a day in the exercise room practicing yoga routines. Whenever she's there, she demands that the heat be turned up to 90 degrees. She says she will develop problems if it's not. She will not allow the heat to be lowered and is rude to me if I ask her to lower it or lower it myself. I am a paying member. I should not have to accommodate the wishes of an employee, yet if I approach the temperature gauge, she snaps at me to leave it. The room is for everyone's use when there is no yoga class. If I were to complain, what action should the manager take? If he didn't want to reprimand her, would he then get in trouble?

A: It sounds as if you would rather not complain, but this gym's employee is out of control and doesn't know her place. Customers' needs should be placed above employees' needs, and your request for the temperature to be less than 90 degrees seems more than reasonable. It also sounds as if the manager might be a bit afraid of this yoga instructor, which is absurd. It's kind of you to be overly tolerant of her, but she needs a lecture on customer service and the proper way to treat paying members. Go ahead and complain, and if the manager is fearful of her, go above his head and complain to the gym's owner. This yoga instructor deserves to be scolded.

Job Requirements Must Be Met, Even Under Americans With Disabilities Act Protection

Q: I have a 40-something daughter who is diagnosed with and takes medication for attention-deficit hyperactivity disorder. She is single with two children. She lost her job and is having difficulty paying her bills. I'm wondering whether the expanded definition of "disabled" under the Americans With Disabilities Act would help her. We don't live in the same state.

A: The ADA is a federal act, so state location is not crucial. There are, though, many facts surrounding her employment and being let go that would have to be reviewed by a lawyer to determine whether she is covered by the ADA. The government's Web site is not easy to use, so this is one subject on which she may want to consult a legal aid organization because she is in financial trouble. If the ADA does not cover her past situation, she will find out how to proceed in finding future employment. Having a disability doesn't mean a person can obtain a job just because of that disability; that person must be qualified and able to do the work required.

Unemployment Amount Determined by State

Q: My wife's company, where she has worked for 13 years, has informed its employees they must take a temporary 20 percent pay cut. If she eventually is laid off, will her unemployment be based on her new salary?

A: State laws determine the qualifying requirements for benefit amounts. According to the U.S. Department of Labor, "The states have developed diverse and complex formulas for determining workers' benefit rights." That said, each state determines a past time period, called the base period. The benefits depend on the time worked in a past time period. Because your wife doesn't know the length of time for the temporary wage reduction, she may want to start a job search or realistically viewing the job availability in her field.

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