

Weekly Wright Report (3/5/18)

United Airlines Announces Replacement of Quarterly Performance Bonuses with ... a Lottery?!?!

By [Don Walsh](#)

On Friday, March 2, 2018, United Airlines' CEO Scott Kirby announced that he was replacing employees' quarterly performance bonuses with prizes which included cash ranging from \$2,000 - \$40,000, luxury cars, vacation packages, and a grand prize of \$100,000 awarded to one eligible employee per quarter. The new employee incentive program was first rolled out by Kirby in January 2018, to create the airline's new, more "caring" image. During 2017, United suffered a series of disastrous public relations incidents and has been struggling to rebuild its image. One such incident was when United's security officers were captured on video dragging an unconscious and bloodied doctor off the plane because he refused to give up his seat. As part of that image rebuild, employees now have no choice but to sacrifice quarterly bonus monies for the chance to be selected as a lottery winner.

Only the winners of this new random lottery drawing would get the prizes, leaving the remaining eligible, hard-working employees with nothing to show for their contributions in helping United achieve its performance goals.

Put another way, the employee selected for a prize would get a windfall while the remaining unselected employees would lose an average of \$100 to \$200 a month being part of this new

forced arrangement. Some employees interviewed expressed exasperation, stating that if they won the luxury car, they wouldn't be able to afford the insurance on it.

United's new incentive program also comes with a catch: The employee must have perfect attendance and the airline has to meet at least one of four performance goals before holding a quarterly giveaway.

Union representatives for United employees pushed back saying, "We all want to win, but this program doesn't encourage a team approach to winning. No team-oriented reward should be dictated by lottery." Union leadership stated that their membership would rather have a shot at bonuses that are far, far smaller — but also a much surer thing.

The Customer Isn't Always Right – When Customers Violate Your Sexual Harassment Policy

By [Laura L. Rubenstein](#)

Alaska Airlines was recently pulled into the #MeToo fray when Randi Zuckerberg, sister of Facebook founder Mark Zuckerberg, accused the airline of failing to do anything about another passenger's sexual misconduct toward her. According to Ms. Zuckerberg, the passenger referenced touching himself, asked if she had sexual fantasies about her female business colleague, and commented that "Millennial women just aren't willing to give some booty to get a job anymore." When she complained to the airline staff, they took little action, explaining that he is a frequent flyer on the route, had been

spoken to in the past about his actions and has no filter. Ms. Zuckerberg was advised not to take it personally and was offered to move to a middle seat in the back of the plane.

Like many victims, Ms. Zuckerberg reflected that she could have and probably should have caused more of a scene in the moment, like insisting that the offending passenger be moved to another seat on the plane. She was furious at the airline for knowingly and willingly providing the passenger a platform to harass women, while also serving him numerous alcoholic beverages. Perhaps her retribution was posting her written complaint to Alaska Airlines on her Twitter page.

This incident underscores the danger to a company's reputation when it chooses to turn a blind eye and downplay offensive behavior instead of taking appropriate remedial action.

Lack of training on how to handle unruly customers is not uncommon. Managers and employees may get training on how to deal with offensive behavior by employees, but businesses must train staff on how to address sexual harassment by customers against other customers and against employees.

Such training not only helps employees comply with the law, but makes good business sense. Here are some approaches for warding off customer-customer harassment:

- Remind customers of the expectation of civil conduct
- Train employees to recognize and discourage inappropriate conduct
- Give employees permission to exercise discretion and intervene to prevent unruly or harassing behavior; for example, relocating unruly customers or limiting alcohol service to such customers, if necessary

- Take victim complaints seriously. Listen, and where appropriate, investigate

While employers may not directly be able to control a harassing customer, they *do* have control over their employees' responses and can take steps to minimize the reputational risks associated with sexual harassment before it gets blasted all over social media.

Maryland Employers: Hang This Poster in Your Workplace

By [Laura L. Rubenstein](#)

On February 11, 2018, the Maryland Healthy Working Families Act became law requiring all employers to provide eligible employees certain leave benefits. One important and easily overlooked requirement of the Act is to hang a poster in the workplace, which can be found here on the Maryland Department of Labor's website: <http://www.dllr.maryland.gov/paidleave/paidleaveposter.shtml>

Failure to hang the poster can result in penalties of \$1,000 per employee. Employers are also required to develop and disseminate a policy in compliance with the Act. If you need help with language for your policy, please let us know.