

### **Background**

Hammertime Security is a cybersecurity company with multiple locations throughout the country.

- Hammertime Security was established in 1998 by Kenneth Hammertime, Jr. (also known as "lil Kenny"). Since 2012, Hammertime has consistently employed more than 1,000 employees nationwide.
- Given the company's industry, Hammertime maintains a detailed social media policy that, among other things, requires:
  - employees to maintain the confidentiality of proprietary, nonpublic company information, including confidential information about co-workers;
  - requires employees to refrain from disparaging the company;
  - and prohibits employees from speaking to the media on behalf of the company without express consent from the marketing department.

Every year, Hammertime Security hosts a mandatory managers meeting in a different city. The meeting takes place over a long weekend. In addition to the business component, there is plenty of time to have some fun. In 2019, the managers meeting was in New Orleans during Mardi Gras.

After a night on the town, several managers posted pictures of the festivities on different social media platforms. Some of the non-management employees back home who saw the pictures made posts of their own in response to what they saw. One of the non-management employee's response post created an uproar with the managers. Although he has not seen the post (because he does not maintain a social media account as a "cybersecurity" safety measure), Kenny Hammertime is furious about the response post and has instructed you, the company's GC, to make it go away.

# <image>



# **Rod Rogers, Senior VP of Operations**

Generally, a quiet and reserved kind of guy. Not aware of any complaints against him or issues. Most people seem to like and respect Rod, although no one really knows Rod all that well.



### Kelsey Blake, Mid-Level Manager

On the fast track to becoming a Senior VP. Kelsey is a go-getter and takes ownership for her team. She's viewed as a rock star within the company, but she recently took on managing the call center, which has not been the smoothest transition.



### **Denise Dinkley**

Works in the call center (which previously fell under Sales and Marketing, but recently was restructured into the Operations department). Denise now reports directly to Kelsey. Denise is generally viewed as a problem employee. Her attitude is poor and she is constantly complaining about something. You've heard other

managers describe her as toxic to the company culture.



## Roman Williams

- You are baffled by a letter you received in the mail from Hammertime. It tells you that your FMLA is about to run out and if you do not return to work immediately the company is going to terminate your employment and your health insurance.
- You really need your health insurance, especially considering all that you are going through. You feel that you've been nothing but open and honest with the company (when you were not otherwise incapacitated in a coma), and you desperately want to return to your job. You are somewhat anxious about the letter because it implies the company is going to fire you.
- You ask, is the company really going to fire me?
- If asked when you can return, you are not entirely sure. You definitely want to return, but your doctor has not released you yet and mentioned something about one final surgery to resolve your spinal injury.
- You're more than willing to provide whatever information the company needs, but you do not want to lose your job or your health insurance.



### Jerry Irwin

- You know you've been out of it lately. You sensed something was off and you finally sought help from your physician. After speaking with your physician, you know you can get back on track and you just need Hammertime to understand what you've been dealing with (which the company caused) and work with you.
- Your physician ultimately diagnosed you with Post Traumatic Stress Disorder and you have a doctor's note for an emotional support animal. Given your Australian ancestry, your doctor agreed with you that your emotional support animal should be your pet Bengal cat, Sir Noodles.
- Sir Noodles is great and you even carry a picture of him with you, but now you know that having Sir Noodles with you at work will relieve the pain and allow you to work like you did before the accident. Plus, you believe it will help you to forgive and move past Hammertime's foolish decision in renting that bus in the first place.
- You know Hammertime has to accommodate your request, especially since your doctor has opined that Sir Noodles is the only thing that will enable you to perform your job. You are not threatening or litigious but you are confident that the company has no legitimate right to deny your request (because you've already talked to your attorney).



# **Emily Lightfoot**

- The only option is for the company to tell Jerry he cannot bring Sir Noodles around you. All other options are either discriminatory to you or would not cure your problem.
- If asked what an episode entails, you get defensive and say that you don't have to explain your medical condition.
- State that you know your rights and that an employer cannot ask about disabilities.
- You know that you are integral to the team at Hammertime Security and you have to work very closely with Jerry.
- You start throwing out words like hostile work environment, unfair treatment, and discrimination.