

# Management Lifestyles

T&J Associates

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## Experiential Learning

Aristotle once said, *For the things we have to learn before we can do them, we learn by doing them.* On the premise that learning is not a spectator sport, experiential learning gives meaning from direct experience. It focuses on the learning process for the individual as one makes discoveries and experiments with knowledge firsthand.

This learning process is simulated in the training classroom through role playing, mock trials, competition, and other learning activities.

Certain abilities are required to gain genuine knowledge from experiences. The

learner must:

- be willing to be actively involved in the experience,
- be able to reflect on the experience,
- possess and use analytical skills to conceptualize the experience, and
- possess decision making and problem solving skills in order to use new ideas gained from the experience.

An effective experiential facilitator or trainer is one who is passionate about his or her work and is able to immerse participants totally in the learning situation, allow-



ing them to gain new knowledge from their peers and the environment created. These facilitators/trainers stimulate the imagination, keeping participants hooked on the experience.

Academic learning can be compared with experiential learning for both aim to instill new knowledge in the learner. The first does so through classroom techniques and the latter through concrete experience. [Source: Wikipedia.com]

## Assessments

Validations, success, survival are just a few issues for which teams and managers require indicators. The assessment indicator can reveal a program's survival as well as it's recruitment success.

In 2007, the number of females for the fall enrollment in degree-granting institutions

increased by 8% since 2000 and were 57% of the total number of those enrolled. The number of minorities also increased (9%) and represented 32% of total enrollments. [www.nces.ed.gov]

About 83.9 million people in the United States were either enrolled or employed in

public and private schools and colleges in the fall of 2008.

This increased desire for learning will also affect the workplace. Have you assessed your training and management programs to ensure you are competing for the best applicants?

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### Business Tips:

- Effective training includes experiential learning.
- Assess programs to determine their future applicability.
- Employees with a disability must meet same standards as those without a disability.
- Effective leaders adapt their styles to the situation.

# ADA: Application of Performance and Conduct Standards

Employers typically establish job-related requirements, the specific tasks or assignments that an employee must perform, and methods to evaluate performance. Employers might also enforce conduct standards. Evaluation criteria is also established to determine how well an employee is performing both essential and marginal job functions and whether the employee is meeting basic job requirements such as interaction with supervisors, co-workers, and clients.

An employee with a disability must meet the same production standards, whether quantitative or qualitative, and evaluation criteria as an employee without a disability in the same job. Lowering or changing a production standard because an employee cannot meet it due to a disability is not considered a reasonable accommodation.

In many instances, an essential function can be performed in different ways (including with reasonable accommoda-

tion). An employee who must use an alternative method of performance because of a disability must be evaluated accordingly.



When an employee requests an accommodation for the first time in response to counseling or a low performance rating, the employer may proceed **(continued on page 3)**

## Systemic Discrimination

The recommendations of an internal task force were adopted by the U.S. Equal Employment Opportunities Commission (EEOC) to strengthen the Commission's nationwide approach to investigating and litigating systemic cases.

The Task Force, established in 2005, concluded that EEOC has been successful in addressing systemic discrimination cases but found opportunities for improvement, and defined systemic cases as "pattern or practice, policy and/or class

cases where the alleged discrimination has a broad impact on an industry, profession, company, or geographic location."

The Commission approved:

- Systemic investigations and litigation will be conducted in the field and the units in headquarters will be eliminated.
- Each field district must develop Systemic Plans to ensure identifying and investigating cases are uniform.

Systemic cases are when ...the alleged discrimination has a broad impact...

- The Office of the General Counsel should facilitate the staffing of systemic cases using a national law firm model.

Directives issued by the Chair include an OIT action plan and outreach efforts.

## Equal Pay and Compensation

The right of employees to be free from discrimination in their compensation is protected under several federal laws in addition to the Equal Pay Act of 1963 (Title VII, and Title I of ADA).

Employers may not pay unequal wages to men and women who perform jobs that require substantially equal skill, effort and responsibility,



and that are performed under similar working conditions within the same establishment.

Pay differentials are permitted when they are based on seniority, merit, quantity or quality of production, or a factor other than sex — affirmative defenses that the employer must prove.

The Lilly Ledbetter Fair Pay Act of 2009 amends the aforementioned acts to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes (S.181).

## Lawsuits Employers Cannot Afford!

Education is what survives when what has been learnt has been forgotten. [B.F. Skinner, Education in 1984] Below are cases shared to prevent “doomed repetition.”

- Wal-Mart has agreed to settle 63 class action **wage and hour suits for \$640 million**, the largest settlement in history.
- Corporate executives claimed violation of their 14th Amendment rights to privacy when IRS agents searched and seized records at the

health care company. The court ruled against the executives stating **executives of larger companies have a personal privacy interest only in their own office, desk or computer.**



- A court found race/retaliation cases brought jointly by twelve county employees to be **frivolous** and found them and their lawyers “**jointly and severally li-**

**able” to pay \$660,103** in costs and fees incurred to defend the case.

- An employee undergoing a male-to-female sex change was told to conform to a one-gender appearance. He refused, was fired, and sued under “**gender stereotyping.**” The court ruled **no discrimination** when male and female employees must adhere to grooming standards matching their gender.

## Professional Development

Professional development refers to skills and knowledge attained for both personal development and career advancement. Various approaches include:

- **Consultation** to clarify and address immediate concerns.
- **Coaching** to enhance competencies in a specific skill area.
- **Communities of Practice** to improve professional practice.

- **Lesson Study** to solve practical dilemmas.
- **Mentoring** to promote awareness and refinement.
- **Reflective Supervision** to support, develop, and ultimately evaluate

one’s performance.

- **Technical Assistance** to assist individuals and organizations to improve.

Participants share a common purpose of enhancing their work.

Professional development is lifelong learning and increasing skills and knowledge.

## ADA: Performance and Conduct Standards (continued from page 2)

with the discussion or evaluation but also should begin the “interactive reasonable accommodation process” by discussing how the disability may be affecting performance and what accommodation the employee believes may help to improve it.

If an employee does not give notice of the need for accommodation until after

a performance problem has occurred, reasonable accommodation does not require that the employer:

- tolerate or excuse the poor performance;
- withhold disciplinary action (including termination) warranted by the poor performance;
- raise a performance rating; or

- give an evaluation that does not reflect the employee’s actual performance.

To protect the employee, an employer may require an employee to perform only those functions of the job for which accommodation is not needed while processing the request.



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T&J is a limited liability company, T&J Associates of New Jersey LLC, providing employment consulting and training services in the areas of business and campus human relations since 1986.

Our first concern is making a meaningful contribution to companies and institutions by bringing new ideas and options to help promote positive inter-relationships. Our focus is working with the client to find the best and most cost-effective solutions that contribute to improved performance in critical human resource areas.

Some workplace or campus issues are isolated or periodic and do not require the daily services of on-site staff. That's where T&J is an asset. This newsletter is a promotional piece to inform the reader of issues you may need to address. Your human resource issues and dilemmas can become our challenges. Throw down the gauntlet and lets begin!

*Helping new managers get started and experienced managers get better!*

## Effective Leadership

Aristotle believed, *We are what we repeatedly do*. While each individual is unique, certain commonalities can be used to describe and assess everyone's personality style.

Leadership is described as influencing others to work towards goals. Leadership style is described by many researchers in terms of two dimensions such as:

**Assertiveness**—the degree to which a person tries to influence other people's thoughts and actions, and

**Expressiveness**—the degree to which a person displays his or her emotions when interacting with others.

Effective leaders capitalize on their strengths and weaknesses and practice leadership styles in diverse situations using real life conflicts by:

- Identifying their unique style and its strengths and weaknesses.

- Adapting their style in consideration of the situation, behaviors, and the company vision.
- Recognizing behavior types without stereotyping.
- Understanding and respecting differences.
- Communicating their vision in a way that followers adopt the vision as their own.

Take a self-assessment and compare the results to a leadership style profile to identify your unique style, learn other styles, and determine how you can change your style to fit each situation.

Different situations require different leadership styles. The most effective leaders are those who adapt their styles to the requirements of the situation.

