

# Top 10 Outrageous 6th Annual Employment Law Cases

What were the Top 10 Most Outrageous Employment Law Cases in 2004? After a tallying of the ballots, the winners are . . .

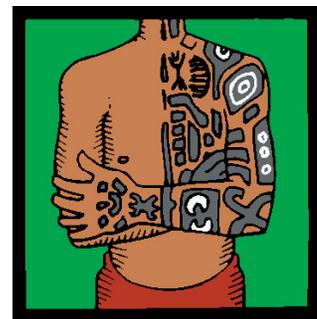
## 10. No Friend of Mine

A California woman brought a claim against the Friends television series alleging she was subjected to a variety of illegal actions while employed as a writer's assistant. During her employment, Amaani Lyle's primary task was to sit in on creative meetings and take detailed notes for the writers when they were plotting out potential story lines. Ms. Lyle's claim of harassment alleged that during their creative meetings, the show's writers subjected her to a constant barrage of sexual talk, jokes, drawings, and gestures that demeaned and degraded women. The defendants admitted that many of Ms. Lyle's allegations were true, but argued that the conduct was justified by "creative necessity." You're !?@#S!# right, it was necessary.



## 8. Bashful Bladder

Tom Smith was terminated from his job after being unable to give a urine sample to complete a drug test. Mr. Smith sued his former employer claiming a violation of the Americans with Disabilities Act by failing to offer alternate drug testing methods such as hair, saliva, sweat or blood tests. Mr. Smith explained "You tell me I have three hours to urinate and I'm going to lose my job, hey man, I'm frozen. I can't do anything." According to the plaintiff, his inability to produce wasn't intentional, but rather due to a social phobia that he suffers from known as paruresis, or "shy bladder syndrome." Apparently, his cup doth not runneth over.



## 9. Costco "Holesaler"

The U.S. Court of Appeals ruled that Costco Wholesale Corp. did not have a duty to accommodate the professed religious beliefs of an employee who refused to conceal her multiple facial piercings and tattoos while at work. Kimberly

Cloutier engaged in various forms of body modification, including facial piercing and cutting while employed as a cashier. During her employment, Costco revised its dress code prohibiting all facial jewelry, other than earrings, and began enforcing the new policy. When asked to remove her piercings, Ms. Cloutier, a member of the Church of Body Modification, refused to remove them due to her religious beliefs. She was later terminated for too many unexcused absences. This "hole" matter leaves us with an empty feeling.



## 7. The Un-Cola

A Florida woman received a 20-year prison sentence for putting rat poison in her boss's soda. The employee, Femesha Foster, worked as a technician at Wal-Mart. She explained that she placed poison in her supervisor's soda when she found out that he had discovered that she had been writing checks from his bank account. Ms. Foster said she was not trying to kill him but only wanted to send him home sick so she could have time to cover her tracks. We have to wonder if she got an employee discount on the rat poison.

## 6. Produce, Aisle 4

Four former employees of Whole Foods Market have sued the supermarket owner, saying it did not take proper action to prevent a male customer from parading through the Santa Fe store wearing white see-through biking shorts with no underwear. The former employees claimed the customer's



display caused

emotional distress and the managers fostered an environment of sexual harassment and discrimination by not removing the man from the store. Of course, employers are responsible for the conduct of their employees, but this case “stretches” the boundaries of employers’ potential liability.



concealed recording device to confirm her allegations. The hiring manager didn’t just repeat his demand; he pulled down her pants and whacked her on the rear end with a ping-pong paddle. Surprisingly, both the Montana Human Rights Commission and a lower Court found there was no actionable workplace harassment because no employment relationship existed. Ultimately, the Montana Supreme Court determined that what took place violated the state Human Rights Act.

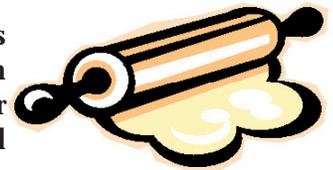
### 5. The Empire Strikes Back

A Virginia switchboard operator diagnosed with electrical shock due to lightening was not entitled to workers’ compensation benefits, despite the fact she was required to sit at a switchboard and answer telephone calls during an electrical storm. According to the employee, she saw a blue streak of lightning come over her computer equipment during the storm. Shortly thereafter she suffered garbled speech, tingling in her extremities, chest pain and nausea. The switchboard operator presented no evidence at the hearing that she was at an increased risk of being struck during a lightning storm. Looks as though lightening actually can strike twice.



### 2. Rollin’ in the Dough

The Virginia Court of Appeals initially ruled that although a bakery fired a route driver who faked a robbery and planned to kill his supervisor, the driver’s misconduct cannot be used to cut off his workers’ compensation benefits. The driver was collecting comp for his post-traumatic stress syndrome, due a fatal accident he witnessed on his route. When his supervisor asked him to return to his route, the driver faked a robbery, thinking his supervisor would respond to the robbery report and he could “get even.” He was fired and the Workers’ Compensation Commission terminated his benefits due to his misconduct. The Court of Appeals reversed, ruling that the driver established that his deteriorated mental condition related to the fatal accident led to the faked robbery. However, the Court reconsidered and ultimately found the driver responsible for his conduct. This guy almost had his cake and ate it too.



### 4. Monkeying Around



Two former employees of the Gorilla Foundation, home to Koko the “talking” ape, filed a lawsuit claiming they were forced to engage in inappropriate acts directed by Koko. Koko the gorilla has a vocabulary of more than 1,000 words in American Sign Language. In their complaints

the employees stated that they were fired because they “refused to expose their breasts to perform acts of bestiality with one of the gorillas.” The two women said that their supervisor interpreted Koko’s hand movements as a demand to see exposed human breasts. We’re wondering if, when asked about the allegations, Koko signed “no comment.”

### 3. Heartbreak Hotel

A sixteen year old Montana girl applied for a motel maid’s position, but it wasn’t your standard run-of-the-mill job interview. According to the hiring manager, one of the essential duties of the position was to have sex with him and with customers of the motel. After disclosing this information to her mother, who called authorities, Ms. Schmidt returned for a second interview with a

### And the #1 Most Outrageous Case...

#### 1. Hanky Spanky

Two women pressed criminal charges against their boss for assault after they complained to police that he spanked them for mistakes on the job. Paul Levengood, an independent operator of Tasty Flavors Sno Biz was placed under arrest for two counts of sexual battery. The two 19-year-old complainants accepted the spankings because they “were brought up to respect anybody who is an authority figure.” One of the women said she was “shocked at the incident but could not leave because she had no transportation.” Hmm...bus pass or spanking, you make the call.

