

Employment

SAN FRANCISCO DAILY JOURNAL • FRIDAY, MAY 5, 2006 • PAGE 8

Avoiding Legal Hassles with Unworkable Co-Workers and Toxic Bosses

By Karen L. Gabler

A large majority of workplace disputes arise from mere interpersonal conflict. Studies have shown that managers spend as much as 60 percent of their time and energy dealing with anger in the workplace, which means that many employees are spending a much higher percentage of their workday in conflict. Knowing how to handle conflict effectively in the workplace can resolve a growing dispute before it becomes a legal matter.

Unresolved conflict can result in feelings of dissatisfaction, unhappiness, hopelessness and depression. The costs of unresolved conflict include loss of productivity, employee turnover, loss of energy, increased absenteeism and health- and stress-related claims. On the other hand, constructive conflict in the workplace can result in needed organizational changes, increased communication across the organization, enhanced productivity and less absenteeism and turnover.

Common sources of conflict in the workplace include unclear definitions of responsibility, unrealistic expectations, limited resources and competition for those resources, and lack of communication about or conflicts of interest between personal goals and organizational goals.

Substantive conflict, arising over a particular issue, can be more easily resolved. Personality conflict, where the individuals involved simply cannot get along on any issue, is more likely to result in significant downturns in productivity.

Employees may find themselves in conflict with a co-worker or with a supervisor. Both require basic communication and resolution skills, but supervisor conflict is more difficult for an employee to address, and requires careful analysis of the situation at hand, the personality types involved and possible solutions.

In addressing conflict with co-workers, people typically resort to gossiping and complaining about their co-workers behind their back, undermining them, refusing to be helpful or exacerbating the situa-

tion. More productive methods of conflict resolution may be used to better serve the workplace environment and company goals.

When dealing with co-worker conflict, develop your own communication skills. Focus on "I" statements instead of "you" language when discussing the issue. Use active listening to understand what the other person is saying. Ask questions when you do not understand and then communicate your understanding back. Be sensitive as to how you are coming across to others, and avoid hot-button statements, such as "you are so lazy."

Establish healthy boundaries in the workplace. Be professional, empathetic and compassionate, but avoid crossing the line into a close friendship in the workplace, particularly when there is a power difference. Consider how much time and energy you are wasting on your frustration and dislike of another, and turn it into positive energy to make needed changes in the workplace. Consider what is really at stake, and pick your battles. Is this issue really that important to you? Has your dislike for the person unnecessarily hardened your stance?

Brainstorm solutions to find a compromise that might be more productive than either individual approach. By considering joint goals and remedies, you can generate better work practices and initiate positive change. Appreciate different opinions, even if you disagree. Make sure that your aim is to solve the problem, rather than win the argument.

When all else fails, ask a trusted third party to mediate the situation. In life, as in law, it is often most productive to have an objective observer get involved to remind everyone of the true issue at hand and to assist in brainstorming effective solutions.

Employees with supervisor conflicts typically resort to silence and meek compliance, avoiding interaction with the boss as much as possible. This may result in increased absenteeism and turnover. Some employees may engage in inappropriate behaviors amount-

ing to insubordination, which does nothing to resolve conflict and often results in loss of employment. When addressing a conflict with your supervisor, it is important to bridge the gap between different business philosophies. Remember that your boss is not obliged to feel the same way about things as you do.

Approach your boss in a conciliatory way. Ask the boss for his or her opinions, thoughts and judgments on the issue. Compliment suggestions from the boss that might be

When dealing with co-worker conflict, develop your own communication skills. Focus on "I" statements instead of "you" language when discussing the issue. Use active listening to understand what the other person is saying.

workable. Suggest your own ideas, but do not demand them. Explain how your ideas will benefit the organization.

Research your suggestions thoroughly, and present them professionally, highlighting possible benefits and drawbacks. Communicate your needs, wants, beliefs and opinions in a direct and honest manner. Speak assertively, not aggressively.

If you simply cannot get along with your supervisor, consider why that might be. Does your boss treat everyone poorly, or just you? If you are singled out, is there some unresolved dispute between you? Are you giving your boss something to dislike about you, such as poor work performance or increased absenteeism? Are you the one with the difficult personality, rather than your boss?

If you are truly not the cause of the problem with your supervisor, it may be that you have a "toxic boss." Consider the following personalities and suggestions for managing them:

- The unwitting bad boss: This boss may not even know that he is a bad boss. A hands-off manager may think he is empowering his staff. Talk to this boss directly. Tell him what direction, feedback and support

you need. Ask him how you can help him reach his goals; then make sure you provide the needed assistance. Seek a mentor from among other managers or more skilled peers to enlarge your opportunity for experience.

- The micro-manager: A manager who provides too much direction and micromanages may feel insecure and uncertain about his own job. He may not realize his direction is insulting to a competent, secure, self-directed staff member. To help

this boss develop more confidence in you, begin by asking for complete responsibility on smaller tasks, and work your way up to bigger tasks.

Deliver consistently excellent work to maintain his trust. Discuss the best ways to improve your contribution to fully support his efforts. Report back on a regular basis to receive feedback on your progress.

- The non-manager: This boss is indecisive, hesitant and vague. He might lack training in management or be so overwhelmed with his own job requirements that he cannot support you. He may not explain what he wants, but still become frustrated when it is not done. With this boss, instead of asking open-ended questions, give him a few choices and one clear recommendation. Ask for clarification. Avoid his procrastination by communicating your deadlines and following up. Ask whether there is anything else you can be doing and adapt as much as you can to his style.

- The unreasonable manager: This manager crushes you with work. He may not realize that he is overburdening you, or he may have a different opinion about quality of life (this is a bigger problem!).

Schedule a meeting to discuss priorities and options. Prepare a summary of your typical workload over

a period of a few days, then take that work study to your boss and say, "I have 10 projects on my to-do list, and I can complete five today. What shall I prioritize here?" The trick is in having the records to back up what you are saying. When your boss has a better understanding of what you are contributing, you might get relief — or at least greater recognition.

- The abusive manager: This boss may feel his behavior has been condoned — and even encouraged — within your organization. He may have learned the behaviors from a former supervisor who was viewed as successful.

You can try talking with your boss to tell him the impact that his actions or words have on you or your performance. In a rare blue moon, he might care enough to modify his behavior. If so, hold him to his commitments, and do not let him think that he can get away with his former behavior.

When attacked, take the time to consider your response rather than responding aggressively. If you are attacked publicly and must respond, keep your voice slow and quiet. Speaking in moderate tones makes you seem like the adult and the belligerent boss like the child.

Document your efforts to get your boss to behave more professionally. A paper trail will show that you made an effort and will boost your credibility if you have to take your complaint to the next level. Appeal to his supervisor or to human resources staff. Describe exactly what he does and the impact the behavior is having on you and your job performance.

Allow some time to pass for your actions to have their desired impact. Visit the boss' manager with colleagues who experience the same bad behavior to help him see the size and impact of the behavior. If you like your employer and your work, ask for a transfer to another department.

Other strategies also may be implemented to deal with any toxic boss. Observe the behavior of colleagues who get along with the boss. What do they do differently? Consider and discuss differences in

working style: You may like to be left alone to do your job, but your boss may believe that good management means close supervision.

Seek guidance from the human resources department or another manager, but do not be a "malcontent." Be careful of complaining too much about your boss to people who seem sympathetic but may not be.

Try to understand your boss. Placing yourself in his shoes can provide insight into the demands he may also be under and help you gain perspective with regard to your own projects. Offering your assistance can come as welcome news to your manager and allow you to take on increased responsibility. At the same time, be sure to tell your boss what you need. Let your supervisor know why additional resources will allow you to complete your tasks more effectively, but consider whether your request is reasonable in the context of the organization.

Most importantly, think of your boss as your best client. You probably already go out of your way to accommodate clients or customers — why not do the same for your boss? Your boss has expectations, and those expectations should define what you deliver. Your relationship with your boss is your most important one at work because it affects your job satisfaction and advancement opportunities.

When all else fails, consider leaving for another position, whether you are the boss or the subordinate. Keep networking, and be classy about your departure. Learn what you can from the workplace, whether positive or negative.

In the long run, do not devalue your unhappiness. If you truly cannot work with your current situation, move to a new position that will permit you to grow and learn more effectively.

Karen L. Gabler is a partner in the employment group of Nordman Cormany Hair & Compton in Ventura County, where she represents management clients in all aspects of employment law. E-mail kgabler@nchc.com.

DAILY JOURNAL CLASSIFIEDS

CAREER SPOTLIGHT

Attorney

ATTORNEY WANTED Monterey, CA

The **Dunnion Law Firm** is interviewing entry level attorneys with CA litigation/PI experience. Strong writing, analytical, negotiation and interpersonal skills required. Must be aggressive, persistent, and efficient with a history of financial success. Please submit resumes in confidence to:

Administrator at injurylaw@dunnion.com
Or fax to (831) 375-4124

Corporate Counsel (In-House)

Large, multi-office, company in **Brisbane** seeks full time experienced California licensed attorney. Responsibilities include: General corporate oversight / advice (contract draft / review, personnel matters, trademark, etc.); risk mgmt (agent file review / questions, legal updates, E&O and other insurance negotiations, etc.); and litigation (preventative mgmt, insurance defense, and small claims). We offer a competitive salary and benefits package.

Please send resumes with salary requirements to: kguillen@norman-wright.com

PATENT ATTORNEYS & PATENT AGENTS

Fliesler Meyer LLP, IP firm in SF seeks patent attorneys and agents to support its growing roster of innovative clients. FM counsels a broad spectrum of domestic / international clients, from leading edge tech start-ups to well-established market leaders. Our vast expertise in IP law and technology enables us to strategically position a client's unique business in a competitive marketplace. We actively represent our clients in transactional matters and in litigation to defend and enforce their IP assets. FM offers a highly-trained and diverse environment that emphasizes personal and professional growth. BS, MS, or PhD in EE, CS, or Physics, and 2+ years patent prosecution and/or litigation experience preferred.

Email: recruit@fdml.com
Fax: (415) 362-2928

DEPUTY COUNTY COUNSEL IV

\$89,364 - \$116,256/Annual

Monterey County's Office of County Counsel is seeking applications from attorneys experienced in redevelopment and housing law. The ideal candidate is admitted to the California Bar, and possesses civil litigation experience.

Apply by: **May 12, 2006**

For application materials contact:
Monterey County

CAO-Human Resources Division
168 W. Alisal Street, 3rd Floor
Salinas, CA 93901

(831) 755-5116, or visit our website at:
www.co.monterey.ca.us. EOE/AA

EMPLOYMENT ATTORNEY

Growing San Francisco branch of multi-office California firm seeks 4-6 year associate for immediate case responsibility. Successful candidate will have consulting and litigation experience in employment matters. ERISA knowledge a plus. Must have excellent writing, deposition and law and motion skills.

Send resume and writing sample to:
Ms. Mary M. Grogan - Office Manager
Haight Brown & Bonesteel LLP
71 Stevenson Street, 20th Floor
San Francisco, CA 94105-2981
Fax: (415) 546-7505
Email: mgrogan@hbblaw.com

LITIGATION ASSOCIATE

Prominent San Jose law firm seeks associate attorney with three to five years relevant experience in business litigation, including construction law, and associate attorney with two to four years of relevant experience in advising and representing employers in litigation. Candidates must have excellent writing and analytical skills and should possess the ability to build rapport with clients. Firm offers a congenial work environment, competitive salary and an excellent benefit package. Submit cover letter and resume to: **Berliner Cohen**

Attn: **Human Resources Department**
Ten Almaden Boulevard, 11th Floor
San Jose, CA 95113
Or email to: vicki.gordon@berliner.com

LITIGATION ASSOCIATE

Growing firm with offices in San Diego and Santa Rosa seeks associate with 0 to 5 years experience in the area of real estate litigation defense, real estate development and agricultural interests for immediate case and client responsibilities. Send resume to:

Sunderland | McCutchan, LLP
412 Aviation Blvd. Suite D
Santa Rosa, CA 95403
Fax to: (707) 284-5527

Or email to: emccutchan@sunmclaw.com

LITIGATION ASSOCIATE

Prominent 10-Attorney **San Rafael** firm seeks associate attorney with three to five solid years of civil litigation with experience in taking depositions to join our high-energy trial department. Knowledge of complex federal practice and state discovery rules essential. Top credentials a must. Please submit cover letter with salary expectations and resume either via fax to:

(415) 456-0266

Or email to: tkeating@freitaslaw.com



Practice Law in the Wine Country!

The County of Sonoma has a unique opportunity in the Public Defender's Office for the entry level position of Deputy Public Defender I. Sonoma County employees enjoy an excellent benefit package including 3% at 60 retirement.

Incumbents work under close supervision, and responsibilities may include: investigating, researching and preparing for trial, criminal and certain civil cases; representing and defending indigent clients before the court; and preparing pleadings and other legal documents in connection with hearings, trials and other legal proceedings.

Requires current active membership in the State Bar of California by June 30, 2006. Competitive salary. Apply by: 5/15/06. For more details or to apply online, visit www.sonoma-county.org EOE



PUBLIC AGENCY ATTORNEY

The City of San Jose has one of the most exciting, innovative and active redevelopment programs in the State. The Redevelopment Agency is seeking candidates for the General Counsel's Office to provide complex real estate and construction transactional legal services. This is an excellent opportunity to be involved in neighborhood revitalization programs and major downtown development projects. Membership in the California Bar is mandatory. A minimum of five years relevant work experience is also required. Please send resume including complete employment history to:

Richard Doyle, General Counsel
200 East Santa Clara Street
San Jose, CA 95113

Or e-mail to: atty.res@sanjoseca.gov
Closing date is: Friday, May 12, 2006
EOE

Paralegal

LITIGATION PARALEGALS

Growing San Francisco branch of multi-office California firm has two paralegal openings. Successful candidates will have general litigation experience in the areas of professional liability, commercial litigation, construction defect, toxic tort, and product liability litigation. Must have excellent computer and writing skills.

Send resume to:

Ms. Mary M. Grogan - Office Manager
Haight Brown & Bonesteel LLP
71 Stevenson Street, 20th Floor
San Francisco, CA 94105-2981
Fax: (415) 546-7505
Email: mgrogan@hbblaw.com

PARALEGAL WANTED

Law offices of **Sterling L. Ross, Jr., P.C.** has FT opening for paralegal exp'd in prep. of 706s, acctgs. and trust/probate admin. Must possess exc organizational, verbal & writing skills. Helpful if knowledgeable in WP 11, West EPS (706/709 program). Exc. sal/bene pkg.

Fax ltr & res to: (415) 383-2074