

## MGMT 567

Weyco Inc., an employee benefits firm in Okemos, Mich., started nicotine testing with its employees last year. It instituted a policy that makes it a firing offense to smoke, even off the premises, outside work hours. It stopped hiring smokers in 2003, and last year it fired several employees who refused to take a nicotine test.

More recently, the company expanded the policy to spouses of its 175 employees. If the spouses test positive for nicotine in monthly tests, the employee must pay an \$80 monthly fee until the spouse takes a smoking cessation class and tests nicotine-free. Employees are subject to random tests, a policy that according to Howard Weyers, president of Weyco, has cost "a few people" their job. Employees who come up positive for nicotine in a random test are sent home for a month with no pay. If they test positive a second time, they are fired.

"It's strictly for prevention, and this is the right thing to do," Weyers said. "Everybody knows that the use of tobacco will create a medical episode."

Anita Epolito worked for Weyco for 15 years when she was fired for refusing the test in 2005. "This is about privacy," she said. "If you failed the blow test, you had to take a urine test. It was so demeaning."

- Joyce, Amy. "So Much for 'Personal' Habits." *Washington Post*, Oct. 15 2006.

### **Please note that the following is a fictitious continuation of the preceding story for the purpose of class assignment**

Weyco Inc. has come under fire from several of its employees who have been fined for fired for this practice. The employees have agreed to allow this case to be heard before an ethics based arbitration board. They believe that their case will win because of its intrusiveness into personal affairs. Weyco believes that it has the stronger case, because the company is, "doing everything we can ... to get our staff healthier" - Weyco president Howard Weyers, in Hoffman, Kathy Barks. "At Mich. Firm, Smoking at Home Is a Firing Offense." *Boston Globe*, Feb. 9 2005.

You and your fellow classmates in your group are members of this arbitration board. As such, you are tasked with coming to a decision regarding this situation. This decision should be based on factual evidence and supported with ethical justification. Recall that neither Weyco nor their policy is fiction. More information may be publicly available.

The final product should be a memo detailing what your arbitration board has decided and what led it to that conclusion. It should be no longer than 1 page.

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Twenty-eight states and the District of Columbia protect workers who smoke, saying they cannot be discriminated against for that reason. Michigan is **not** among these states and is an at-will state, meaning that workers may be terminated for any reason, including what they do off-hours.

\* This case written and prepared by David Gurzick, Hood College, 2007