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HAVE YOU BEEN A VICTIM OF SEXUAL HARASSMENT IN THE WORKPLACE?

In recent news, more and more individuals are standing up and speaking out against their harassers. From Harvey Weinstein, to Kevin Spacey, to Today’s Show Matt Lauer, individuals have told their stories about how these powerful men used their position in the workforce to take advantage of them. On November 29, 2017 [Vanity Fair](#) reported several allegations against Lauer that include: he made lewd sexual remarks about female colleagues; he invited a female employee to his office and exposed himself to her; he gave a female colleague a sex toy with an explicit note about how he wanted to use it on her; and one female colleague felt compelled to have sex with him in order to keep her job.

Sexual harassment in the workplace can take several forms.



The most common forms are (1) quid pro quo and (2) hostile work environment. Quid pro quo: an employment decision – like a promotion, a raise, more benefits, or even keeping your job – is based on your submission to the sexual harassment. Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitutes quid pro sexual harassment when (a) submission to such conduct is made explicitly or implicitly a term or condition of employment or (b) submission to or rejection of such conduct is used as a basis for employment decisions.



Hostile work environment: the sexual harassment makes your workplace environment intimidating, hostile or offensive. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute hostile-environment sexual harassment when the conduct has the purpose or effect of unreasonably interfering with an employee's work performance or of creating an intimidating, hostile, or offensive working environment. Courts consider several factors to determine whether an environment is hostile, including: (1) whether the conduct was verbal, physical, or both; (2) how frequent it was repeated; (3) whether the conduct was hostile or offensive; (4) whether the alleged harasser was a co-worker or supervisor; and (5) whether others joined in perpetrating the harassment.

Steps to Take to Stop Sexual Harassment



If you feel that you have been sexually harassed by a fellow employee, you should consider taking the following steps:

1. Speak up. If you feel safe speaking directly to the person harassing you, tell the individual what behavior is bothering you and ask for the harasser to stop the behavior. Make sure to take notes of when and where you told the harasser to stop as you may need that information should you file a written complaint.
2. Inform your supervisor. Tell your supervisor about the individual who is harassing you, the behavior that is bothering you and the steps you have taken to address it. If your supervisor is the harasser or you feel uncomfortable talking to your supervisor, speak with your employer's human resources department.
3. Review your employee handbook or policies. Most employers have a sexual harassment policy in place. You should follow the policy which typically requires you to make a written complaint. Document every incident of the harassment such as time, place, what was said or done, and whether you have any witnesses to the events.
4. File a complaint with the Equal Employment Opportunity Commission. To start a complaint of discrimination, visit <https://www.eeoc.gov/employees/charge.cfm>. Remember, **in most cases you have 180 days – six months – from the date of the discriminatory activity to file a discrimination charge** with the EEOC in order to preserve your rights.

You do not need an attorney to file a complaint with the EEOC. However, it is always best to have someone on your side to make sure your rights are protected. If you have been a victim of sexual harassment in the workplace, contact [Law JBH](#) to discuss what options you may have.

CHRISTMAS IS 25 DAYS AWAY; DON'T LET HOLIDAY SHOPPING LEAD YOU TO BANKRUPTCY



That's right, **CHRISTMAS IS ONLY 25 DAYS AWAY!** You may have started your holiday shopping with Black Friday or Cyber Monday, but I'm sure that you have not finished your shopping.

For those of us that could not save enough, we all too often turn to credit cards. Credit cards can be attractive for holiday shoppers because they can buy higher-priced items and spread the payments out instead of plunking down all the cash for the iPhone X, big-screen TV, computer, or video game console all at once. But, using a credit card means that you pay more for the purchases in the long term because of the interest tacked on to the credit card balances.

When it comes to holiday shopping, you should follow these tips for keeping your spending in check:

1. Plan your shopping and do price comparisons between stores to make sure you get the best deals on the items you want.
2. Make a list of the people for whom you are buying gifts and what you want to get them. Remember you don't have to buy for everyone in your family. In my family, we draw names from a hat and only buy one gift at a set price limit.
3. Set a budget for spending and know how much you can afford to spend.
4. Once you buy all the items on your gift list, stop shopping and avoid impulse buys.
5. Write down everything you spend on holiday gifts.
6. Avoid using credit cards whenever possible.



CAN I STILL FILE FOR UNEMPLOYMENT BENEFITS?

It depends. Unemployment benefits are for those who are out of work through no fault of their own. The usual case is an employer terminates an employee, the employee files for unemployment benefits, and then the employer proves that benefits should not be awarded because the employee was terminated due to misconduct connected to work. Yet, there are those times in which an employee has no choice but to quit due to no fault of themselves and files for unemployment benefits. In that situation, the individual must show that s/he had good cause connected with the work for resigning.

The Texas Workforce Commission, entity that handles unemployment claims, has long defined "good cause" as any reason, connected with the work that would lead an employee who is otherwise interested in remaining employed to nonetheless leave employment. This is based on a "reasonable employee" standard. The [TWC's appeal manual](#) discusses cases in which it found that good cause did and did not exist. These cases involved drastic pay cut or hours reduced, other substantial and adverse changes in the work, prolonged and unaddressed harassment of the worker by the employer, or egregious acts of misconduct by the employer toward the worker.

Before considering quitting, you should notify your employer of the circumstances that you are displeased about and give the employer an opportunity to address the situation.

If you need help receiving the unemployment benefits that you deserve, give Law JBH a call.



I HAVE A DISABILITY: WHAT DO I TELL MY EMPLOYER?

Imagine this: you are driving home after work and get into a minor car accident (of course not your fault). Although not seriously injured, you have some injuries to your back. You go to your doctor and your doctor tells you that you can go back to work with the following restrictions: must be able to take breaks from prolonged sitting, you cannot work more than 35 hours a week, and must attend physical therapy two times a week. So, what do you do? What do you tell your employer?

What Should You Do?

The very first thing you should do is inform your employer about your accident. When you report back to work, provide your doctor's note to either your supervisor or the human resources department. Most employers have the steps outlined in the employee handbook on what you should do if you need a reasonable accommodation. Follow that process. Let your employer know that you are requesting an accommodation. At that point, your employer may request you provide additional medical information regarding your condition, as it will need to determine whether you have a disability.

Failure to Accommodate

The Americans with Disabilities Act and the Texas Labor Code require employers to provide reasonable accommodations to employees with qualified disabilities. A reasonable accommodation allows a disabled employee equal access to the workplace and allows him/her to perform the essential functions of his/her job. Yet, many employers refuse to provide any reasonable accommodation. This results in a failure to accommodate claim under both federal and state law. Under both federal and state law, employers are required to engage employees requesting a disability accommodation in good faith.

Employers are also required to engage in an interactive process to determine the need for accommodation. Failing to engage in this process is itself a failure to accommodate claim if the employer provides no reasonable accommodation. Yet, the employer can refuse to provide the requested accommodation if it can show that it would cause an undue burden on the employer.

Also note, that the employer does not have to provide the specific accommodation requested, merely any that meets the statute's requirement. If your employer refuses to provide you a reasonable accommodation, contact Law JBH to see what options you may have.

LOCAL EVENTS – SAN ANTONIO



Law JBH supports the LGBT community in San Antonio. One such organization is the Live Oak Singers - an LGBT and friends chorus - creates diverse musical experiences celebrating, inspiring, supporting, affirming, and reflecting the diversity of the San Antonio community through outreach and performance. The Live Oak Singers have their holiday concert "Elves' Night Out. Martinis and Mistletoe on **December 9 at**

7:30pm and December 10 at 4:00pm. For more information and to purchase tickets visit the Live Oak Singers Facebook page at <https://www.facebook.com/liveoaksingers/>.

LOCAL EVENTS – WHARTON



The purpose and focus of Just Do It Now is to be a community based leader for assisting in community CHANGE. Their mission is to assist all individuals, at-risk or otherwise, in changing the things which keep them from inner peace. We encourage partnerships with other faith-based organizations, churches, city and county officials, parents and family members, local school districts, businesses, and other non-profit organizations to support and promote our efforts.

Just Do It Now is hosting the **2nd annual "Be a Blessing" Christmas Ball this Saturday, December 2nd at Wharton Civic Center.** This event helps JDIN provide 77 WISD students with a backpack full of food and snacks every weekend. There are two levels of sponsorship: \$500 and \$250. Both levels provide ten tickets for an evening of entertainment, Christian fellowship, and dinner. Contact JDIN between the hours of 8-5:00 at 979-531-1975 for more information.

DO YOU HAVE AN EMPLOYMENT OR BANKRUPTCY QUESTION?



Each month Law JBH publishes this free monthly newsletter. The goal of the newsletter is to provide information related to current employment and bankruptcy questions that the average joe might have. If you have a question that you would like answered, contact Law JBH or email info@lawjbh.com. Juan may feature you question and the response in the upcoming newsletter.

December Holidays You May Not Know Of

December is so full of festive fun that often we miss out on another perfect holiday filled with learning opportunities: National Write to a Friend Month! The month of December is slated as a time to stop what you're doing and drop a note to a friend.

December 1 – “World Aids Awareness Day”. This day is noted around the work, by fundraisers and educational programs and events. HIV/AIDS is one of the world's biggest medical crises. It is estimated that approximately 40 million people in the world currently have aid. One million of them, are in the United States. On this day, there are several things you can do: (a) learn more about HIV/AIDs; (b) promote education about this disease, and protection against it; (c) Help people with AIDs; or (d) donate to the fight to end this disease.

December 13 – “Ice Cream Day” – When you get the urge for a snack in the middle of the night or when you are feeling blue, what's the first thing that comes to your mind? That's right...ICE CREAM! Therefore, it's only fitting that ice cream be given its own special day. On this day, enjoy an ice cream cone, a sundae, or a milk shake.

December 20 – “Go Caroling Day” – Spread some holiday cheer on this day! This day is a wonderful, rewarding, and memory filled day. Christmas holiday caroling is a great opportunity to enjoy the holiday and appreciate its meaning. So, grab some friends, family, or co-workers and hit the streets – don't worry if you can't carry a tune.

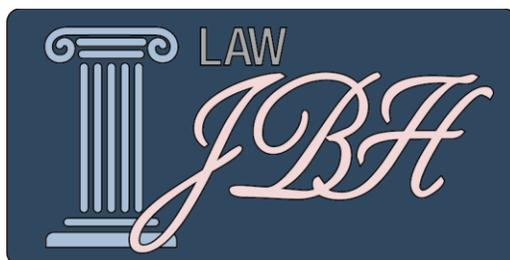


December 30 – “Bacon Day” – This day celebrates crispy strips of salted pork...Bacon!

This is a day to thoroughly enjoy bacon at every meal. Snack time, too! It is recommended that you enjoy bacon today in social gatherings. So, go ahead, and have a bacon party!

December 31 – “Make Up Your Mind Day” – This is a very decisive day. All during the year, you have put on hold many issues and decisions. Eventually, they need to be resolved and decided upon. Well, today is the day. It's not a day to procrastinate. It's not a day to put off making these decisions. If you are going to make up your mind this year, you had better do it real soon. And, when you think about it, isn't it a great idea to clean the slate in advance of the new year!?

*Merry Christmas and
Happy New Year from
our family to yours.*



FOR MORE INFORMATION PLEASE VISIT:

WWW.LAWJBH.COM

WWW.FACEBOOK.COM/LAWJBH

WWW.TWITTER.COM/LAWJBHTX

OR

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