

Have I Created an Entitled Staff?

I have consistently let my staff go at 5:30pm. They (including attorneys) leave at 5:30pm even if I am still working. Recently Ruby (which makes quite a good babysitter as an added value) has left me two messages right around 5:30 while I was out of the office. The first was a prospective client that called at 5:30 and staff told Ruby to tell the prospective client to call back the next morning. The second was a caller who wanted to make a payment and staff told Ruby for that person to come in Monday morning to make the payment as everyone was leaving.

Thinking of having them stay with my to 6 or 6:30pm a few days, or simply telling them that they have to stay until that time. It would help billable hours, maybe not morale but at this point not sure I am concerned about that.

Certainly, I am responsible for creating this situation. Any thoughts would be greatly appreciated.

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Seems to me their morale would be more impacted by the loss of employment. And exactly whose morale is more important: theirs or yours?

Crack the whip. Any employee will get away with exactly what you let them and then a little more.

Roger Traversa, Pennsylvania

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Seems to me the problem is that you haven't informed them that you are around later than 5:30, so they are giving out the wrong information. When do they start their day? Eight hours is a normal workday, so if they start around 9 AM, asking them to stay after 5:30pm is not reasonable, and in fact may require you to pay them overtime. I'm not an employment lawyer, but that's what I've heard. It certainly is what I would've expected when I was that kind of an employee.

Miriam Jacobson, Pennsylvania

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Three thoughts:

1. If you're the boss, you'd be within your right to change the hours of employment in some way to address the problem. Perhaps that would involve having one staff person starting later in the morning and staying later in the evening. From my own experience, clients do appreciate my staying open in to the evening, taking appointments on weekends, etc. There was that thread earlier this week about where middle-class clients are now. It'd depend on your city/town, of course, but a lot of them are stuck at work until 5 or 5:30 and can't miss work to come see their lawyer Monday to Friday 8 to 5.
2. If you are going to change your staff's working arrangement, check to see you won't run afoul of overtime rules and other similar employment-related problems.
3. More broadly, though, I don't think you're going to solve this problem in the long-term very easily since what you're facing is, essentially, the distinction between being an owner and just a regular employee. Your name is on the door (I'm assuming). It's your firm. To your staff, it's just a job. Loyalty just isn't there anymore between employees and employers.

Andy I. Chen, California

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1. \*If they stay, you pay\*: If you want people that are willing to stay past an 8 hour day, you must be willing to pay them or hire a virtual service that contracts their services and you pay only a straight hourly fee for the time they spend doing your work.
2. \*Staggered eliminates haggard\*: Have an office meeting wherein you explain that you need people to be there past 5:30 but don't want anyone to work more than 8 hrs. Float the idea of flexible working hours. Ask them for ideas, but have some of your own ready to suggest, e.g. starting times of 8, 10 and Noon. See if anyone would enjoy starting and working late.
3. \*Work smart, not hard\*: Speaks for itself!
4. \*Delegate, delegate, delegate\*! You should be administrating and doing heavy client lifting and delegating as much of the rest of the work as you can. You'd be

surprised at how people jump at the chance to show off how good they can be at more than what is expected, when given the chance.

Hope these help!

Lyza L. Sandgren, paralegal, Georgia

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I find it telling that Miriam and Lyza made suggestions about how to collaboratively solve the problem so employee morale may even improve. The guys (with the possible exception of Andy) all say "crack the whip."

Guess which approach is more likely to result in employees who buy-in to the idea of "when the firm wins, we all win" ?? And which approach is likely to result in constant turnover ??

Just a thought.

Meg Tebo, Illinois

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What do you mean "let them leave at 5:30?" What hours did you list in your ad for the job, in their employment contract, and in their employee handbook? They should be working those hours, not until some mystery time.

Now, if you need them to stay late occasionally, a "come in late the next day or leave early the next day" often works (check your state OT rules).

If you want to regularly extend your hours, then I agree with other commenters that you should have a staff meeting and get volunteers to switch their schedule around and/or be prepared to shell out extra money for extra time. Be cognizant that there is safety in numbers, so your staff may not want to be the only person working late, especially when Fall rolls around.

From a practice perspective, I gotta say, those Friday late afternoon and evening clients are the ones to most often cancel or "forget" appointments, so I've stopped making them. Plus, I wouldn't want my staff waiting around an extra half hour for a client, unless the check is a particularly large one. I'd end up paying the staffer more in wages than the cash coming in.

Essentially you are upset, because if you were there, you would have stayed late (maybe) to help these clients. You are annoyed that they didn't, and that they have potentially cost you money. I enjoy staying late on Fridays, so I can get things caught up. I also realize I am one of very very very few people who like to work late on Fridays.

Think about things from your employees' side and double-check your hiring paperwork before you make any changes. A happy staff is willing to go the extra mile for you. A stressed staff starts leaving for greener pastures.

Corrine Bielejeski, California

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Well, I'm a guy, and I'm with Miriam, Lyza and Meg.

What worked back when I started in practice 42 years ago will not fly today. The my name is on the door and yours isn't - learn it, love it or leave - and don't let the door hit you in the arse on the way out approach is - well, just like a former employee's arse, out the door.

Not that I don't believe that a younger and newer generation of employees could not benefit from learning respect for those in authority and earning your stripes, because I do. But you're working with employees who grew up in the participation trophy generation, and those lessons are going to take time to learn.

At the same time, I have to admit that, in its extreme application, the old way could be - and was - demeaning and demoralizing. Besides wages, hours and conditions, that's why labor unions got started.

Lyza's post very succinctly laid out what you have to do to recruit and retain competent help in today's work environment. [Well done, Lyza!]

Download it, print it out and keep it at hand.

Rod Klafehn, New York

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Okay, here we go ... I am really tired of this whole "participation trophy generation" thing. It's used as a cop-out and excuse for an entire generation because this

generation has different values, and isn't interested in working 15 hour days - they want to take their vacations and enjoy their lives.

Here's the deal with participation trophies ... **THE KIDS NEVER ASKED FOR THEM!** The same adults who now use it to lambaste the generation that received them were the ones that gave them out.

And, while I think that the conduct in the original post was questionable, what's wrong with leaving at 5:30? When my family is at home, I leave by 5:15. Why? So I can spend time with them. I go away and don't answer client calls (that's part of why I leave the country a lot when I go on vacation), so I can enjoy my time off. I value my time. It's worth noting that employers want a lot of loyalty, but how quick will they be to fire me? A lot of people, some in my generation, and a lot in the generation after mine, have started to see that employee loyalty really only goes one way.

But sure, blame the participation trophies.

Or recognize that the old ways sucked. Either/or.

Justin Meyer, New York

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Issue appears misdiagnosed. Having an employee tell someone to come back during business hours is typical behavior, regardless of age or profession.

Reflect on frequency of issues before making changes. If you need to vary business hours for an employee, ask for volunteers first. Determine whether this variance in hours will only occur when you are not in office or generally.

To my view, your apparent expectations are unreasonable. Employees are not going to be as committed as a business owner unless you are fortuitous in hiring. If you accidentally find someone with an owner mentality, value them as a prize, as it is uncommon.

Darrell G. Stewart

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It strikes me as either you have unreasonable expectations or you have not set the example. When you hire someone, they look to you to lead. If you are out of the office by 5:30, why would they stay late? Sure. Depos come up. Court runs late. (That

would be REALLY late around here.) Things happen. But if you are out of the office consistently before 530, why would they stay? Why would they want to hang out after 5:30 if you aren't there?

Sure, maybe you have an associate who wants to move up the ladder. But what ladder is there for a secretary or paralegal? They are not going to get promoted to senior secretary. So they are going to do the work necessary but not go above and beyond - unless you give them some incentive.

And do NOT blame this on the participation trophy. Its been an issue for decades and decades. When I worked at Prudential in the 90s, some of us would show up at 7 and start getting ready for the day that started at 8.

And some people would show up at 8 and leave at 4:30. My manager was an 8 to 4:30 person. I stayed longer because I was raised differently.

Now is the time to lead, not to punish. If you try to make an example, you might as well start looking for new employees.

Jonathan Stein, California

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I'm late to the party, but . . .

I've worked at several law firms and clerked in a judge's office during my career. I have *\*never\** worked at a place that expected staff to stay later than 5 or 5:30 unless an attorney had a specific need for staff support--and that usually meant overtime for the secretary or paralegal who stayed. We did have a receptionist answer the phone until 6, but that was it.

When you pay staff by the hour (and other than attorneys or maybe an office manager, you *\*have\** to pay them by the hour), they do not share in your firm's success the way you do--indeed, most states prohibit the sharing of fees with non-attorneys except in very limited situations. Your staff have families to get home to, and likely to prepare meals for. The fact that the firm is your career does not mean it should be theirs.

Kevin W. Grierson, Virginia

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My first job with a firm I had while waiting on bar results was as a law clerk for a one man show who had some support staff. He expected me to stay until he left. I would be there at 8:30, and he would roll in at 11 or 12.

He was a night owl. That meant he would routinely stay until 7:30 or 8:00 at night, sometimes later. I was making 36k a year. No thanks.

Seth Crosland

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I worked for law firms for nearly a decade doing litigation support (legal word processing, legal secretarial work) before going to law school, and now have been out of law school and practicing for about twenty years.

Non-lawyer employees of law firms have a schedule. There is a time that the business day begins and a time that the business day ends.

Where I practice it is not unusual for nonlawyer staff to leave at 4:30 pm because they need to pick up children from after-school programs or day care. These people are selling their services, their physical presence, by the hour to the law firm and, except in unusual circumstances, do not stay late. Sometimes lawyers need clerical support after hours, and when I did word processing/secretarial work those circumstances were usually planned for in advance. Lawyers circulated notice that they would need someone to stay late. Those who wanted the work and claimed it earned time and a half.

In my view, the expectation that an employee will stay late is out of line, unless this is negotiated in advance with the employee, and warrants payment of a premium-- overtime under the FLSA. The entitlement nonlawyer employees legitimately have is to a life outside of business hours. One does not expect that they are loyal to, or invested in, the goals of the business beyond the commitment to render services competently and consistently during business hours. If you treat your employees well, you may reap the benefit of such a buy-in out of personal loyalty, but it is illegitimate to expect it.

My two cents.

L. Maxwell Taylor, Vermont

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Max's comment highlights something about the original post that troubles me--since when do hourly employees decide to stay late of their own accord? If you pay them by the hour, you set the schedule of the hours they work, right?

Kevin W. Grierson, Virginia