

Kenneth L. Carper's Commentary on "New Supervisor Policies"

Commentary On
New Supervisor Policies

Sometimes the ethical conflicts faced by employees result from flawed management practices. Before discussing Tom Bank's dilemma, it will be useful to explore Axtell's management policies, since they have contributed to the dilemma. Axtell, Inc. maintains installation policies that exceed legal requirements for manufacturers of chemical containers. It also appears that these policies exceed the normal standard of care exercised by Axtell's competitors. The extraordinary attention given by Axtell management to safety is commendable, and these policies are partly responsible for the successful reputation enjoyed by the company. Many product manufacturers fail to provide the quality of on-site service provided by Axtell. The problem of improperly installed equipment has become a major risk to safety in the workplace. As products become more technically sophisticated, proper installation has become more critical. This is especially true for toxic material containers and other equipment related to hazardous chemicals and processes, where there is the potential for costly damage or serious injuries.

Howard Hanson is proud of the safety record of his installation division. He insists on sending an engineer to each project to supervise the installation, even when customers would rather proceed without such supervision. This creates a demanding workload for his installation engineers, and they are often working under pressure. Howard refuses to compromise quality under these circumstances, and his installation engineers bear the brunt of the resulting frustrations expressed by impatient clients. Howard Hanson's personal commitment to safety is responsible for the policy in question in this case. He requires all new engineers to be supervised by a veteran engineer for their first full month on the job. This policy is not a legal requirement, nor is it a longstanding policy of the company. The policy is consistent with the company's desire for enhanced quality and safety, and it is on this basis that Howard was able to convince Axtell management to adopt the policy. One cannot fault Howard for his commitment to safety. However, it appears that his

policies are creating unrealistic expectations for his subordinates.

While engineering managers do have ethical responsibilities to their clients and to the general public, they also have responsibilities toward their employees (Firmage 1989). The safety record of Axtell is built on the backs of overstressed, overworked installation engineers. The underlying source of the moral conflict here is that the Axtell installation division is understaffed. The workload pressures are immense, and there is no personnel backup to support the commendable policies developed by Howard Hanson. When the case was made for this new policy, he should have insisted on increased personnel to support the new policy with adequate personnel.

Tom Banks is working on the last day of the last week of his first month as an installation engineer. Charles Yost, the veteran engineer he has been working with all month is ill. He knows that Howard's policy requires him to supervise Tom's work one more day, but he is really too sick to do the job adequately. He doesn't want to bother Howard, because "...Howard doesn't have anyone available to replace me...and this job can't wait." The client is already impatient to get the installation completed. Besides this, Charles has already used all of his sick leave and doesn't want to take another day off. Rather than talk to Howard, Charles suggests that Tom just continue with the installation and violate Axtell's policy. Charles will place his certification on the installation, even though he has not actually supervised the work. He feels comfortable in making this suggestion, based on the quality of Tom's work all month. When first confronted with this suggestion, it seems that Tom should have insisted that he and Charles talk to Howard. Perhaps Howard is unaware of the impact of his conscientious safety policies on his installation engineers.

This situation provides an opportunity to discuss the demanding workload. It may be the case that Charles' illness is the result of these demanding pressures. An open discussion with Howard at this time might have led to the hiring of additional personnel. Reduced pressure may have even delayed Charles' subsequent heart attack. In retrospect, considering the later problems, it is easy to see that the desirable course for Tom would have been to discuss the problem with Howard from the beginning. It is only proper that Howard should be required to resolve the ethical dilemmas created by his policies. Now, following Charles Yost's death, some serious leaks have been found in the containers installed on that critical last day of Tom's probationary period. These have caused costly damage and injuries. The client has threatened legal action against Axtell, Inc. Should the case go to

litigation, Axtell's attorneys plan to refer to the company's past record and to its rigorous installation policies. This places Tom in a difficult dilemma, for those very company policies were violated on the day the equipment was installed.

If Tom has not yet done so, it is clear that he should discuss the events of that day not only with Howard, but also with Axtell's attorneys. It is important to note that a lapse in Axtell's normal installation policies may not, in itself, result in increased legal liability in this case. The courts have traditionally held professional services to the Standard of Care test, which recognizes that engineers are human and therefore prone to errors in judgment. Perfection is not required, but rather conformance to the Standard of Care exercised by the engineer's colleagues practicing in the same place and at the same time (Carper 1990). The fact that Axtell may not have followed its own policies exactly, when those policies are more stringent than the Standard of Care exercised by its competitors, should not be a serious legal issue.

The lesson of this case, at least from Tom's perspective, is that truthfulness comes easier when the first opportunity for truthfulness presents itself. Maintaining a lie or defending a lapse in moral judgment is always difficult. In this case, what first appeared to be a harmless evasion of truthfulness, may result in the temptation to commit perjury in the courtroom. It is important not to forget, however, that there is a lesson for Howard in this case. Management has a clear ethical responsibility to maintain quality working conditions for employees. One of the proper functions of management is to create a working environment in which ethical conflicts like this one are less likely to occur.

Suggested Readings:

1. Carper, Kenneth L. 1990. "Ethical Considerations for the Forensic Engineer Serving as an Expert Witness," *Business and Professional Ethics Journal*, Rensselaer Polytechnic Institute, Troy, NY, Vol. 9, Nos. 1 and 2, Spring-Summer, pp. 21-34.
2. Firmage, D. Allan 1989. "Management/Employee Ethics in Engineering Offices," *Journal of Professional Issues in Engineering*, American Society of Civil Engineers, New York, NY, Vol. 115, No. 1, January, pp. 53-58.