

**The Importance of Culture in the Work  
Environment: Strategies for Managing Toxic  
Situations in the Workplace**

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**LAUBER MUNICIPAL LAW**

*Serving those who serve the public*

**2026 MIRMA SEMINAR**

# Introduction/Background

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- ④ What is a Toxic Work Environment
- ④ Legal Risks of Toxic Work Culture
- ④ Managing Toxic Situations in the Workplace
- ④ Proactive Measures



# Toxic Work Environment

"In a toxic environment, we cannot expect anything positive to grow."

-Unknown

@derrickbeaman

- ④ What is a Toxic Work Environment?
  - ④ Hint: No clear definition
- ④ You'll know it when you see it!
- ④ Could be a misalignment of values and goals between the City and Employee

# Toxic Work Environment

- Ⓜ Indicators of “toxic” work environment include: disruption in workflow, low employee morale, high turnover, withdrawal, lack of engagement
- Ⓜ 5 types of employees that contribute to a toxic environment\*:
  - Ⓜ Slacker
  - Ⓜ Volcano
  - Ⓜ Martyr
  - Ⓜ Pessimist
  - Ⓜ Bully
- Ⓜ Toxic vs. Difficult



\* *Are Toxic Employees Ruining Your Workplace?* By Jennise Chaffold

# Legal Risks of a Toxic Culture

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- Ⓜ Organizations with toxic work environments are easy targets for litigation, regardless of the legal merits of the allegations.
- Ⓜ Harassment, Hostile Work Environment, Retaliation, Discrimination claims

# Story Problem

- ④ City hires Employee (male/29 yr old). Employee works for City for 20 years. Employee is well liked and has received high scores on his annual reviews. Employee interviews for various other positions and receives the highest score. In each case, the City hires a younger and less experienced person. Employee voluntarily resigns.
- ④ Do you think the Employee has a cause of action against the City? If so, what cause of action do you think he has?
- ④ Is there something the City could have done differently?

# *Eivins v. Mo. Dep't of Corr.*

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## Ⓜ Age Discrimination

- Ⓜ Prima facie case
- Ⓜ Burden shifts to Employer to rebut the presumption of discrimination
- Ⓜ Employee must provide evidence that the Employer's reason is merely pretext for intentional discrimination



Missouri Department of  
**Corrections**

## Ⓜ Hostile Work Environment

- Ⓜ Employee must show that he is a member of a protected group under MHRA;
- Ⓜ He was subject to unwelcome harassment;
- Ⓜ His membership in the protected group was a “motivating factor” in the harassment; and
- Ⓜ A term of his employment was affected by the harassment.

# *Eivins v. Mo. Dep't of Corr. – cont.*

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## Ⓜ Retaliation

- Ⓜ Employee must establish that he complained of discrimination;
- Ⓜ Employer took adverse action against Employee; and
- Ⓜ A causal relationship exists between the complaint and the adverse action.



# Story Problem

- ④ Employee works for City for a number of years. Due to some restructuring and reorganizing, Employee now works in a different department with a different supervisor. Employee subject to egregious acts – mostly racial slurs and is denied a promotion into a different job that she was qualified for.
- ④ Do you think the Employee has a cause of action against the City? If so, what cause of action do you think he has?
- ④ Is there something the City could have done differently?

# *McGaughy v. Laclede Gas Co.*

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- ④ Failure to Promote
- ④ Hostile Work Environment
- ④ Retaliation
- ④ Court awarded  
Employee: \$1.3 million  
in actual damages; \$7.2  
million in punitive  
damages and attorneys  
fees

# Story Problem

- ④ Employee is a police officer for the City. Employee's supervisor told Employee sexual jokes, discussed her sex life, etc. in Employee's presence because the Department knew Employee did not like to talk about such things at work. Most all of the other officers engaged in this same behavior. Employee transfers to the Investigative Division. Supervisor gets assigned to the same division (at Employee's request). The two become "friendly". Supervisor, who is now Employee's subordinate files a complaint against Employee for: (1) hostile work environment; (2) sexual harassment; and (3) violation of City policy by conducting outside business at work while on duty.
- ④ Do you think the Employee has a cause of action against the City? If so, what cause of action do you think he has?
- ④ Is there something the City could have done differently?

# *Barekman v. City of Republic*

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- ④ Sexual harassment creates hostile work environment when:
  - ④ Sexual conduct creates an intimidating, hostile or offensive work environment or has the purpose or effect of unreasonably interfering with an individual's work;
  - ④ Employer is liable for the sexual harassment if the Employer knew or should have known of the harassment and failed to take prompt and effective remedial action.
  - ④ Court found that there was no causal nexus between the harassment and Barekman's gender.



# *Barekman v. City of Republic – cont.*

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- Ⓜ Retaliation
- Ⓜ Court remanded the retaliation claim back to the circuit court for additional findings.

# Story Problem

- ④ Employee is diagnosed with uterine cancer. Employee goes on FMLA to have surgery and recover. A week before her FMLA ends she notifies the City that she is coming back. Once back Employee applies for a position that would be a promotion. The position was given to another employee. When Employee asks her supervisor why she did not get the position, Employer tells her that she was afraid Employee's cancer would come back and the position requires the Employee to be at "100%".
- ④ Do you think the Employee has a cause of action against the City? If so, what cause of action do you think he has?
- ④ Is there something the City could have done differently?

# *Gamber v. Mo. Dep't of Health & Senior Servs.*

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- ④ Discrimination – based on a perceived disability
- ④ Retaliation – forced to terminate her employment



# *Gamber v. Mo. Dep't of Health & Senior Servs. – cont.*

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- ④ Ms. Gamber failed to establish all elements of her claims and therefore the courts ruling in favor of the Mo. Dep't of Health & Senior Servs. was upheld.

# Managing Toxic Situations in the Workplace

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- ④ Slacker – Set clear expectations and deadlines
- ④ Volcano – Give tangible examples of how their behavior negatively impacts the workplace
- ④ Martyr – Give projects to others directly. Spread work evenly
- ④ Pessimist – Redirect and/or highlight positives
- ④ Bully – No toleration policy

# Proactive Measures

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- ④ Work with governing body to create a Mission Statement and Vision Statement for the City (if you don't have one)
- ④ Communicate your Mission Statement, Vision Statement and others in addition to values and goals of the City to employees
- ④ Conduct a survey of employees to identify specific concerns and problems within the workplace
- ④ Improve the City's hiring process
- ④ Address situations as quickly as possible
- ④ Provide training to supervisors and managers
- ④ Keep in mind that change takes time



## CITY OF BLUE SPRINGS, MO – PARKS DEPARTMENT

### **Mission Statement:**

- ④ *Recognized as an indispensable community asset that creates a healthy, livable and sustainable community through enhanced quality of life for residents and visitors while generating economic vitality.*

### **Vision Statement:**

- ④ *Creating outstanding recreational, cultural and natural experiences to enrich and enhance the quality of life for our community today and for future generations.*

# Proactive Measures

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A leader leads by example,  
whether he intends to or not.

~Author Unknown



## ④ Lead by Example

- ④ Employers must demonstrate behaviors that align with the company's values and promote a positive work culture. This involves treating employees with respect, actively listening to their concerns, and practicing open communication.

## ④ Communicate Expectations Clearly

- ④ Toxic workplace cultures often stem from confusion or conflicting expectations. As such, employers should ensure that all employees have a clear understanding of their roles, responsibilities, and performance expectations. This can help reduce misunderstandings and create a more harmonious work environment.

## ④ Encourage Feedback and Take it Seriously

- ④ Employers should actively seek feedback from employees at all levels of the organization and take it seriously. This shows that they value their employees' opinions and are committed to making necessary changes to improve the work environment.

# Proactive Measures – cont.

## ④ Invest in Employee Development

- ④ Toxic workplaces often have high turnover rates and low employee engagement. By investing in ongoing employee development, employers can improve retention rates and promote a positive work culture.

## ④ Prioritize Employee Well-being

- ④ Employers should prioritize the physical and mental well-being of their employees. This may include implementing policies that support work-life balance, promoting a healthy work environment, and providing access to resources for managing stress or burnout.





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## The Importance of Culture in the Work Environment: Strategies for Managing Toxic Situations in the Workplace

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## LAUBER MUNICIPAL LAW, LLC

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### **About the Firm**

Lauber Municipal Law, LLC, was established for the purpose of serving local governmental entities of all types and sizes. We can serve your community as its general counsel (City Attorney) or as special counsel for technical issues like economic development incentive approvals, annexation, elections, impeachments, and appellate work.

Our goal through Lauber Municipal Law, LLC, is to meld our previous experience together to provide a high-quality, “big firm” work product, while providing the flexibility, personal responsiveness, and cost effectiveness of a small firm. We completely understand public entities’ needs to obtain the most effective representation possible while considering the fact that these services are compensated from a budget made up of public funds. As the motto for Lauber Municipal Law, LLC, states: We are proud to serve those who serve others. Our sincere desire is to make that job easier and less stressful for the elected officials and administrative staffs of these entities.