

Q&A: President Bully

BY STEVEN MLENAK 2023 SUMMER

Q&A



A. “Board members of common interest communities can easily put the association in hot water by harassing employees or creating a hostile work environment,” says Steven Mlenak, partner of New Jersey law firm Greenbaum, Rowe, Smith & Davis, LLP, based in Roseland. “If acted upon by the employee, this can result in a lawsuit against the association which may or may not be covered by the association’s insurance carrier depending upon the terms of its coverage.

“If a board member is harassing an employee, the rest of the board should take steps to curtail that behavior by communicating with the board member about his/her actions. When a board member refuses to cease the harassing behavior against the employee, the remaining board members should seek legal counsel as to the board’s options. Many governing documents will permit the board to remove the board member from an officer position. Others will allow the board to remove that member from the board completely or, more commonly, to call for a community recall vote of that board member.

“Boards should further consider adopting a code of conduct resolution setting forth standards by which the board members agree to be bound. These standards can address how board members are expected to interact with employees, other board members, and homeowners, and can provide a framework for how situations such as the one posed in this question can be uniformly addressed.”

