

Seinfeld jokester loses award

If you were stunned when a jury awarded \$26.6 million to Jerold Mackenzie for wrongful discharge after he was fired for discussing a sexual innuendo in a Seinfeld episode, you can breathe easier. The Wisconsin Court of Appeals recently threw out the award.

Although the Seinfeld comment grabbed the headlines, the case actually hinged on actions taken against Mackenzie before the infamous harassment complaint. Mackenzie charged that the company failed to inform him about an earlier downgrade in his position and that a supervisor illegally opposed his promotion. A lower court agreed, but the appeals court rejected the award. (*Mackenzie v. Miller Brewing Co.*, 94-CV-010871, Wis. Ct. App., 2000).

Advice: The court said that employers can legally conceal information that would lead workers to seek another job, just as employees may not tell their employers everything the business would want to know.

Also, don't fear giving tough critiques of employee performance, as long as they're honest. The court said a supervisor's comment that he didn't think Mackenzie was right for a promotion was perfectly legal.