Employment Law

Office of Human Resources
Jean Prather, PHR
“After 25 years of loyal service, all I have is a crummy gold watch and $3 million in office supplies.”
Employment Law

• The employment relationship is highly regulated by statutes, administrative regulations and judicial precedent at the federal, state and local level.

• Most of the major components of the regulatory process are applicable to employers of as few as 15 employees.
Employment Law

- The scope of regulation extends to:
  - hiring decisions
  - wage payment
  - discipline
  - overtime compensation
  - workplace safety
  - preferential rights for veterans
  - employment actions based upon age, race, gender, color, national origin and disability.
Employment – at - Will

• Indiana is an employment at-will state.
• Handout page 2
• There are exceptions to at-will.
• A recent survey revealed that plaintiffs who get jury trials win about 75% of the time, the average award being approximately $300,000. In addition, legal expenses to defend wrongful discharge cases averaged $80,000 (Dyas & Kleiner, 1996).
ADEA

• Age Discrimination in Employment Act of 1967 – ADEA
• Handout page 3

• Is it legal to ask for an applicant’s age/date of birth on an employment application?

• Is it a violation of ADEA to refuse to hire a 75 year old grandmother to work at a retail store catering to teenage girls?
Americans With Disabilities

- Americans With Disabilities Act of 1990 – ADA (TITLE I & TITLE V)
- Rehabilitation Act of 1973
- Handout page 3

- Is it a violation of ADA not to hire a blind candidate requiring special voice activated equipment that totals $100,000?
Consumer Credit Protection Act

- Consumer Credit Protection Act – CCPA
- Handout page 4
Employee Polygraph Protection

- Employee Polygraph Protection Act of 1988 (EPPA)
- Handout page 4
- You are an incoming adjunct faculty member in a State higher education institution and you are being asked to take a polygraph exam. How do you respond to the request? Is it a legal request?
Equal Pay Act

- Equal Pay Act of 1963 – EPA
- Handout page 5
- John and Martha are assistant bank managers at different branch locations. They have the same job responsibilities. John has been with the Bank for 10 years. Is it legal for John’s salary to be higher than Martha’s?
Fair Credit Reporting Act

• Fair Credit Reporting Act – FCRA
• Handout page 5
• A copy of the letters, a sample report and the FCRA rights are included for you.
Fair Credit Reporting Act

"I didn't lie — I went to Harvard for my nephew's graduation."
FLSA

• Fair Labor Standards Act – FLSA
• Handout page 6
• Is an employer required by law to provide breaks or lunch periods?
• Brenda is a non-exempt employee. It is an extremely busy time of the year for Brenda. She decides that during her lunch hour she will sit at her desk and work. Is Brenda’s “lunch” time compensable?
FLSA

Emily is a temporary employee paid bi-weekly. During week one Emily works 48 hours and during week two, she works 30 hours. Does FLSA require that Emily be paid overtime for this period?
FMLA

- Family and Medical Leave Act – FMLA
- Handout page 7
- If an employee works at RHIT 1 year, leaves for five years and returns, do they have to meet the one year requirement again?
Immigration Reform & Control

- Immigration Reform and Control Act of 1986 – IRCA
- Handout page 8
- Copy of the I9 attached.
Pregnancy Discrimination Act

- Pregnancy Discrimination Act of 1978 – PDA
- Handout page 8
Title VII of Civil Rights Act

- Title VII of the Civil Rights Act of 1964
- Civil Rights Act of 1991
- Handout page 9
USERRA

• Uniformed Services Employment and Re-employment Rights Act of 1994 – USERRA
• Handout page 9
• Brad has joined the Army Reserves; he just left his job to go to boot camp. Brad is not able to make it through boot camp. Is his employer required to return him to a position similar to the one he left?
Worker Adjustment and Retraining Notification Act

- Worker Adjustment and Retraining Notification Act – WARN
- Handout page 9
Questions
References

If You Want to Know More... 

• The Americans with Disabilities Act: questions and answers.
• Equal pay: a thirty-five year perspective
  L 36.102:EQ 2/3
• Federal laws prohibiting job discrimination: questions and answers / EEOC
  Y 3.EQ 2:2 D 63/11
If You Want to Know More. . .

• Recruiting, interviewing, selecting & orienting new employees / Diane Arthur.  
  HF 5549.5 .R44 A75 1998

• Fair Labor Standards Act of 1938  
  L 36.205:F 15/997

• Foundations of employment discrimination law / John J. Donohue III.  
  KF 3464 .A7 D66 1997
If You Want to Know More.

- Labor, *employment*, and the *law*: a dictionary / Christopher Thomas Anglim.  
  KF 3317 .A54 1997

- Age discrimination: *employment* discrimination prohibited by the Age Discrimination in *Employment* Act of 1967, as amended  
  Y 3.EQ 2:2 D 63/5/996

- Fundamentals of *employment law*  
  KF3457 .F85 1991