Advanced Professional Certificate in Business and Law

Employment Law

Employment Law:
Employment law refers to the legal framework that governs the relationship between employers and employees. It covers a wide range of issues related to the workplace, including hiring, firing, wages, benefits, discrimination, harassment, and workplace safety. Employment law is designed to protect the rights of both employers and employees and ensure that workplaces are fair and safe environments for all parties involved.

At-Will Employment:
At-will employment is a common law doctrine that allows employers to terminate employees for any reason or no reason at all, as long as the reason is not illegal. This means that employers can fire employees at any time, without notice or cause. However, employees also have the right to quit their jobs at any time, for any reason. At-will employment is the default rule in most states in the United States unless there is a specific employment contract or collective bargaining agreement in place that states otherwise.

Collective Bargaining Agreement:
A collective bargaining agreement (CBA) is a contract negotiated between an employer and a labor union that sets forth the terms and conditions of employment for the unionized employees. CBAs typically cover a wide range of issues, including wages, benefits, hours of work, working conditions, and grievance procedures. CBAs are legally binding documents that govern the relationship between the employer and the unionized employees and are enforceable through the legal system.

Discrimination:
Discrimination occurs when an employer treats an employee or group of employees differently based on a protected characteristic, such as race, gender, age, disability, religion, or national origin. Discrimination is prohibited by various federal and state laws, including Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and the Age Discrimination in Employment Act (ADEA). Employers are prohibited from discriminating against employees in any aspect of employment, including hiring, firing, promotions, and compensation.

Employee Benefits:
Employee benefits are non-wage compensation provided to employees in addition to their regular salary or wages. Employee benefits can include health insurance, retirement plans, paid time off, and other perks such as tuition reimbursement, gym memberships, and employee discounts. Employee benefits are an important part of the total compensation package offered by employers and can help attract and retain top talent.

Employee Handbook:
An employee handbook is a written document that outlines the policies, procedures, and expectations of the employer. Employee handbooks typically cover a wide range of topics, including workplace conduct, anti-discrimination policies, harassment prevention, benefits, and disciplinary procedures. Employee handbooks are important tools for communicating expectations to employees and ensuring that everyone is aware of their rights and responsibilities in the workplace.

Employment Contract:
An employment contract is a legally binding agreement between an employer and an employee that sets forth the terms and conditions of employment. Employment contracts can be written or verbal and may cover a wide range of issues, including wages, benefits, job duties, and termination procedures. Employment contracts are important for clarifying the expectations of both parties and protecting the rights of employees in the event of a dispute.

Fair Labor Standards Act (FLSA):
The Fair Labor Standards Act (FLSA) is a federal law that establishes minimum wage, overtime pay, recordkeeping, and child labor standards for employees in the United States. The FLSA is enforced by the Wage and Hour Division of the Department of Labor and applies to most employees in the private sector and in federal, state, and local governments. The FLSA sets forth the federal minimum wage, which is currently $7.25 per hour, and requires that non-exempt employees be paid overtime at a rate of one and a half times their regular rate of pay for hours worked over 40 in a workweek.

Family and Medical Leave Act (FMLA):
The Family and Medical Leave Act (FMLA) is a federal law that allows eligible employees to take up to 12 weeks of unpaid, job-protected leave for certain family and medical reasons. The FMLA applies to employers with 50 or more employees and provides eligible employees with the right to take time off to care for a newborn or adopted child, care for a family member with a serious health condition, or address their own serious health condition. Employees are entitled to return to their same or equivalent position after taking FMLA leave.

Harassment:
Harassment is a form of discrimination that involves unwelcome conduct based on a protected characteristic, such as race, gender, age, disability, religion, or national origin. Harassment can take many forms, including verbal, physical, or visual conduct that creates a hostile or offensive work environment. Harassment is prohibited by various federal and state laws, including Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act (ADA). Employers are required to take prompt and appropriate action to address and prevent harassment in the workplace.

Non-Compete Agreement:
A non-compete agreement is a contract between an employer and an employee that restricts the employee's ability to work for a competitor or start a competing business after leaving the employer. Non-

compete agreements are designed to protect the employer's trade secrets, confidential information, and customer relationships. Non-compete agreements must be reasonable in scope, duration, and geographic area to be enforceable, and courts will generally only enforce non-compete agreements that are necessary to protect the employer's legitimate business interests.

OSHA:
The Occupational Safety and Health Administration (OSHA) is a federal agency that is part of the Department of Labor and is responsible for ensuring safe and healthy working conditions for employees in the United States. OSHA sets and enforces workplace safety standards, conducts inspections of workplaces, and provides training, outreach, and assistance to employers and employees. Employers are required to comply with OSHA regulations and provide a safe and healthy work environment for their employees.

Sexual Harassment:
Sexual harassment is a form of discrimination that involves unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual harassment can create a hostile or offensive work environment and is prohibited by various federal and state laws, including Title VII of the Civil Rights Act of 1964. Employers are required to take prompt and appropriate action to address and prevent sexual harassment in the workplace and can be held liable for the actions of their employees.

Unemployment Insurance:
Unemployment insurance is a state-run program that provides temporary financial assistance to employees who have lost their jobs through no fault of their own. Unemployment insurance is funded by employer payroll taxes and provides eligible employees with a percentage of their prior earnings for a limited period of time. To qualify for unemployment insurance, employees must meet certain eligibility requirements, such as being able and available to work and actively seeking employment.

Wage and Hour Laws:
Wage and hour laws are state and federal laws that govern the payment of wages and the hours of work for employees in the United States. Wage and hour laws set forth minimum wage requirements, overtime pay rules, meal and rest break requirements, and other regulations related to compensation and working hours. Employers are required to comply with wage and hour laws to ensure that employees are paid fairly for their work and to avoid legal liability for wage and hour violations.

Whistleblower:
A whistleblower is an employee who reports illegal, unethical, or unsafe activities in the workplace to a government agency or other authority. Whistleblowers are protected by various federal and state laws, including the Whistleblower Protection Act and the Sarbanes-Oxley Act, which prohibit retaliation against employees who report wrongdoing. Whistleblowers play an important role in exposing and preventing fraud, corruption, and other misconduct in the workplace.

Workplace Safety:

Workplace safety refers to the efforts made by employers to ensure that employees are protected from hazards and risks in the workplace. Workplace safety includes identifying and addressing potential safety hazards, providing training on safe work practices, and establishing procedures for reporting and addressing safety concerns. Employers are required to comply with workplace safety regulations set forth by OSHA and other government agencies to provide a safe and healthy work environment for their employees.

Wrongful Termination:
Wrongful termination occurs when an employer fires an employee in violation of federal or state laws or in breach of an employment contract. Wrongful termination can include firing an employee for discriminatory reasons, retaliating against an employee for reporting illegal activities, or terminating an employee in violation of public policy. Employees who believe they have been wrongfully terminated may have legal recourse through a wrongful termination lawsuit to seek damages for lost wages, emotional distress, and other harm caused by the unlawful termination.