

**Wednesday, March 18, 2015**

1:30pm – 5:00pm

Employment Law

Corper James, University of Utah Professional  
Education

Thank you for your attention!



**employment**  
Standards Act (FLSA) and Hour-law requires  
for non-exempt  
yes working over 40 hours in  
week

**Civil Rights**  
1964  
ent in the workplace

**harassment**  
ADAAA  
Discrimination  
Accommodations  
Access  
Interactive Process

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**Religious**  
English is  
Preferred  
Language &  
Accommodate  
Your Needs  
Proficiency

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## At-will Employment

What it means

Modified: Contract, Public Policy, Illegal  
Conduct

Federal Law  
15 or more employees

(FISMA)

# Federal Law

# Apply with 15 or

... means  
Modified: Contract, Public Policy,  
Conduct



## Federal Law

Statutes apply with 15 or more employees

## Fair Labor Standards Act (FLSA)

- Wage and Hour- law requires overtime for non-exempt

## Computer software

Generally Regulated by federal and state agencies:  
labor commissions, UALD, EEOC, etc.

...ment  
...ed: Contract, Public Policy, Illegal  
Conduct

#### Federal Law

Statutes apply with 15 or more employees

### Fair Labor Standards Act (FLSA)

- Wage and Hour- law requires overtime for non-exempt employees working over 40 hours in a workweek

#### FMLA

- Full-time employee for one-year (1250 hours, prior calendar year).
- Application, note from medical provider
- Confidentiality
- Vacation/sick
- Notice requirements

### Exemptions:

- Salaried
- Executive
- Administrative
- Professional
- Highly Compensated

## g over 40 hours in

#### FMLA

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# Title VII of the Civil Rights Act of 1964

Discrimination/Harassment in the workplace

Illegal Discrimination

Not Illegal Discrimination

Retaliation:  
You cannot be  
retaliated against

# Title VII of the Civil Rights Act of 1964

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retaliated against

Treating someone differently for any reason

- Adverse job action
- Denied privileges, pay, bonuses

Treating someone poorly

- Environmental

ISCRIMINATION

Illegal Discrimination

Race  
National Origin  
Color  
Gender  
Age  
Religion  
Disability  
Veteran's Status

# Shaving

Why these?

Sexual Orientation?

First?

Not a protected class  
Being mean or rude  
Smokers  
Political Affiliation  
Marital Status  
Economic Status  
Education  
Fandom

Retaliation:  
You cannot be  
retaliated against  
for filing a claim-  
even a bad one.



## **Sexual Harassment**

Quid Pro Quo  
Hostile Work Environment

ADA

## **Sexual Harassment**

Quid Pro Quo  
Hostile Work Environment

ADA

Relationship:

- This for that
- Power
- Sexual advances or relationship potentially affecting job status

Context:

- Boss/secretary
- Supervisor/sub
- Consent irrelevant

# Sexting

# Sexual Harassment

Quid Pro Quo

Hostile Work Environment


ADAA

Relationship:

- No Power necessary
- Sexual

Context:

- Environmental
- Strangers, vendors, customers, FedEx guy
- Consent = no sexual harassment



Sexual in Nature  
Severe and/or pervasive  
Unwelcome/unwanted



Fraudulent claim



Keyed car

# ADAAA

## Discrimination

A

1

A physical, mental or emotional impairment that substantially limits one or more major life activities

caring for oneself  
manual tasks  
seeing  
hearing

# ADAAA

Discrimination  
Accommodations  
Access  
Interactive Process

Virtually always:

- Deafness
- Blindness
- Intellectual disabilities
- Missing limbs/ wheelchair
- Autism
- Cancer
- Cerebral Palsy
- Diabetes
- Epilepsy
- HIV
- MS
- Muscular dystrophy
- Axis 2 (BP, PTSD, OCD, Schiz)

If a qualified individual is able to perform the essential functions of the job with an accommodation the employer must grant it

Handbook on Reasonable Accommodation  
CONFIDENTIALITY

Undue burden or hardship, health and safety concerns

CONFIDENTIALITY



# Forget Old Stereotypes

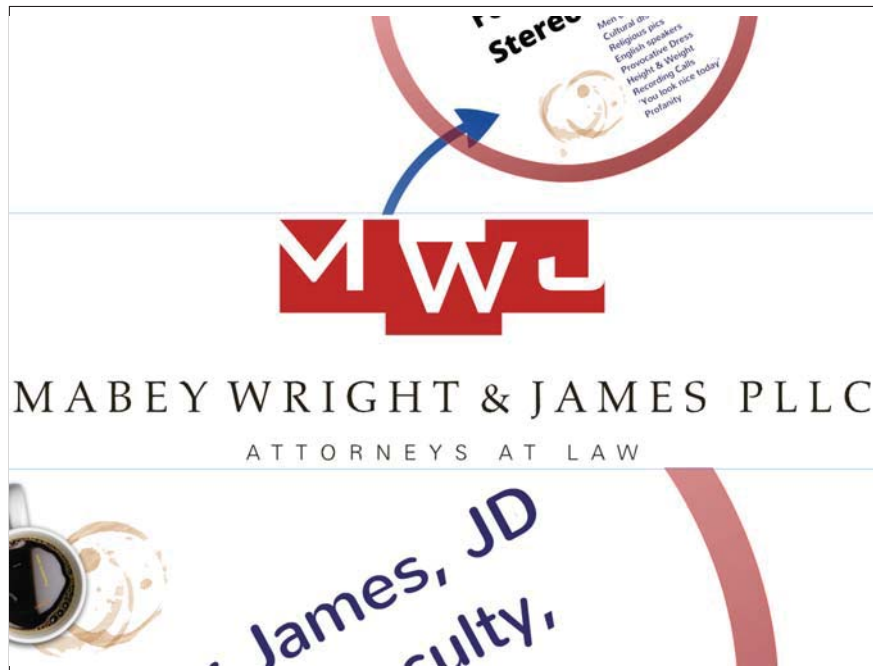
Men cash, women flow  
Cultural discussion  
Religious pics  
English speakers



Men cash, women flowers  
Cultural discussion  
Religious pics  
English speakers  
Provocative Dress  
Height & Weight  
Recording Calls  
'You look nice today'  
Profanity

## Supervisor Responsibilities

- **SH = knew or should have known**
- **Must take action**
- **Confidentiality**
- **Due process**
- **Document (Truck Driver Case)**
  - **Personnel, Desk, Medical**
- **Objective Job Criteria**
- **Respondent Superior**



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