

Overview of Employment Law

Overview of Employment Law – Study Notes

1. What Is Employment Law?

- **Definition:** Body of statutes, regulations, and case law governing the relationship between employers, employees, and unions.
- **Purpose:** Protect workers' rights, promote fair workplace practices, and balance the interests of businesses and the labor force.
- **Scope:** Covers hiring, wages, hours, benefits, workplace safety, discrimination, termination, collective bargaining, and more.

2. Key Sources of Employment Law

Source	Typical Content	Example Jurisdictions
Statutes (Acts)	Primary rules on wages, hours, safety, discrimination, family leave, etc.	Fair Labor Standards Act (FLSA), Title VII of the Civil Rights Act, Occupational Safety and Health Act (OSHA)
Regulations	Detailed implementation guidelines issued by agencies.	EEOC regulations, Department of Labor (DOL) wage?hour rules
Case Law (Judicial Decisions)	Interpretation of statutes & common?law principles; establishes precedents.	Supreme Court rulings on “at?will” employment, reasonable accommodation
Collective Bargaining Agreements (CBAs)	Contractual terms negotiated between unions and employers.	National Labor Relations Board (NLRB)?certified agreements
Administrative Decisions	Agency rulings on specific disputes (e.g., EEOC findings).	OSHA citations, DOL wage?hour determinations

3. Fundamental Employment Concepts

Concept	Description	Legal Significance
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	Default rule: employer or employee	Exceptions include contracts,
At-Will Employment	may terminate the relationship at any time, for any lawful reason.	public policy violations, implied covenant of good faith.
	Employment governed by a written or	
Contractual Employment	oral contract specifying term, duties, compensation, and termination conditions.	Provides greater predictability; breach can lead to damages.
Employee vs. Independent Contractor	Classification determines eligibility for benefits, tax treatment, and statutory protections.	Misclassification can trigger penalties under the Fair Labor Standards Act, tax codes, and state laws.
Full-Time vs. Part-Time/Temporary	Determines eligibility for benefits, overtime, and certain statutory rights.	Many statutes set thresholds (e.g., 30 hours/week for ACA employer? shared responsibility).

4. Core Areas of Regulation

4.1 Hiring & Recruitment

- **Anti-Discrimination Laws** – Title VII, ADA, ADEA, GINA, BEE (in some jurisdictions).
- **Background Checks** – Fair Credit Reporting Act (FCRA) compliance; limits on criminal history inquiries.
- **Immigration** – I-9 verification; compliance with the Immigration Reform and Control Act (IRCA).

4.2 Compensation & Hours

- **Minimum Wage** – Federal (currently \$7.25/hr) plus state/local higher rates.
- **Overtime** – Time-and-a-half for hours >40/week (FLSA) unless exempt (executive, administrative, professional).
- **Pay Frequency & Wage Statements** – State-specific rules on pay periods, itemized pay stubs.
- **Equal Pay** – Equal Pay Act; Lilly Ledbetter Fair Pay Act (amendments to Title VII).

4.3 Workplace Safety & Health

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- **OSHA Standards** – General industry, construction, maritime, and specific hazards.
- **Employer Obligations** – Provide safe environment, training, PPE, record keeping (OSHA