Chapter 1 : HR Insights Blog | 10 Employment Laws that Supervisors Need to Know

Get this from a library! Managing equally and legally: a practical business guide to preventing discrimination complaints and termination lawsuits. [Lynne Curry-Swann].

Laws and Regulations Laws and regulations at the federal, state, and local levels regulate how companies conduct staffing. Three sensitive areas of legal concern that managers must comply with are equal opportunity, affirmative action, and sexual harassment, described in the following sections. These areas, as well as other laws, impact all human resource practices. Equal Employment Opportunity Individuals covered under Equal Employment Opportunity EEO laws are protected from illegal discrimination, which occurs when people who share a certain characteristic, such as race, age, or gender, are discriminated against because of that characteristic. People who have the designated characteristics are called the protected class. Federal laws have identified the following characteristics for protection: Affirmative action While EEO laws aim to ensure equal treatment at work, affirmative action requires the employer to make an extra effort to hire and promote people who belong to a protected group. Affirmative action includes taking specific actions designed to eliminate the present effects of past discriminations. The scope of authority of the EEOC has been expanded so that today it carries the major enforcement authority for the following laws: Civil Rights Act of Prohibits discrimination on the basis of race, color, religion, national origin, or sex. Reaffirms and tightens prohibition of discrimination. Permits individuals to sue for punitive damages in cases of intentional discrimination and shifts the burden of proof to the employer. Equal Pay Act of Prohibits pay differences based on sex for equal work. Pregnancy Discrimination Act of Prohibits discrimination or dismissal of women because of pregnancy alone, and protects job security during maternity leaves. American with Disabilities Act. Prohibits discrimination on the basis of physical or mental disabilities and requires that employees be informed about affirmative action plans. Sexual harassment Few workplace topics have received more attention in recent years than that of sexual harassment. Since professor Anita Hill confronted Supreme Court nominee Clarence Thomas on national television over a decade ago, the number of sexual harassment claims filed annually in the United States has more than doubled. Recently, a decision handed down by the U. Organizations must respond to sexual harassment complaints very quickly because employers are held responsible for sexual harassment if appropriate action is not taken. The cost of inaction can be high. Employers can take the following steps to help minimize liability for sexual harassment suits: Offer a sexual harassment policy statement. This statement should address where employees can report complaints, assure confidentiality, and promise that disciplinary action will be taken against sexual harassers. Provide communication and training programs for supervisors and managers. These programs should emphasize that sexual harassment will not be tolerated. Conduct fair, impartial investigations and base actions on objectively gathered facts. The complainant must be insulated from the kinds of behavior that prompted the complaint. Other employment laws Several other laws impact staffing practices as well. The Fair Labor Standards Act specifies the minimum wage, overtime pay rules, and child labor regulations. The Employee Polygraph Protection Act outlaws almost all uses of the polygraph machine for employment purposes. Privacy laws provide legal rights regarding who has access to information about work history and job performance for employees in certain jurisdictions. Under the Whistleblower Protection Act, some employees who publicize dangerous employer practices are entitled to legal protection. Table lists additional federal laws that shape HRM practices.

Chapter 2 : Tips for managing confidentiality in HR

Managing Equally and Legally by Lynne Curry-Swann, , available at Book Depository with free delivery worldwide.

Here are ten 10 of the most important employment laws that supervisors need to be aware of and the major responsibilities that supervisors typically are responsible for in ensuring compliance. To prohibit job discrimination in the workplace Overview: Title VII of the Civil Rights Act covers an employer who has fifteen 15 or more employees and prohibits discrimination against any individual on the bases of race, religion, color, sex including pregnancy and gender identity , sexual orientation, parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or any other non-merit based factor. The law also protects individuals from harassment in the workplace. Supervisors must treat all employees and applicants consistently and equally, without regard to their race, color, religion, gender, national origin or any other characteristics that are protected under law. Supervisors are not to base any employment decisions on these protected characteristics, cannot deny opportunities to an individual because of their characteristics, and cannot retaliate against an employee. Supervisors are often responsible for managing and making sure that all work hours of non-exempt employees are recorded and verified. The Family and Medical Leave Act FMLA entitles employees who have worked at least 1, hours over the past 12 months, and work at a location where the company employs 50 or more employees within 75 miles to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. When employees request medical leave or time off to address medical issues, supervisors must refer them to HR. Supervisors are to maintain contact with employees on leave and remain informed of changes to their condition or leave, and communicate those changes to their HR department. While employees are on leave, supervisors must be cognizant of employment actions termination, discipline, etc. Finally, supervisors also need to follow privacy, confidentiality, recordkeeping, and other FMLA-related responsibilities that their organization has in place. ADA To prevent discrimination of individuals with disabilities in the workplace Overview: The law also requires an employer to provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the employer "undue hardship". Supervisors play a key role in the interactive process of discussing what accommodations may fit the individual. Supervisors must also address the day-to-day management and administration of employee accommodations such as flexible schedules, assignment modifications, etc. In addition, supervisors often must work with HR to identify the essential functions of the job, which aid the ADA compliance process. Supervisors must never assume that older workers can no longer do a particular task or job, communicate in a way that implies bias, replace older workers with younger ones for illegitimate reasons, or discipline older workers more harshly. EPA To discourage paying those who perform the same job differently based on gender Overview: The Equal Pay Act EPA prohibits sex-based wage discrimination between men and women in the same establishment who perform jobs that require substantially equal skill, effort and responsibility under similar working conditions. Although supervisors are often not responsible for deciding compensation, in collaboration with their HR department, supervisors should ensure that employees of both genders are paid equally if they are in the same job, and should take any complaints of pay discrimination to HR. When faced with an employee inquiry regarding different pay for the same job title or role, supervisors should be prepared to point to varying levels of responsibility, duties, skill requirements, or education requirements. It ensures that employers provide employees with a safe and healthy work environment free from recognized hazards, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions. Supervisors must provide employees with a work environment that is free of recognized hazards that could cause serious physical harm, and also need to comply with occupational safety and health standards. Supervisors may also be responsible for ensuring that employees receive safety training, assessing hazards in the work area, determining the type of protective equipment needed, investigating incidents and inspecting equipment, and reporting all accidents and injuries that

employees have at work. PDA To prohibit job discrimination on the basis of pregnancy, childbirth and related medical conditions Overview: Women who are pregnant or affected by pregnancy-related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations. This law applies to employers with 15 or more employees. Supervisors should treat pregnant employees the same as other employees with temporary disabilities on the basis of their ability or inability to work. This includes requests for accommodations in order to perform the essential duties of the job. Similar to other laws, supervisors should not discriminate against pregnant employees in terms of hiring, firing, compensation, training, benefits, and other terms and conditions of employment. The National Labor Relations Act NLRA defines the rights of employees and employers, including their right to collectively bargain and engage in concerted activities such as grievances, strikes, etc. Supervisors are prohibited from taking adverse action against employees who engage in such activities, such as discrimination, retaliation, interference, or restraint. Title II of the Genetic Information Nondiscrimination Act of GINA prohibits discrimination against employees or applicants because of genetic information and it prohibits employers from using genetic information to make employment decisions. Under GINA, supervisors are also prohibited from harassing an employee or retaliating against an employee because of their genetic information. Please note that by providing you with research information that may be contained in this article, ERC is not providing a qualified legal opinion. As such, research information that ERC provides to its members should not be relied upon or considered a substitute for legal advice. The information that we provide is for general employer use and not necessarily for individual application. Interested in learning more about training your supervisors? Submit your contact information and receive instant access to a video highlighting our process and a brochure featuring our courses, delivery methods, and success stories.

Chapter 3 : Managing Equally and Legally : Lynne Curry-Swann :

*Managing Equally and Legally: A Practical Business Guide to Preventing Discrimination Complaints and Termination Lawsuits [Lynne Swan-Curry] on blog.quintoapp.com *FREE* shipping on qualifying offers.*

The library of Lincoln University, New Zealand The concept of governance in postsecondary education predominantly refers to the internal structure, organization and management of autonomous institutions. The internal governance organization typically consists of a governing board board of regents , board of directors , the university president executive head, CEO with a team of administrative chancellors and staff, faculty senates, academic deans, department chairs, and usually some form of organization for student representation. In the United States, state institution governing boards often emphasize the concept of citizen governance in recognizing that board members serve a civic role for the institution. Management structures themselves have become increasingly complex due to the increasing complexity of intraorganizational, interorganizational and governmental relationships. Whether college and university education, adult education, technical or vocational education, educational administration presents complex challenges at all levels of private and public education. As universities have become increasingly interdependent with external forces, institutions are accountable to external organizational relationships such as local and federal governments, equally in managing business and corporate relationships. The nature of the managing relationships characterize whether governance is corporate and business oriented or defined more by a collegial shared form of governance. In this way, governance is sometimes defined at difference to the internal management of institutions. Throughout the world, many national , state and local governments have begun to establish coordinating and governing boards as both buffer and bridge to coordinate governance and institutional management. With the complexity of internal structures, the external relationships between institutions and local, state, and national governments are evidently equally differentiated given the different forms of government in the international system making the concepts of governance for postsecondary education pluralistic in its broadest sense and usage. External governing relationships depends much on institutions, government policy, and any other formal or informal organizational obligations. Generally, institutions are recognized as autonomous actors with varying degrees of interdependence with, and legislated commitments to the external stakeholders, local and national government. Administrative building at University of Agricultural Sciences, Bangalore Due to the influences of public sector reforms, several authors Kezar and Eckel ; Lapworth ; Middlehurst point out that next to the concept of shared and participative governance a new form of governance has emerged, i. According to Lapworth, the rise of the notion of corporate governance and the decline of the shared or consensual governance can be seen to be a result of the decline in academic participation, a growing tendency towards managerialism and the new environment where the universities are operating. Refinements to the statement were introduced in subsequent years, culminating in the Statement on Government of Colleges and Universities. Rather, it aimed to establish a shared vision for the internal governance of institutions. Student involvement is not addressed in detail. The statement concerns general education policy and internal operations with an overview of the formal structures for organization and management. In process and structure, the meaning with the end result is an organizational philosophy for shared governance in higher education. While institutions internationally do not directly have the same genealogy with the idea of shared, collegial governance, universities worldwide are loosely organized by similar structures and based on comparable models. McMaster notes the different cultures in universities and the traditional relationships between faculty and administration, characterizing historical transitions and suggesting that universities today are undergoing transitions in culture. With debates over the recent trends, university organizations, governing associations, and numerous postsecondary institutions themselves have set forth policy statements on governance. The policy maintains that faculty involvement in governance is critical. Providing research support, the organization states faculty should advise administration in developing curriculum and methods of instruction. Faculty is responsible for establishing degree requirements, takes primary responsibility in tenure appointments and the award of promotion and sabbatical. The policy concludes with the assertion: State and

federal government and external agencies should refrain from intervening in the internal governance of institutions of higher education when they are functioning in accordance with state and federal law. Government should recognize that conserving the autonomy of these institutions is essential to protecting academic freedom, the advance of knowledge, and the pursuit of truth. Unlike the NEA, the AAUP elaborates more on the role of governing structures, including the role of the president to ensure "sound academic practices", as the NEA suggests faculty rights to appeal flawed and improper procedures. In summation, where the AAUP discusses the organizational structure for governance and management in more detail while touching on student involvement, the NEA statement differs by detailing primarily faculty rights and responsibilities in shared governance. Where the AAUP statement discusses policy on students and their academic rights, with the community college statement the NEA does not address student involvement. Accordingly, six principles affirm standards of academic freedom , faculty participation in standards and curriculum, and faculty decisions on academic personnel as the AAUP first established principles of governance. In conclusion, the AFT emphasizes affirmation of the goals, objectives and purpose for shared governance in higher education. Statements from associations of governance[edit] Association of Governing Boards: External Influences on Colleges and Universities. The board should establish effective ways to govern while respecting the culture of decision making in the academy. The board should approve a budget and establish guidelines for resource allocation using a process that reflects strategic priorities. Boards should ensure open communication with campus constituencies. The governing board should manifest a commitment to accountability and transparency and should exemplify the behavior it expects of other participants in the governance process. Governing boards have the ultimate responsibility to appoint and assess the performance of the president. System governing boards should clarify the authority and responsibilities of the system head, campus heads, and any institutional quasi-governing or advisory boards. Boards of both public and independent colleges and universities should play an important role in relating their institutions to the communities they serve. AGB statement on governing in the public trust[edit] With their statement on governing bodies, the AGB then provides statement on governing in the public trust , iterating many of the same points concerning recent external pressures. The statement defines the historic role and rationale behind the principles of citizen governance upon which state institutional boards operate. Again, addressing the nature of external influences in university governance, the AGB defines specific principles in maintaining accountability and autonomy in the public trust, including the primacy of the board over individual members; the importance of institutional missions ; respecting the board as both buffer and bridge; exhibiting exemplary public behaviour; and In conclusion, the statement asks for the reaffirmation of a commitment to citizen governance to maintain the balanced and independent governance of institutions. Acknowledging the diversity of governing structures and believing a balance is necessary between internal and external forces, the organization maintains: The recommendations address practices by which internal governing structures operate and how they can improve institutional governance for the Commonwealth of Australia. Additional perspectives[edit] University governance in Africa[edit] The Pan-African Institute of University Governance is a project set up by the Agence Universitaire de la Francophonie and by the Association of Commonwealth universities, in support of the Ministry of the higher education of Cameroon. Based physically at the Yaounde - Cameroon, it is about a unique structure of support which aims at improving all the practices which contribute to the smooth running of higher education in Africa. Its vocation is to accompany the modernization of the governance of higher education thanks to the implementation of expertise, the modules of training, seminars and workshops and especially specific tools of management, analysis and evaluation. It spreads his actions on the whole domain of governance academic, administrative, financial, social, numerical and of the research and has a function of observatory of higher education in Africa. At this effect, the Institute founds its methods of work on its role of observatory of higher education, on its expertise in evaluation of mechanisms of functioning and decision-making in establishments, and thus on its capacity of analysis of the modes and tools of management of higher education. The activities of the Institute in â€" are articulate around three types of actions: The Institute works in partnership with stakeholders and international institutions to accompany initiatives and realize actions which can contribute to the improvement of the functioning of

higher education and more widely education in Africa. This is a will to work for the emergence of Africa of tomorrow. View and missions of the Pan-African Institute of University Governance[edit] The philosophy of this Institute expands dialogue and shared experience between African university leaders on issues related to university governance. African Universities can only develop if they succeed in inventing their own policies and procedures, all by taking into consideration international standards. To assist universities in the accomplishment of their missions in an efficient and modern way, the Pan-African Institute of University Governance shall make use of the relationship it has with partners such as the Agence universitaire de la Francophonie AUF and the Association of Commonwealth Universities ACU. It consists of two joined visions. Rounding on common objectives and shared missions, Anglophones, Francophones, Lusophones and Arabic-speakers will better enrich discussions on how to develop higher educational system. Therefore, our approach is that of the exchange of experience and good practices likely to be widespread within the framework of our institutions that most frequently lack real communication. The first one is current. It consists of rationalizing, valorizing and modernizing both the university foundations and their various systems of functioning. It supposes to put on better the whole university structure: The second approach of governance fundamentally questions the efficiency of the systems of functioning of universities, too much centered on the hierarchical authority of the State, and on that of the university and academic administration, whether it is to define the financing, programs, the qualifications and even the courses of training. The governance of higher education will succeed only if it allows creating a common space of meeting between the actors: With the South African transition to democracy in , the national government and institutions of postsecondary learning envisioned the cooperative governance of higher education. Nonetheless, where the concept of conditional autonomy remained vague with its vision in , the authors suggest that given the direction the government and NCHE have taken, there need be a rethinking of the relationship between institutions and the newly established democratic government. Efficiency in finances with stronger managerial controls and deregulation of the labor market, i. Downsizing and Decentralization , breaking up large institutions into smaller peripherary units with a small centralized managerial core and a split between public and private funding. Excellence , the In Search For Excellence Model, which focuses on a more human resource approach to institutional change with a mix of top-down and bottom-up organization Public Service , with the merging of both public and private managerial practices. The European countries of Norway and Sweden are provided as additional examples of the new managerialism in tertiary education. New organizational forms for governance and leadership with the diversification of higher education have emphasized maintaining institutional autonomy , harmonizing institutional standards, and expanding higher education with goals related to the neoliberal market model of education. Significant among these changes is the establishment of governing and coordinating boards with decision-making structures for collaboration in external and internal governance of higher education as done in many states within the United States. Believing that there will be either a convergence or divergence between a strong administrative managerialism and faculty involvement in governance throughout Europe, the UK and U. In conclusion, Sporn believes the new governing structures provide stronger leadership and management, but that institutions "should pay close attention to the role of faculty and shared governance. Supreme Court case Dartmouth College v. Woodward before the Yale Report of where the former was catalyst from the later, each of which upheld the separation of church and state private universities in the United States generally maintain remarkable autonomy from local, state, and federal government. Questions might be raised over the role of shared governance in private education. Quinn notes the way in which Catholic colleges and universities adopted principles of shared governance throughout the s. The findings of the report detail the method with summary of the present state of shared governance. The findings include the state of the locus of authority and reforms as well as the analysis of the challenges facing Liberal Arts Colleges with the pressures of the current economic climate. The survey did not include participation from any population of students.

HR Management: Laws and Regulations Title VII of the Civil Rights Act banned most discriminatory hiring practices. Three sensitive areas of legal concern that managers must comply with are equal opportunity, affirmative action, and sexual harassment, described in the following sections.

People no longer live and work in an insular environment; they are now part of a worldwide economy competing within a global framework. For this reason, profit and non-profit organizations need to become more diversified to remain competitive. Maximizing and capitalizing on workplace diversity is an important issue for management. Supervisors and managers need to recognize the ways in which the workplace is changing and evolving. Managing diversity is a significant organizational challenge, so managerial skills must adapt to accommodate a multicultural work environment. This document is designed to help managers effectively manage diverse workforces. It provides a general definition for workplace diversity, discusses the benefits and challenges of managing diverse workplaces, and presents effective strategies for managing diverse workforces. Companies need to embrace diversity and look for ways to become inclusive organizations because diversity has the potential to yield greater work productivity and competitive advantages SHRM Stephen Butler, co-chair of the Business-Higher Education Forum, believes diversity is an invaluable competitive asset Robinson   Managing diversity is a key component of effective people management in the workplace Black Enterprise   Demographic changes women in the workplace, organizational restructuring, and equal opportunity legislation will require organizations to review their management practices and develop new and creative approaches to managing people. Positive changes will increase work performance and customer service. The number of dual-income families and single working mothers has changed the dynamics of the workplace. Changes in the family structure means that there are fewer traditional family roles Zweigenhaft and Domhoff Significant changes in the workplace have occurred due to downsizing and outsourcing, which has greatly affected human resource management. Globalization and new technologies have changed workplace practices, and there has been a trend toward longer working hours Losyk Generally speaking, organizational restructuring usually results in fewer people doing more work. Changes in federal and state equal opportunity legislations have made discrimination in the workplace illegal. These laws specify the rights and responsibilities of both associates employees and employers in the workplace and hold both groups accountable. Benefits of Diversity in the Workplace Diversity is beneficial to both associates and employers. Although associates are interdependent in the workplace, respecting individual differences can increase productivity. Diversity in the workplace can reduce lawsuits and increase marketing opportunities, recruitment, creativity, and business image Esty et al. Also, the consequences loss of time and money should not be overlooked. Challenges of Diversity in the Workplace There are challenges to managing a diverse work population. Managing diversity is more than simply acknowledging differences in people. It involves recognizing the value of differences, combating discrimination, and promoting inclusiveness. Managers may also be challenged with losses in personnel and work productivity due to prejudice and discrimination, as well as complaints and legal actions against the organization Devoe Negative attitudes and behaviors can be barriers to organizational diversity because they can harm working relationships and damage morale and work productivity Esty et al. Negative attitudes and behaviors in the workplace include prejudice, stereotyping, and discrimination, which should never be used by management for hiring, retention, and termination practices could lead to costly litigation. Required Tools for Managing Diversity Effective managers are aware that certain skills are necessary for creating a successful, diverse workforce. First, managers must understand discrimination and its consequences. Second, managers must recognize their own cultural biases and prejudices Koonce Diversity is not about differences among groups, but rather about differences among individuals. Each individual is unique and does not represent or speak for a particular group. Finally, managers must be willing to change the organization if necessary Koonce Organizations need to learn how to manage diversity in the workplace to be successful in the future Flagg Unfortunately, there is no single recipe for success. According to Roosevelt , managing diversity is a comprehensive process for

creating a work environment that includes everyone. When creating a successful diverse workforce, an effective manager should focus on personal awareness. Both managers and associates need to be aware of their personal biases. Managers must also understand that fairness is not necessarily equality. There are always exceptions to the rule. Managing diversity is about more than equal employment opportunity and affirmative action Losyk Managers should expect change to be slow, while at the same time encouraging change Koonce Another vital requirement when dealing with diversity is promoting a safe place for associates to communicate Koonce Social gatherings and business meetings, where every member must listen and have the chance to speak, are good ways to create dialogues. Managers should implement policies such as mentoring programs to provide associates access to information and opportunities. Also, associates should never be denied necessary, constructive, critical feedback for learning about mistakes and successes Flagg Conclusions A diverse workforce is a reflection of a changing world and marketplace. Diverse work teams bring high value to organizations. Respecting individual differences will benefit the workplace by creating a competitive edge and increasing work productivity. Diversity management benefits associates by creating a fair and safe environment where everyone has access to opportunities and challenges. Management tools in a diverse workforce should be used to educate everyone about diversity and its issues, including laws and regulations. Most workplaces are made up of diverse cultures, so organizations need to learn how to adapt to be successful. Managing a diverse workforce. Managing a changing workforce: Fortune firms outpace the competition with greater commitment to diversity. Diversity in the power elite: Have women and minorities reached the top? Original publication date June Visit the EDIS website at http: The Institute of Food and Agricultural Sciences IFAS is an Equal Opportunity Institution authorized to provide research, educational information and other services only to individuals and institutions that function with non-discrimination with respect to race, creed, color, religion, age, disability, sex, sexual orientation, marital status, national origin, political opinions or affiliations.

Chapter 5 : LLC Partner Responsibilities | LegalZoom Legal Info

Diversity Management and Equal Employment Legal Authorities & Policies It is DoDEA policy that employment practices will adhere to DoD Directive which ensures equal employment opportunity for all employees (past and present) and applicants for DoDEA employment.

The capital of the partnership shall be contributed in cash by the partners as follows: A separate capital account shall be maintained for each partner. Neither partner shall withdraw any part of his capital account. Upon the demand of either partner, the capital accounts of the partners shall be maintained at all times in the proportions in which the partners share in the profits and losses of the partnership. The net profits of the partnership shall be divided equally between the partners and the net losses shall be borne equally by them. A separate income account shall be maintained for each partner. Partnership profits and losses shall be charged or credited to the separate income account of each partner. If a partner has no credit balance in his income account, losses shall be charged to his capital account. Neither partner shall receive any salary for services rendered to the partnership. Each partner may, from time to time, withdraw the credit balance in his income account. No interest shall be paid on the initial contributions to the capital of the partnership or on any subsequent contributions of capital. The partners shall have equal rights in the management of the partnership business, and each partner shall devote his entire time to the conduct of the business. Without the consent of the other partner neither partner shall on behalf of the partnership borrow or lend money, or make, deliver, or accept any commercial paper, or execute any mortgage, security agreement, bond, or lease, or purchase or contract to purchase, or sell or contract to sell any property for or of the partnership other than the type of property bought and sold in the regular course of its business. All funds of the partnership shall be deposited in its name in such checking account or accounts as shall be designated by the partners. All withdrawals are to be made upon checks signed by either partner. The partnership books shall be maintained at the principal office of the partnership, and each partner shall at all times have access thereto. An audit shall be made as of the closing date. The partnership may be dissolved at any time by agreement of the partners, in which event the partners shall proceed with reasonable promptness to liquidate the business of the partnership. The partnership name shall be sold with the other assets of the business. The assets of the partnership business shall be used and distributed in the following order: Upon the death of either partner, the surviving partner shall have the right either to purchase the interest of the decedent in the partnership or to terminate and liquidate the partnership business. Any controversy or claim arising out of or relating to this Agreement, or the breach hereof, shall be settled by arbitration in accordance with the rules, then obtaining, of the American Arbitration Association, and judgment upon the award rendered may be entered in any court having jurisdiction thereof.

Chapter 6 : HR/HR Diversity in the Workplace: Benefits, Challenges, and the Required Managerial Tools

Facts About Equal Pay and Compensation Discrimination. The right of employees to be free from discrimination in their compensation is protected under several federal laws, including the following enforced by the U.S. Equal Employment Opportunity Commission: the Equal Pay Act of , Title VII of the Civil Rights Act of , the Age Discrimination in Employment Act of , and Title I of the.

Employee Manual ; Employment Contracts ; Employment Practices Liability Insurance The field of human resources management is greatly influenced and shaped by the state and federal laws governing employment issues. Indeed, regulations and laws govern all aspects of human resource managementâ€"recruitment, placement, development, and compensation. These acts made illegal the discrimination against employees or potential recruits for reasons of race, color, religion, sex, and national origin. It forces employers to followâ€"and often documentâ€"fairness practices related to hiring, training, pay, benefits, and virtually all other activities and responsibilities related to HRM. The act established the Equal Employment Opportunity Commission to enforce the act, and provides for civil penalties in the event of discrimination. The net result of the all-encompassing civil rights acts is that businesses must carefully design and document numerous procedures to ensure compliance, or face potentially significant penalties. Another important piece of legislation that complements the civil rights laws discussed above is the Equal Pay Act of This act forbids wage or salary discrimination based on sex, and mandates equal pay for equal work with few exceptions. Subsequent court rulings augmented the act by promoting the concept of comparable worth, or equal pay for unequal jobs of equal value or worth. Other important laws that govern significant aspects of labor relations and human resource management include the following: Davis-Bacon Act of â€"This law requires the payment of minimum wages to nonfederal employees. The Norris-Laguardia Act of â€"This law protects the rights of unions to organize, and prohibits employers from forcing job applicants to promise not to join a union in exchange for employment. Social Security Act of â€"This law was enacted in order to protect the general welfare by establishing a variety of systems to assist the aging, the disabled, and children. The Walsh-Healy Public Contracts Act of â€"This law was designed to ensure that employees working as contractors for the federal government would be compensated fairly. Fair Labor Standards Act of â€"this important law mandated employer compliance with restrictions related to minimum wages, overtime provisions, child labor, and workplace safety. Taft-Hartley Act of â€"This law created provisions that severely restrict the activities and power of labor unions in the United States. This law grants certain rights to union members and protects their interests by promoting democratic procedures within labor organizations. Age Discrimination in Employment Act of â€"This legislation, which was strengthened by amendments in the early s, essentially protects workers 40 years of age and older from discrimination. Today, thousands of regulations, backed by civil and criminal penalties, have been implemented in various industries to help ensure that employees are not subjected to unnecessarily hazardous working conditions. Family and Medical Leave Act of â€"This law was passed to provide employees who qualify with up to 12 work weeks of unpaid, job-protected leave in a month period for specified family and medical reasons. It also requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave. The Act became effective on August 5, and applies to companies who employ 50 or more people. The network of state and federal laws that exist to regulate employment and labor relations is extensive. In many cases, rules only apply to firms with a specified minimum number of employees and thus do not regulate small companies. So, companies of all sizes must make an effort to stay abreast of legislative and regulatory developments in this area. The SHRM tracks developments at the state and federal level regarding human resource matters and makes much of this available on its Web site, located at http: Handbook of Human Resource Management Practice. Mastering Your Small Business. Society of Human Resource Managers.

Chapter 7 : Diversity Management & Equal Opportunity: Legal Authorities & Policies

The managing partner(s) manage the business and assume all liability from the success or failure of the business, while the limited partners can only lose the money they invested. Limited partnerships are more complex and generally require paperwork that formally recognizes the structure.

Think Before You Hire: Maintaining a legal hiring process bring an additional benefit by making your company a magnet for talent. A company that does not think strategically about recruiting could miss out on the best candidates, fail to hire a diverse workforce or worse - expose itself to liability for discriminatory hiring practices. Now is the time to take a critical look at your hiring process to make sure it is efficient and effective. A little bit of common sense goes a long way toward hiring the best employees. The first step in your recruiting process should be to prepare a well thought-out job description that can be used for both hiring and employment purposes. When creating a job description, keep the following in mind: DO list the duties and responsibilities of the job, moving from general to specific. Duties include editing copy, writing press releases and contacting industry experts and media. DO NOT use language that states or suggests a preference for a particular gender, race, age or other such quality. And keep in mind: Avoid Application and Interviewing Pitfalls Has your company reviewed its job application forms with human resources or a lawyer in the past two years? Do you regularly train your managers about proper interviewing techniques? Just as you do with your advertisements and job descriptions, review all applications with an attorney to make certain they are objective and do not ask for inappropriate information. Here are some other issues to consider and discuss with experienced employment counsel: Personal interviews and employment applications are the most frequently used tools for selecting the best qualified candidates for employment. Remember, the law presumes that all questions asked on an employment application or in a personal interview will be used in the hiring decision. When training interviewers on proper techniques, include these suggestions: Try to ask open ended questions that will require the candidate to discuss his or her qualifications. Did the applicant answer the questions fully? Did he or she provide information to help evaluate his or her qualifications and experience? Do not make any promises or guarantees with regard to the job or future employment. Such behavior can be discriminatory and illegal. It is essential to focus solely on whether the candidate meets the bona fide qualifications of the job. If possible, have more than one person interview each candidate. Regarding your employment applications â€" consider including EEO statement and a statement that the application is not an offer of employment or an employment contract. None of the information provided herein constitutes legal advice on behalf of Monster.

Chapter 8 : WHO | Managing epidemics

This overall review of general and limited partnerships and LLCs focuses on four key aspects: formation, management, profit-sharing, and legal liability. For information on taxes, see How Partnerships Are Taxed and How LLC Members Are Taxed.

The human resources department is typically tasked with making sure that sensitive information stays confidential, and doing so is no easy task. A breach in confidentiality can cause repercussions that may affect one or several employees, or even the company itself. HR departments often work with information that, if leaked, could jeopardize or harm an employee or the company. For example, Social Security numbers, if released, could lead to identity theft. Performance reviews and pay levels, if seen by other coworkers, could lead to dissatisfaction or even litigation. HR departments must establish procedures to safeguard all of this information and more. These procedures should include the following: Locked cabinets to store paper copies of documents containing any sensitive information. Keys to these cabinets should be personally carried by the HR manager at all times. High security, password-protected databases for digital files. A thorough orientation process for new HR staff on confidentiality procedures. Confidentiality training for all HR staff throughout the year. A detailed process for taking action should any breach of private information occur, including notifying the affected employees. Non-disclosure agreements are an effective way to make sure the company is protected from anyone who becomes privy to this information as part of their work with the company, whether as a full-time employee or a temporary contractor. A non-disclosure agreement or NDA acts as a legally-binding contract between the signing parties to not disclose the information outlined within. This confidential accord protects the company, since the signing parties would be subject to legal action if either violates the agreement. An NDA should identify the parties involved, define the information that is confidential as narrowly or as broadly as necessary, and the time period during which the confidentiality applies in some cases a company may choose to extend the confidentiality period for months or years after an employee leaves the organization, to prevent him or her from sharing private information with competitors. Equally important to drafting a confidentiality policy is making sure that all employees fully understand it. The more informed they are, the more they will come to appreciate the need for confidentiality and respect it. Depending on the type of breach, it may be advisable to change security measures, such as passwords and locks. If the breach in confidentiality affects company information, through a current employee or a contractor, several steps can be taken. In the case of an employee, the breach may be cause for termination. With a contractor, the contract may be voided. In both cases, legal action may be taken against the violating party, especially if they have signed a non-disclosure agreement. The role of HR in safeguarding sensitive information for both the organization and its employees is of paramount importance. Both the company and the employees could risk tarnishing their reputation if confidential information about either is breached. You might also like:

Chapter 9 : Partnership Agreement - Free Legal Form

In a general partnership, the partners equally divide management responsibilities, as well as profits. Joint ventures are the same as general partnerships except that the partnership only exists for a specified period of time or for a specific project.