
CHAPTER 34: Employment, Immigration and Labor Law

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Employment at Will

- Employer/Employee relationship had typically been governed under the common law principle called the Employment at will doctrine.
 - Either party was capable of terminating the employment relationship at any time, for any reason.
 - Unless doing so would violate an employee's statutory or contractual rights.

Due to harsh effects of this doctrine, courts created exceptions

- Based on Contract theory, Based on tort theory, and Based on Public Policy,
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The Fair Labor Standards Act (FLSA)

CHILD LABOR

- Prohibits oppressive child labor
- Children under 14 are allowed to do only certain types of jobs
- Restricted on how many hours a week
- No restrictions apply to those over age of 18

MINIMUM WAGES

- Provides that a minimum wage of \$7.25/hour must be paid to employees.
- CA has a minimum wage of \$10/hour (When state minimum is higher than fed, ee is entitled to the higher wage)
- If an employee receives tips, employer is required to only pay \$2.13 an hour

OVERTIME PROVISIONS/EXEMPTIONS

- Any employee who works more than 40 hours/week must be paid no less than 1.5x his/her regular pay for all hours over forty.
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Family and Medical Leave Act (FMLA)

- Congress passed the FMLA in 1993 to allow employees take time off work for family and medical reasons.
- It does not supersede any state or local law that provides more generous family or medical leave protection.
- When an ee takes an FMLA leave, the er has to continue the worker's health care coverage on the same terms as if the ee had continued to work.



Affordable Care Act (ACA)

- **Most employers with fifty or more full-time employees are required to offer health-insurance benefits.**
 - **An employer who fails to provide health benefits as required under the statute can be fined up to \$2,000 for each employee after the first thirty people.**
 - **Employers will be fined for failing to provide benefits only if one of their employees receives a federal subsidy to buy health insurance through a state health-insurance exchange.**
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Immigration and Reform and Control Act (IRCA)

- Provides amnesty to certain groups of aliens living illegally in the U.S.
- Makes it illegal to hire, recruit, or refer for a fee someone not authorized to work in the U.S.
- U.S. immigration laws have made provisions for businesses to hire specially qualified foreign workers; however placing a cap on who can be hired.

Race

- Discriminating on the basis of race with regard to **hiring or promoting** employees, **employment conditions**, or **benefits** is illegal.
- In any workplace you can't discriminating a person from a business standpoint.



Color or National Origin

- Discriminating on the basis of color or national origin with regard to **hiring or promoting** employees is illegal unless the discriminatory policies or procedures have a *substantial, demonstrable relationship* to *realistic qualifications* for the job in question.
- Discriminating against employees on the basis of color or national origin with regard to **employment conditions or benefits** is illegal.



Religion

- Employers are required to *reasonably accommodate* their employees' **religious beliefs**, unless doing so would cause *undue hardship* to the employer's business.
- An employee's religious beliefs need not be based on the tenets or dogma or a particular church, sect, or denomination, as long as it is sincere.



THE END.
