

# Overview to Employment Law

## EORs must be aware of the importance of avoiding employee discrimination claims.

While the laws described below apply to "companies" with 15 or more employees, *it can be expensive both financially and emotionally to have an employee seek legal action against a Managing Employer.* And it happens!



## Recruit and Hire Correctly

It's illegal to bar individuals from employment based on race, color, sex, national origin, religion, age, or disability. **Job postings should not contain discriminatory language and should not hint at discrimination.**

## Create Written Criteria

Make sure you write out criteria on how you plan to hire, evaluate, supervise and terminate employees. That way, you'll have a "physical" document to guide your decisions and justify your choices if someone questions your motives.

## Be Fair with Dismissals

While there's nothing wrong with dismissing an employee for legitimate reasons, "wrongful termination" is something to avoid. If an employee feels that they have been terminated on unfair or prejudice grounds, they could file a suit. That's why documenting staff performance will protect you from a claim of employee bias.

**The EOR is responsible for following all applicable laws, rules, regulations and requirements regarding employment. This includes:**

- Title VII of the Civil Rights Act of 1964
- the Age Discrimination in Employment Act
- the Americans with Disabilities Act
- the Family and Medical Leave Act
- the Fair Labor Standards Act
- the Workers Compensation Act
- the Innovations Waiver
- the Clinical Coverage Policy 8-P
- the NC DHHS Records Management and Documentation Manual